

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 12 February 2014
Time: 10.30 am

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

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

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Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	Wednesday 12 February	9.00am	Council Chamber County Hall

Membership:

Cllr Glenis Ansell	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Anthony Trotman
Cllr Andrew Davis (Chairman)	Cllr Nick Watts
Cllr Jose Green (Vice Chairman)	Cllr Fred Westmoreland
Cllr Charles Howard	Cllr Graham Wright
Cllr Bill Moss	

Substitutes:

Cllr Trevor Carbin	Cllr George Jeans
Cllr Ernie Clark	Cllr Gordon King
Cllr Stewart Dobson	Cllr Howard Marshall
Cllr Mary Douglas	Cllr Paul Oatway
Cllr Dennis Drewett	Cllr Ian West
Cllr Russell Hawker	Cllr Philip Whalley

PART I

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

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 28*)

To confirm the minutes of the previous meeting held on 22 January 2014. (Copy attached)

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

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 in person no later than 10.20am on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 5 February 2014**. 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 **E/13/01243/OUT - Land at Lay Wood, South of Horton Road, Devizes, Wiltshire** *(Pages 29 - 54)*

A report by the Case Officer is attached.

7 **E/13/0083/OUT - Land at Coate Bridge, Adjacent to Windsor Drive, Devizes, Wiltshire** *(Pages 55 - 98)*

A report by the Case Officer is attached.

8 **W/13/00643/FUL - Land South West of Kingston Farm Buildings, Holt Road, Bradford on Avon, Wiltshire** *(Pages 99 - 138)*

A report by the Case Officer is attached.

9 **Date of Next Meeting**

To note that the next meeting is due to be held on Wednesday 12 March 2014 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

10 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

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

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 22 JANUARY 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Jose Green (Vice Chairman), Cllr Charles Howard, Cllr Bill Moss, Cllr Anthony Trotman, Cllr Nick Watts, Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Cllr Alan Hill, Cllr Peter Hutton, Cllr Jacqui Lay and Cllr Philip Whalley

1 Apologies for Absence

An apology for absence was received from Cllr Christopher Newbury.

2 Minutes of the Previous Meeting

Resolved:

To confirm and sign as a correct record the minutes of the previous meeting held on 11 December 2013.

3 Declarations of Interest

Cllrs Glenis Ansell and Tony Trotman declared non-pecuniary interests in application nos. N/13/01610/WCM – Extension to Condition 9 of N/88/1828 – retention of Concrete Products Factory, Sands Farm Quarry, Sand Pit Lane, Calne, SN11 8TJ and N/12/0438/OUT – Marden Farm, Rookery Park, Calne, SN11 0LH, by virtue of being members of Calne Town Council, but would speak and vote on each item, considering each on its merits.

Cllr Nick Watts declared a non-pecuniary interest in application no. N13/01747/FUL – Hunters Moon, Eastern Lane, Chippenham, SN14 0RW by virtue of being a member of Chippenham Town Council, but would speak and vote on the item, considering the item on its merits.

4 **Chairman's Announcements**

The Chairman explained that this meeting was being held at Monkton Park, Chippenham because all the items under consideration were in respect of applications from the north of the County. However, he announced that normally meetings of this Committee would be held at County Hall, Trowbridge.

5 **Public Participation and Councillors' Questions**

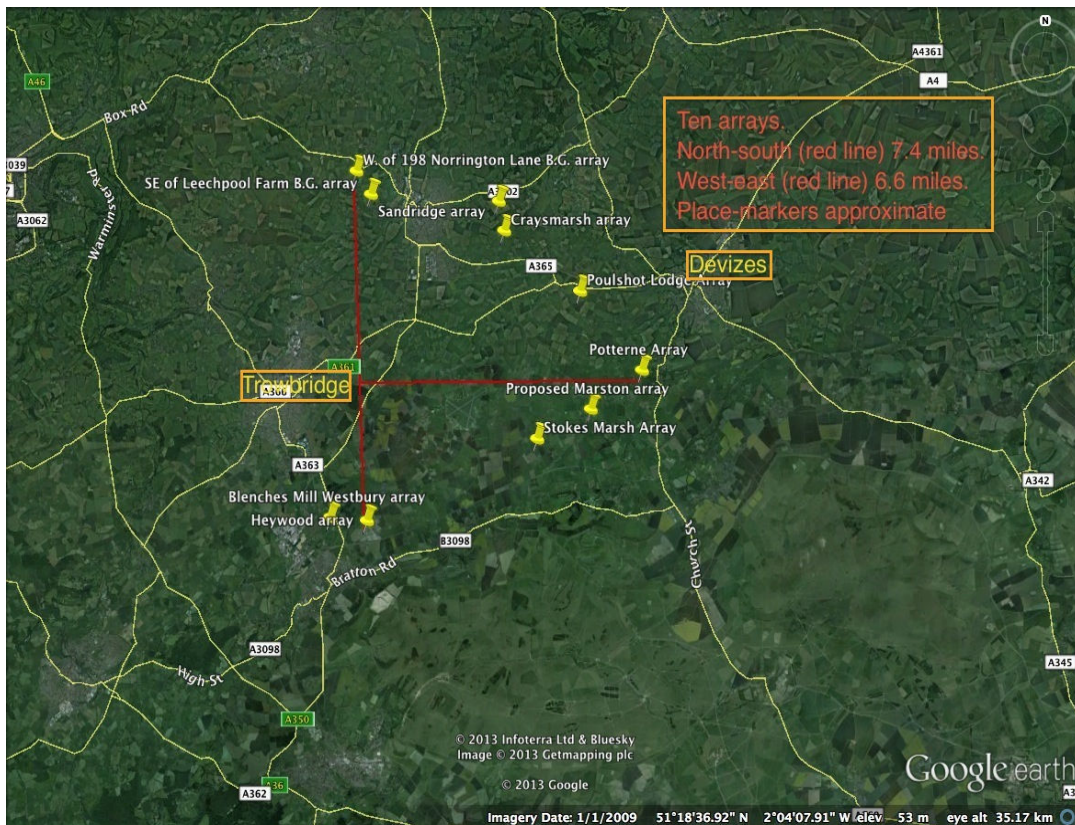
Questions were asked by members of the public and responses given as follows:-

Question from Mrs Anne Henshaw North Wiltshire and Swindon CPRE Interpretation of 'cumulative impact' of multiple solar-farm developments.

Paragraph 97 of the NPPF calls for authorities to ensure that adverse impacts of renewable and low-carbon developments are addressed satisfactorily, including cumulative landscape and visual impacts. There are now ten solar developments proposed or permitted in an arc stretching 7.5 miles north-to-south to the east of Trowbridge. Does this Committee agree that, as part of its positive strategy to promote renewable and low-carbon sources (in accordance with NPPF para. 97), it should have a published, county-wide strategy or set of principles for siting solar arrays, and for evaluating their landscape and visual impacts, with special concern for sequential effects?

The example given demonstrates potential for similar scenarios throughout the county.

Image of clustering of arrays



Response

The emerging Core Strategy encourages and promotes renewable energy installations. Core Policy 42 will apply across the County and sets out the principal factors that applications for solar farm developments will be evaluated against. These include the impact on the landscape. This policy, when taken together with national planning policy and guidance, will provide a satisfactory framework at national and local level for assessing planning applications for solar farms and other renewable energy installations.

Mrs Henshaw thereupon gave notice that she wished to ask a supplementary question to which the Chairman asked her to submit it in writing following which a response would be sent to her from the Committee.

Questions from Mr John Kirkman, Kennet CPRE

1. Determination of solar farm applications by delegated powers

The Scheme of Delegation Specific to Planning states that large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance shall be dealt with by the Strategic Planning Committee. However, several applications* to develop large-scale solar arrays, all more than 2 ha, and raising the "more than local" strategic issue of cumulative impact of multiple solar developments within a limited area have been determined under delegated powers.

Why did the Council not follow its own Constitution and determine these applications in the Strategic Planning Committee?

* For example: 13/01962 Heywood 12.2ha, 13/01561 Brokenborough Malsbury 7.45ha, 13/02309 Coulston 16.6ha, 13/01311 Allington 27ha. 13/05244 Poulshot is 32.2ha.

Response

The Council carefully considers each planning application on its own merits and deals with them in accordance with its constitution. The Council has determined a number of planning applications for solar arrays in different parts of the county, but none of these have had any wider strategic implications or raised issues of more than local importance. Local parish councils have been increasingly engaged at both pre-application and application stages, ensuring that local views are taken into account.

Mr Kirkman thereupon gave notice that he wished to ask a supplementary question to which the Chairman asked him to submit it in writing following which a response would be sent to him from the Committee.

2. Status of planning guidance published by Government Departments.

In a recent report on a planning application*, the case officer declared that the DECC document *UK Solar PV Strategy Part 1: Roadmap to a Brighter Future* "does not as yet carry any status as formal Government Guidance". This comment implies that, in the determination of that case, no weight was given to the principles set out in the Roadmap. In fact, the Roadmap itself explains that "This Roadmap document forms the first element of a two-part Strategy process. The second part will be a full Strategy Document which will be published in spring 2014." (*Roadmap* para.90).

Does this Committee agree that the Council's strategic consideration of solar-array developments should be guided, inter alia, by the Roadmap, and by the DCLG document *Planning Practice Guidance for Renewable and Low-Carbon energy*?

* 13/02309/FUL

Response

National planning guidance on solar farms is contained in the National Planning Policy Framework (NPPF), and the Planning practice guidance for renewable and low carbon energy published by DCLG in 2013. The DECC 'Roadmap' addresses wider matters associated with the development of solar photovoltaics in the UK and in relation to planning, simply reflects the planning practice guidance published by DCLG. The Council will continue to consider planning applications for solar farms in accordance with development plan policy, national planning guidance and any other relevant material considerations.

Mr Kirkman thereupon gave notice that he wished to ask a supplementary question to which the Chairman asked him to submit it in writing following which a response would be sent to him from the Committee.

There were no questions received from members of the Council.

Members of the public addressed the Committee as set out in Minute Nos. 6 -9 below.

6 **N/13/01610/WCM - Extension to Condition 9 of N.88/1828 - Retention of Concrete Products Factory) Sands Farm Quarry, Sand Pit Road, Calne, SN11 8TJ for Aggregate Industries Ltd.**

The following people spoke against the proposal:

Ms Luisa Crook, representing Sandpit Road Residents' Association
Mrs Anne Henshaw, representing Sandpit Road Residents' Association and North Wiltshire & Swindon CPRE

The following spoke in favour of the proposal:

Mr John Penny, representing the applicant

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that the planning application be approved, subject to completion of a variation of the legal agreement attached to N/88/1828 and conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllrs Alan Hill and Tony Trotman, local Members, both of whom considered that the hours of operation of the site should be limited to the hours agreed for lorry movements to and from the site.

After discussion, during which several Members did not consider that conditions should be imposed on the hours of operation of the site,

Resolved:

That, subject to completion of a variation of the legal agreement attached to N/88/1828 dated 2 February 1989, planning permission be granted subject to the following conditions:-

- 1. The development should be carried out in accordance with the submitted Plan Nos 8831/01 and 8831/02 and accompanying statement dated 15th June 1988.**

Reason: To define the nature and extent of the development permitted.
- 2. All vehicular access and egress to and from the site shall be from Sandpit Road and the junction with Oxford Road. No other access shall be used by vehicles entering or exiting the site.**

Reason: In the interests of highway safety and safeguarding local amenity.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD
- 3. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud or other detritus, being deposited on the public highway.**

Reason: In the interests of highway safety and safeguarding local amenity.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD
- 4. The measures detailed in the Environmental Noise and Dust Control Scheme prepared by Advance Environmental dated 10 October 2013 shall be implemented in full from the date of this permission and shall be complied with at all times.**

Reason: To protect the amenities of the locality from the effects of any noise or dust arising from the development.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD
- 5. The storage of finished products in the stock yard shall not exceed 3 metres in height.**

Reason: To safeguard the amenities of the area.

Policy: MDC1 of the Wiltshire and Swindon Minerals Development Control Policies DPD
- 6. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.**

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

7. The building hereby permitted shall be used solely for the manufacture of concrete products and for no other purpose.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

8. No lorry traffic shall enter or leave the site except between the hours of:

0700 hours and 1800 hours Monday to Friday; and

0700 hours and 1300 hours Saturday.

No vehicles shall enter or leave the site on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and properties adjacent to Sandpit Road.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

- 7 **N/13/01916/WCM - Retention of existing compost facility, access & increase in throughput at Parkgate Farm Waste Management Facility, Purton, SN5 4HG for Hills Waste Solutions Ltd.**

The following people spoke against the proposal:

Dr Richard Pagett, representing Purton Ps & Qs
Cllr John Coole, representing Cricklade Town Council

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He reported that the Applicant had submitted an appeal in respect of the application on the grounds of non-determination, that is the Council's failure to determine the application by the agreed date of 13 November 2013. He explained that as a consequence no formal decision could be made by the Council in respect of this application. However, in order to progress with the appeal and in light of the call-in request, Officers now sought the opinion of the Committee in respect of the application

had they been in a position to determine it and on what grounds the Committee wished to contest the scheme at appeal, if at all.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Jacqui Lay, the local Member, who considered that the appeal should be defended.

After discussion,

Resolved:

(1) To agree that had the Council been in a position to determine the application, the Committee would have been mindful to refuse planning permission for the following reasons:-

1. **Insufficient information has been submitted to demonstrate that the increase in throughput of green waste managed at the site can be done so without causing adverse off-site odour impact. The application is not supported by a detailed odour impact assessment. The omission of an assessment of the impacts relating to odour is contrary to the provisions of Policy WDC2 of the Waste Development Control Policies DPD.**
2. **Insufficient information has been submitted to demonstrate the proposals facilitate sustainable transport by mitigating or compensating for any adverse impact on the safety, capacity and use of the highway network or minimises transportation distances. The omission of an assessment of the impacts relating to the transportation of waste is contrary to the requirements of Policy WDC2 and Policy WDC11 of the Waste Development Control Policies DPD.**

(2) To authorise the Officers to contest the appeal on these grounds.

8 **N13/01747/FUL - Hunters Moon, Easton Lane, Chippenham, SN14 0RW**

The following people spoke against the proposal:

Mr Paul Martin, a local resident
Cllr Peter Pearson, representing Corsham Town Council

The following spoke in favour of the proposal:

Mr Lawrence Turner, planning consultant, representing the applicant
Mr Nick Puntis, a local resident
Cllr Linda Packard, representing Chippenham Town Council

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that the planning application be approved, subject to all parties entering into a Section 106 legal agreement and planning conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Peter Whalley, the local Member, objecting to the proposal on the grounds that the application site was not identified in the draft Wiltshire Core Strategy as a site for strategic development and considered that a decision on the current planning application should be deferred until strategic development sites had been identified.

Cllr Peter Hutton, an adjoining local Councillor, spoke in favour of the application, which although technically was situated within the Corsham Town Constituency was in reality much closer associated with Chippenham.

After discussion, during which several Members considered that the application site should be limited to a maximum of 450 homes and that a standard archaeological condition should be included,

Resolved:

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

- 1. The detailed element (ie. the part of the site befitting from full planning permission) of 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 outline element of the development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

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

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

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

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

- 4. 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.

- 5. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.**

- SW-0005-12-MAS.01J – Phase 1 Layout, received 22nd November 2013**
- SW-0005-12-MAT.01C – Phase 1 Materials Plan, received 22nd November 2013**
- GA010-1 A – Proposed improvements, received 22nd November 2013**
- GA10-2 C – Extension from Methuen Business Park, received 22nd November 2013**
- GA10-3 E – Easton Lane Employment Access, received 22nd November 2013**

- GA10-4 E – Easton Lane Site Access, received 22nd November 2013
- GA10-5 B – Proposed footway / cycleway, received 22nd November 2013
- GA10-6 C – Proposed footway / cycleway, received 22nd November 2013
- GA10-7 A – Pheasant roundabout proposed toucan crossings, received 22nd November 2013
- SW-0005-12-HWY.01B – Highway Adoption, received 22nd November 2013
- 2B4P-3B5P-4B6P.01 Rev B – Elevations Affordable, received 19th November 2013
- 2B4P-3B5P-4B6P.02 Rev B – Floor plans Affordable, received 19th November 2013
- 2B4P-3B5P.01 Rev B – Floor plans and elevations affordable block, received 19th November 2013
- SW-0005-12-AFF.01B – Affordable housing, received 19th November 2013
- 303.01 Rev B – Floor plans and elevations cottage brick, received 19th November 2013
- 1BF03-2B4P-3B5P.01 Rev A – Elevations affordable, received 8th November 2013
- 2B4P.02 Rev A – Floor plans and elevations affordable brick, received 8th November 2013
- 504.03 Rev A – Elevations cottage brick, received 8th November 2013
- 1BF01-2B4P-3B5P.01 Rev A – Elevations affordable, received 8th November 2013
- 1BF01-2B4P-3B5P.02 Rev A – Floor plans affordable, received 8th November 2013
- 1BF01.01 – Floor plans and elevations, received 8th November 2013
- 410.01 Rev A – Floor plans and elevations arts and crafts stone, received 8th November 2013
- 420.01 – Floor plans and elevations arts and crafts brick, received 8th November 2013
- 415.02 Rev A – Floor plans and elevations arts and crafts brick, received 8th November 2013
- 412.02 Rev A – Floor plans and elevations arts and crafts stone, received 8th November 2013
- 415.03 – Floor plans and elevations cottage brick, received 8th November 2013
- 421.01 Rev A – Elevations arts and crafts stone, received 8th November 2013

- 421.02 Rev A – Floor plans arts and crafts stone, received 8th November 2013
- 411.01 Rev A – Floor plans and elevations cottage brick, received 8th November 2013
- 406.01 Rev A – Elevations cottage stone, received 8th November 2013
- 412.01 Rev A – Floor plans and elevations cottage stone, received 8th November 2013
- 400.01 Rev A – Floor plans and elevations cottage brick, received 8th November 2013
- 2B4P-3B5P.05 – Elevations affordable brick, received 8th November 2013
- 2B4P-3B5P.04 – Floor plans affordable brick, received 8th November 2013
- 1BF03-2B4P-3B5P.02 Rev A – Elevations affordable, received 8th November 2013
- 420.02 Rev A – Floor plans and elevations cottage brick, received 8th November 2013
- 504.04 Rev A – Floor plans cottage, received 8th November 2013
- 418.01 Rev A – Elevations cottage brick, received 8th November 2013
- 418.02 Rev A – Floor plans cottage brick, received 8th November 2013
- 415.01 Rev A – Floor plans and elevations cottage brick, received 8th November 2013
- 304-305.01 Rev A – Elevations arts and crafts stone and render, received 8th November 2013
- 304-305.02 Rev A – Floor plans arts and crafts stone and render, received 8th November 2013
- 206-301-305.01 Rev A – Elevations arts and crafts brick and stone, received 8th November 2013
- 206-301-305.02 Rev A – Elevations arts and crafts brick and stone, received 8th November 2013
- 206-301-305.03 Rev A – Floor plans arts and crafts brick and stone, received 8th November 2013
- 2B4P.01 Rev A – Floor plans and elevations affordable brick, received 8th November 2013
- 2B4P-3B5P.03 Rev A – Floor plans and elevations affordable brick, received 8th November 2013
- 410.03 Rev A – Floor plans and elevations cottage stone, received 8th November 2013
- 3B5P.01 – Floor plans and elevations

- 400.02 Rev A – Floor plans and elevations cottage stone, received 8th November 2013
- 303-351-350.01 Rev A – Elevations arts and crafts and cottage, received 8th November 2013
- 303-351-350.02 Rev A – Elevations arts and crafts and cottage, received 8th November 2013
- 303-351-350.03 Rev A – Floor plans arts and crafts and cottage, received 8th November 2013
- 303-351-350.04 Rev A – Floor plans arts and crafts and cottage, received 8th November 2013
- 303-351-350.05 Rev A – Floor plans arts and crafts and cottage, received 8th November 2013
- SW-0005-12-STESC-01 Rev A – Streetscenes, received 8th November 2013
- SW-0005-12-STESC-01 Rev A – Streetscenes, received 8th November 2013
- Garage.01 – Floor plans and elevations garage stone and brick
- Garage.02 – Floor plans and elevations garage stone and brick
- Garage.03 – Floor plans and elevations garage brick
- 504.01 – Elevations arts and crafts stone
- 504.02 – Floor plans arts and crafts stone
- 410.02 – Floor plans and elevations arts and crafts brick
- 1BF01-2B4P.02 – Floor plans affordable brick
- 1BF01-2B4P.01 – Elevations affordable brick
- 410.01 – Floor plans and elevations arts and crafts stone
- 425.01 – Floor plans and elevations arts and crafts brick
- 304-351.01 – Elevations arts and crafts
- 304-351.02 – Floor plans arts and crafts
- 303-305.01 – Elevations cottage brick and render
- 303-305.02 – Floor plans cottage brick and render
- 303.03 – Floor plans and elevations cottage brick
- 2B4P.03 – Floor plans and elevations affordable brick
- 411.02 – Floor plans and elevations arts and crafts brick
- 2B4P-3B5P.02 – Floor plans and elevations affordable brick
- 303.02 – Floor plans and elevations cottage brick
- 301-305.01 – Elevations cottage brick and stone
- 301-305.02 – Floor plans cottage brick and stone
- 303-306.01 – Elevations cottage brick and render
- 303-306.02 – Floor plans cottage brick and render
- 301.01 – Floor plans and elevations cottage brick
- 306-400.01 – Elevations cottage brick and render
- 306-400.02 – Floor plans cottage brick and render

- 9050 – Site location plan
- SW-0005-12-B1-01 – B1 units – block 1
- SW-0005-12-B1-02 – B1 units – block 2

REASON: To ensure that the development is implemented as approved.

6. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

7. There shall be no access to Saltersford Lane, except for buses, cyclists and pedestrians, and no access to the A350 West Cepen Way.

REASON: In the interests of highway safety, and to deter rat-running through the site.

8. Prior to the commencement of development, details of the proposed access to Saltersford Lane adjacent Plot 68/69 shall be submitted to and approved in writing by the local planning authority. The access link to Saltersford Lane shall be carried out in complete accordance with the details so agreed and shall be completed prior to the occupation of the 20th dwelling served by the road to which the new access (to which this condition refers) is linked.

REASON: In the interests of sustainable transport and to secure the link at an appropriate time in the development.

9. No development shall take place until Easton Lane has been widened to a minimum width of 6.5 metres between Saltersford Lane and the access to the employment land in Phase 1, together with the provision of a 3 metre wide footway / cycleway on the southern side of Easton Lane, in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority beforehand.

REASON: In the interests of highway safety, to secure an acceptable access to serve construction of phase 1 of the development, and to make proper provision for cyclists on National Cycle Route 403.

10. Prior to the commencement of the development a detailed drawing showing the network of cycle / footpaths to serve the site, with particular emphasis on access to the proposed primary school and the employment areas, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in complete accordance with those details so agreed.

REASON: In the interests of sustainable transport and to ensure that a comprehensive approach to movement within to and from the site has been secured.

11. The gradient of all private drives on the site shall not at any point be steeper than 7% for a distance of 5 metres from its junction with the prospectively maintainable highway.

REASON: In the interests of highway safety.

12. There shall be no gates provided on any private accesses within the site served from the prospectively maintainable highways.

REASON: In the interests of highway safety.

13. Notwithstanding the details submitted on Drg SW-005-12-MAS.01J, no development within any individually approved phase of the development shall commence on site until details of the estate roads, footways, footpaths, unsegregated pedestrian / cycle routes, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works within any particular phase, have been submitted to and approved by the local planning authority. The development of each phase of development shall not be first occupied until the estate roads, footways, footpaths, unsegregated pedestrian / cycle routes, 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 roads are laid out and constructed in a satisfactory manner, and are of adequate amenity for users.

14. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

15. No dwelling shall be occupied until the parking space(s) for that dwelling, together with the access thereto, have been provided in accordance with the approved plans. Parking provision for all dwellings shall meet the minimum parking standards set out in the Wiltshire LTP3 2011-2026 Car Parking Strategy, March 2011, and any garages counting towards parking spaces shall be provided with minimum internal dimensions of 3 metres by 6 metres per vehicle space; in relation to cycles the parking provision shall be in accordance with Appendix 4 of the LTP 2001-2026 Cycling Strategy.

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

16. No development shall commence on site until details of secure covered cycle parking and, in the case of employment land, changing and shower facilities have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the buildings to which they relate and shall be retained for use at all times thereafter.

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

17. Prior to the first occupation of any dwelling within Phase 1 (the detailed element of the permission) of the development a scheme for the improvement of Public Right of Way CORM122 shall have been submitted to and approved in writing by the local planning authority and the improvement completed in accordance with the approved scheme.

REASON: In the interests of sustainable transport and to secure a surface finish compatible with intensified pedestrian use.

- 18.** Prior to the commencement of Phase 2 of the development (the outline element of the permission) details of a footpath link between the site and the east side of Queensbridge shall be submitted to and approved by the local planning authority; the footpath link shall be completed in accordance with the details so agreed and prior to the occupation of more than 75% of the number of dwellings comprised in the phase of development to which the path connects in accordance with the approved details.

REASON: In the interests of sustainable transport and to secure a link between the development site and the Core Strategy strategic employment and housing sites to the south and east of Queensbridge respectively.

- 19.** Prior to the commencement of Phase 2 of the development details of a connecting route between the site and the southern part of Saltersford Lane shall be submitted to and approved in writing by the local planning authority. The details shall include provision for vehicular access from the site to the cottages for serving and for a pedestrian and cycle link between the site and the Queensbridge junction. Development shall be carried out in complete accordance with those details so agreed.

REASON: In order to rationalise traffic movements at Queensbridge and effect a safer environment for pedestrian and cycle movements under the bridge, and to secure more efficient transport arrangements for servicing the existing dwellings on Saltersford Lane.

- 20.** No development shall commence on site (including any works of demolition), until a Construction Environmental Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) detailing of routing arrangements for lorry traffic associated with the development;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;

- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- i) measures for the protection of the natural environment.
- j) hours of construction, including deliveries;
- k) measures for protection of retained habitat features
- l) sensitive working protocols including vegetation clearance to avoid impacts upon protected species

has been 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.

REASON: 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.

21. No development shall commence within the area indicated until:

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

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

22. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of

the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the local planning authority:

Step 1 (i)A written report has been submitted to and approved by the local planning authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step 2 (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the local planning authority.

Step 3 (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the local planning authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the local planning authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the local planning authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the local planning authority.

23. During the site preparation and construction of the development, activity which may give rise to noise audible beyond the site boundary shall not be undertaken outside the following hours unless written permission is obtained from the Local Planning Authority:

- 08:00 to 18:00 Monday to Friday
- 09:00 to 13:00 Saturday
- No working Sundays and Bank Holidays

This shall include, excavation, construction, loading, unloading, deliveries or any similar construction related activity.

REASON: To protect the amenity of nearby residents.

- 24. All building services plant shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor.**

REASON: To protect the amenity of nearby residents.

- 25. A dust suppression scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development and shall be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials. All development shall be carried out in full accordance with the approved scheme and retained as such thereafter.**

REASON: To protect the amenity of nearby residents.

- 26. A lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be so designed as to overcome glare, sky glow, spillage and intrusion. The scheme should aim to achieve Environmental Zone E2 as specified in the guidance issued by the Institution of Lighting Engineers. All development shall be carried out in full accordance with the approved lighting scheme and retained as such thereafter.**

REASON: To protect the amenities of nearby residents.

- 27. (a) 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 without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.**

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

(c) No equipment, machinery or materials shall be brought onto the site for the purpose of development until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Trees in Relation to Construction has been submitted to and approved in writing by the Local Planning Authority and protective fencing has been erected in accordance with the approved plans. 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 without prior written approval by the Local Planning Authority.

In this condition “retained trees” 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 later.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

- 28. No development shall commence until a foul and surface water drainage strategy is submitted and approved in writing by the local planning authority. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.**

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

- 29. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The**

approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

REASON: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

30. Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the local planning authority. The masterplan shall be in accordance with the Flood Risk Assessment and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON: To prevent the increased risk of flooding as a result of the development.

31. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

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

REASON: In the interests of public health and safety.

33. No development shall commence on phase 1 until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

(b) finished levels and contours;

(c) means of enclosure;

(d) hard surfacing materials;

(e) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); and

(f) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

34. 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.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or

re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

37. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

38. Prior to the commencement of development, a scheme detailing measures to protect the amenities of the occupiers of Taffswell Farm shall be submitted to and approved in writing by the local planning authority. The scheme shall include consideration of the fenestration to plot 103 and details of a landscape buffer. The scheme shall be implemented in accordance with the approved details and within an agreed timetable.

REASON: To protect the amenities of the occupiers of Taffswell Farm.

39. Prior to the commencement of development, a scheme detailing measures to protect the amenities of the occupiers of Hunters Moon Farm shall be submitted to and approved in writing by the local planning authority. The scheme shall include consideration of the fenestration to plots 27-28 and details of a landscape buffer. The

scheme shall be implemented in accordance with the approved details and within an agreed timetable.

REASON: To protect the amenities of the occupiers of Hunters Moon Farm.

40. Prior to submission of any application for reserved matters, the development site shall be subject to up to date surveys for protected species including:

- Dormouse
- Invertebrates
- Bats
- Habitats / botany

The survey results shall be included in a mitigation statement clearly setting out necessary measures to avoid and mitigate impacts upon protected species, including parameters for detailed designs. The mitigation statement shall be submitted to and approved in writing by the Local Planning Authority prior to submission of any application for reserved matters. Reserved matters applications will only be permitted where the design is in accordance with the parameters set out in the approved mitigation statement.

REASON: In the interests of securing ecological surveys required by legislation and so as to secure a form of development that does not unnecessarily impact upon protected species and their habitat.

41. Prior to commencement of development, a Landscape, Ecology and Arboricultural Management and Monitoring Plan (LEAMMP) shall be submitted to and approved in writing by the local planning authority. The LEAMMP shall include:

- (i) details of any relevant up to date ecological surveys;
- (ii) drawings clearly showing all landscaped areas and semi-natural habitats including mature trees to be managed under the LEAMMP;
- (iii) any capital works such as habitat creation, tree / shrub planting, bat / bird boxes etc including creation of 1.13ha of traditional orchard habitat as shown on plan Drg Ref. 9903;
- (iv) ongoing management prescriptions for semi-natural habitats and maintenance schedules for all landscaped areas clearly setting out timescales and responsibilities
- (v) approach to management of all mature trees based on their ecological interest and an arboricultural protocol for carrying out tree works; and
- (vi) a schedule of ecological monitoring work and plan review.

Upon commencement of development all capital works shall be carried out to the agreed timescales and all areas identified in the LEAMMP shall be managed in full accordance with the agreed prescriptions in perpetuity. All monitoring reports shall also be made available to the local planning authority.

REASON: In the interests of securing a form of development that does not unnecessarily impact upon protected species and their habitat. In particular, this condition is ensure that the loss of the existing mature orchard on the site early in the development process is also compensated at an appropriate and early stage of development, so as to allow for maximum mitigation.

42. No more than 450 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: To define the limits of the planning permission and to set the maximum number of dwellings to be constructed on the application site

INFORMATIVES:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Pudding Brook designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

For the 'southern catchment' the discharge point is to the ordinary watercourse close to Queensbury Cottages. In addition, because an ordinary watercourse crosses the site of the proposed development we recommend the following informative.

There are ordinary watercourses within or in close proximity to your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:-

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

The applicant is reminded of their agreement to provide a marketing suite, so that new occupiers can see what school provision there is, GPs and local traders etc.

9 **N/12.0438/OUT - Marden Farm, Rookery Park, Calne, SN11 0LH - Update**

The following people spoke against the proposal:

Mr Alistair Cone, a local resident
Mrs Anne Henshaw, representing North Wiltshire & Swindon CPRE
Mr Paddy O’Keeffe, a local resident
Cllr Derek Warnett, representing Calne Town Council

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He reported that this application had been previously refused planning permission by Strategic Planning Committee on 30th July 2013. The applicants had subsequently lodged an appeal and a Public Inquiry was scheduled to take place week commencing 24th February 2014.

The Inspector’s tenth procedural letter (2nd December 2013) to the Wiltshire Core Strategy had changed the context within which this application should be considered and impacted upon the reasons for refusal. The Inspector had suggested that the Core Strategy housing requirement should be increased by 5,000 to 42,000 homes in Wiltshire and it is currently unclear what impact this would have on the number of homes planned for Calne and the North and West Housing Market Area. This Committee was therefore being requested to consider the approach to the conduct of this appeal.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Alan Hill, a local Member, who did not support the development on the grounds that:

- He did not consider that the development was necessary bearing in mind that as at present only an additional 170 houses were needed in Calne until 2026, according to the current allocation.
- He was concerned that such a development would result in a further increase in air pollution which currently exceeded the Government’s recommended levels by 50%.

Officers advised the Committee that it would not be possible for the Committee to advance any further reasons for opposing the application but that individual

people were at liberty to attend the public enquiry and put forward their own reasons why the appeal should be dismissed.

After discussion,

Resolved:

To agree that the Council offer no defence at the forthcoming appeal and invite the applicant to resubmit the application to the Council for reconsideration, in the context of the recent comments made by the Core Strategy Inspector.

(Note: Cllr Terry Chivers requested that his vote against the Motion be recorded.)

10 **Date of Next Meeting**

Resolved:

To note that the next meeting was due to be held on Wednesday 12 February 2014 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

11 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.40 am - 2.10 pm)

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

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

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	12 February 2014
Application Number	13/01243/OUT
Site Address	Land at Lay Wood south of Horton Road Devizes
Proposal	Outline planning application for up to 230 residential dwellings (C3), new access from Horton Road, open space, landscaping, drainage works and ancillary works
Applicant	The Crown Estate
Town/Parish Council	BISHOPS CANNINGS
Ward	Bishops Cannings
Grid Ref	402886 163143
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

This application is being referred to the Strategic Planning Committee as it is a large scale major development of up to 230 houses on a site not allocated for development and which raises issues of more than local importance as the proposal has implications for the future development of housing in Devizes and across the Eastern Housing Market Area of Wiltshire. In addition Local Ward member Councillor Whitehead has requested that the application be called to the Planning Committee for the following reasons:

- Scale of Development
- Environmental or Highway Impact

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

2. Report Summary

The main issues to consider are:

- Principle of the development
- Heritage Assets
- Impact upon the wider landscape
- Land Quality
- Ecology

- Highways
- Section 106 Obligations
- Other matters

3. Site Description

The site is on agricultural land located to the north east of Devizes. It is bounded to the north by Horton Road, to the south by the Kennet and Avon Canal, and to the west by existing residential development, a highways depot and new residential development currently under construction. To the east is open countryside with the North Wessex Downs Area of Outstanding Natural Beauty beyond. To the north of Horton Road is a small residential area and 8.4 hectares of land proposed for Strategic Employment in the emerging Wiltshire Core Strategy (known as Horton Road Strategic Employment Allocation).

4. Planning History

There is no relevant planning history.

5. The Proposal

The proposal is an outline application for up to 230 dwellings, including a new access from Horton Road, open space, landscaping, drainage works and ancillary works on land that has been used for agriculture.

The areas left for future determination under a reserved matters application include the appearance of buildings, layout of the proposed development, scale of buildings proposed and landscaping details. The means of access to the site is for determination now.

The proposal falls into three main areas which include: the northern field adjacent to Horton Road with the Highway Depot to the west; The southern field which is adjacent to the Kennet and Avon Canal to the south, residential development to the west and Lay Wood to the east; and the final area includes Lay Wood, which lies between the two sites and is to be retained.

The site in question measures approximately 17.5 hectares.

The application is supported by several technical documents which include a Transport Assessment and Travel Plan, a Landscape and Visual Impact Assessment, Tree Survey, Phase 1 Habitat Survey, Geophysical Survey, Phase 1 Land Quality Assessment, Flood Risk Assessment, Design and Access Statement, Planning Statement.

Amended plans have been received during the course of consideration of the proposal reducing the amount of dwellings from up to 260 to up to 230. This follows findings from a trial trenching exercise undertaken at the request of the Wiltshire Council Archaeology Officer.

6. Planning Policy

Kennet Local Plan 2011 - Saved policies

PD1 – Development & Design; NR6 – Sustainability & protection of the countryside.

HC28 – Affordable homes target; HC30 – Affordable housing;

HC34 – Recreation provision on large sites; HC37 – Demand for education;

HC42 – Additional social & community needs; ED17 – Town centre development.

HH10 – Areas of minimum change; AT1 – Transport appraisal process;

AT10 – Developer contributions.

Wiltshire Core Strategy (WCS) - Pre-Submission Document (February 2012)

Core Policy 2: Delivery Strategy; Core Policy 12: Devizes Community Area;

Core Policy 38: Retail and Leisure;

Core Policy 41: Sustainable construction and low-carbon energy

Core Policy 43: Providing affordable homes; Core Policy 50: Biodiversity and geodiversity.

Core Policy 51: Landscape; Core Policy 52: Green Infrastructure.

Core Policy 55: Air Quality; Core Policy 57: Ensuring High Quality Design & Place Shaping.

Core Policy 61: Transport and Development;

Core Policy 62: Development impacts on the transport network

Supplementary Planning Guidance

- Supplementary Planning Guidance 'Community Benefits from Planning' (March 2005).
- Kennet Landscape Conservation Strategy.
- Interim Development Control Policy 'Renewable Energy and New Development' (September 2007).
- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

Other Legislation

- National Planning Policy Framework (NPPF)
- Circular 06/2005 Biodiversity and Geological Conservation

7. Consultations

Bishops Cannings Parish Council - This mix is completely inconsistent with the accommodation forecasts in Wiltshire Council's 'Strategic Housing Market Assessment'. A housing development of this size will generate a large volume of traffic focussed on the

roundabout at the Horton Road/ A361 junction. This already suffers from congestion in the evening rush hour period when queues form on the A361 as traffic from the North waits to access the roundabout. A side effect of this is an increase in vehicles taking a 'short-cut' through Bishops Cannings village, a route that would be certainly taken by residents of this proposal. Insertion of a possible link road through the land currently owned by Berkeley Strategic would not resolve this problem.

Bishops Cannings School would be the catchment school for this development, but is full and has confirmed that it has no wish to expand. Parents would therefore have to drive their children to the next available alternatives. Being out of catchment there would be no school bus option and parents with small children will not cycle or walk this distance. This is also the case for all shopping and social requirements and all of these involve using the congested A361 towards Devizes.

The Parish Council did however also make the following comments regarding any Section 106 Legal Agreement:

Supplementary Planning Guidance and policy HC34 also require that for a development of this scale some provision for formal sports is made, equivalent in this case (260 houses x 2.4 people) to about one hectare of land. The parish council would suggest a commuted payment in lieu of this provision would be appropriate, to be used by the parish council for the development of a formal sports facility on another site within the parish.

The parish council would further propose that the ownership of the green infrastructure (including the woodland) is transferred to the local community and a commuted sum paid to provide for its future management,

The total number of dwellings in the parish at the 2011 census was 797. Since that point the Redrow development will add 118, making a total of 915. An additional 260 dwellings will therefore represent a household population increase of 28.4%. This is a significant increase and to make the development acceptable in planning terms (notwithstanding the council's objection) some contribution towards community infrastructure is required. A particular problem for the local community is lack of parking space in Bishop's Cannings village, for users of the hall, school and church. Should this development proceed, the parish council would suggest that the Crown Estate extend the size of the village hall car park that they currently lease to the council; upgrade the car park with a permanent, drained surface and also transfer ownership of the car park land to the local community.

Devizes Town Council – Object - The planning application is contrary to issues to be considered for Devizes set out in the emerging Core Strategy, paragraph 5.65. This identifies that “*the rate of development in Devizes should reduce compared to recent trends in recognition of the need to improve the local infrastructure before significant new development takes place.*” The paragraph goes on to say this strategy will give time for infrastructure and traffic congestion issues to be addressed.

Roundway Parish Council – Object - The application does not address the requirements of the Wiltshire Core Strategy or emerging neighbourhood plan, particularly in relation to demand for affordable housing within the area. The proposed development would also create significant pressure on local infrastructure, especially as regards health care

provision, schools and transport, with no clear strategy for how these pressures should be addressed. Within the planning application there is no clear strategy or commitment on how

Wiltshire Council Spatial Plans Officer - Until the Council has completed work to determine how the increased housing supply will be distributed, and how this supply will be met against the proposed new figures, it is considered that the policies in the development plan relevant to the supply of housing both within the adopted and emerging plan cannot be given significant weight. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission (NPPF paragraph 14). It is therefore considered that the principle of development can be established subject to the normal range of material considerations, which have to be taken into account when determining a planning application, to establish if any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Wiltshire Council Highways Officer – No objection subject to conditions and S106

Wiltshire Council Landscape and Design Officer – No objections

Wiltshire Council Conservation Officer - In the event that it is concluded that the development of the site is acceptable (i.e. that it will deliver sustainable housing in the most appropriate location in the town) then, provided that the mitigation in terms of the general layout (which provides opportunity for improvement at the eastern edge of the development) and specific design in relation to the western area are delivered, I consider that it has been adequately shown that the harm which would result to the settings of the heritage assets could be outweighed by the public benefits. As a result, I consider that there should be no overriding objection to the proposed development from the point of view of the built historic environment.

Wiltshire Council Arboricultural Officer – No objection to the proposed scheme in principle, however concerns are raised with the loss of significant hedgerow trees on the northern boundary. Also raise concerns with the potential short and long terms impact on Lay Wood which is of significant amenity value which could be covered by way of appropriate conditions regarding method statements and a long term management plan.

Wiltshire Council Environmental Health Officer - Accept the air quality assessment and the need to secure travel planning, cycle and footpath improvements and measures from the Devizes Transport Plan conditioned in S106.

Wiltshire Council Land Adoption Team – No Objection subject to Section 106 contributions being secured regarding equipped play space (including NEAP, LEAP and Trim Trail) and a contribution towards formal pitches.

Wiltshire County Ecologist – No objection

Wiltshire Council Archaeologist – No objection subject to a condition requiring further archaeological investigation, mitigation and recording.

Wiltshire Council Principal Development Officer (Housing) – There is a strong demand for affordable housing in Devizes and therefore 40% affordable housing would be required from this site in the form of 75% rented and 25% shared ownership.

Wiltshire Council Senior Premises Officer (Education) – The development would require a commuted sum for £928,049 for primary school education and £9,960,060 for secondary school education

Wiltshire Council Energy Policy Officer – A condition would be required for the reserved matters to include an energy strategy which is required under Core Policy 41.

Wiltshire Council Drainage Officer – No objections in principle subject to a condition requiring detailed drainage drawings to be submitted prior to the commencement of development

Art Development Officer - It appears that the public art element is a one off ad hoc feature, rather than necessarily being integrated in to the design of the site. Our preferred way of delivering public art for a site of this scale is that we would expect the developer to engage an experienced professional public art advisor to join the design team to devise a public art plan. We would want to work with the design team, assist with the short listing of a public art advisor and approve the final public art plan. The delivery of a public art scheme would be in line with the “East Wiltshire Community Benefits from Planning SPD”, supporting the Kennet Local Plan 2011 and its reference to public art. Although still not adopted, the draft Wiltshire Core Strategy refers to art and design in the public realm (public art) in Core Policies 3 (Infrastructure Requirements) and 57 (Ensuring high quality design and place shaping) of the draft Wiltshire Core Strategy.

North Wessex Downs Area of Outstanding Natural Beauty – No objections subject to conditions regarding landscaping and its management (including a timetable), limit street lighting and control building heights and external materials to ensure the development is not unduly prominent from within the AONB.

The Canal and River Trust – No objection subject to conditions and a legal agreement relating to towpath improvements

Wiltshire Fire and Rescue – request a contribution £19,793.80 to help towards the Wiltshire Fire and Rescue infrastructure

Wessex Water – No objections subject to conditions regarding foul and surface water drainage strategy

Environment Agency – No objections subject to conditions regarding surface water drainage, the requirement for a masterplan, detailed drainage, floor levels, construction management plan, water efficiency details

8. Publicity

The application was advertised by site notice, press notice & neighbour notification. Expiry date: 25th November 2013

Summary of points raised: 36 letters of objection from the public with the following concerns:

Principle

- Lay Wood is an ancient wood and should remain intact
- Important agricultural land is being lost
- Land floods where it joins the canal – where will this be displaced
- Architectural remains have been found, if houses are built they will be lost forever

- Recent public consultation for the Neighbourhood Plan found 30 plus brownfield sites in Devizes rendering it unnecessary to use valuable agricultural land
- This end of Devizes is overdeveloped
- Existing infrastructure cannot support such an increase in housing
- Land not in area approved for development in the Core Strategy
- Site is located away from the town centre and the rest of the facilities
- If approval is given it will set a precedent for further development on brownfield sites
- No details have been given for inside the estate. Will the housing be right for the types of families in Wiltshire. Will the rooms be big enough, will parking be adequate for 6 cars per household, will roads be wide enough, play areas are needed for under 5's, what about employment
- Extreme shortage of employment in the locality
- Countryside being eroded
- There is already a soft edge to Devizes, we do not need another one
- How many affordable dwellings will there be
- Is 40% affordable housing enough?
- Loss of open space
- Lay Wood is registered as a red status for the RSPB which will be lost
- Lay Wood has a diverse range of wildlife which this development will impact upon
- Wiltshire Council should employ an independent provider to look at the ecology report – my Council tax should pay for this
- Site is in the AONB
- Site is located near the AONB and this development will impact upon it
- Decision should be deferred until the Neighbourhood plan has been adopted
- Dwellings are being crammed into a small rural picturesque area
- Poor Drainage on site
- Environment Agency would not allow development of this size to connect to storm water drainage systems and the other option of balancing ponds are drowning hazards to children
- Museum does not have any capacity to store finds and architectural archives as they are full which means that the completion of the exercise required in NPPF cannot be properly secured
- Your decision to refuse Coate Bridge was good and we hope the same is done here
- Play areas for young children will be too far from their homes
- The local preference is to infill

Education

- Issues with schooling, Bishops Cannings parking problem is getting worse
- If the school is Bishops Cannings, how will children get there
- Devizes needs a new school because they are not able to take the increase in children – who is going to pay for this increase if this application is approved

Highways

- Too much traffic on A361 to and from Swindon both mornings and evenings which will get worse

- Horton Road and Horton Avenue are severely congested already
- Serious traffic problem on London Road
- Increase in pollution
- Air quality issue
- Link road between proposed roundabout and proposed employment – there is a restrictive covenant on this land
- There is no pavement along Horton Road which is/will be dangerous for pedestrians. If a footpath is created who will ensure a proper job is done
- Will a footpath be introduced from Horton Road to Chandlers Lane
- Additional street lighting will contaminate the sky
- Proposed roundabout will increase traffic incidents
- The road network in Devizes should be made one-way
- A ring road should be built around Devizes to prevent any further urban sprawl
- Horton Road speed limit should be reduced to 30
- Existing bus services are useless
- What is the lighting strategy
- Increase in traffic congestion will reduce road safety for children and pedestrians
- New footpaths will result in irreversible disturbance to wildlife as they will encourage recreation
- Unacceptable loss of trees on site to make way for site access
- Will a second access be built at a later date via Corncroft Lane

Other

- Crown Estate just want to make profit
- Wavy border not easy for farmers machinery to keep
- Existing employers are not encouraging their employees to use more sustainable levels of transport
- No help for NHS facilities especially in A&E and maternity, there are only 2 main doctors surgeries and 1 community hospital
- Residents in Wellington Drive chose to live there because it is in the countryside. This development will spoil our outlook
- What will young people do in their spare time
- Is the Council benefitting from this development in some manner
- Thought the Crown Estate's objective was to protect wildlife

An objection was also received on behalf of Mactaggart & Mickel Homes Ltd who are the applicants for a different residential proposal at Coate Bridge, Devizes for up to 350 dwellings (E/13/00083/OUT) raising the following concerns:

- Transport Assessment is flawed and therefore not reliable as the proposed roundabout is inadequate for the development, is not comparable to the Development Transport Model, the internal one way link road is not deliverable, no queue survey, overestimation of capacity at junction
- Absence of footpath to the school and cycleways
- Doctors surgery and School are outside the preferred maximum walking distance
- Cyclists cannot use a public right of way

- Proposed roundabout does not meet relevant criteria and has not been tested for capacity
- Landscape & visual impact assessment is flawed as it should have considered the views of the site from footpaths to the north of the site, Wellington Drive, canal. The character area selected is inappropriate
- Photographs and montages are of a lower resolution and smaller scale than stated
- Will Badger setts be flooded

9. Planning Considerations

9.1 PRINCIPLE OF DEVELOPMENT – POLICY BACKGROUND

Planning law requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The first principle is therefore to establish what the development plan states.

Kennet Local Plan 2011

In terms of this proposal, the adopted development plan policies are those set out as ‘saved’ policies in the Kennet Local Plan 2011 (KLP). In this plan, whilst Devizes is identified as a settlement where new housing development will be concentrated, the site proposed in this application straddles the Limits of Development defined for Devizes, with part of the site inside and part outside of these limits.

Policy NR6 of the KLP seeks to direct development to the most sustainable locations within East Wiltshire. It states that *‘In the interests of promoting sustainable development and the protection of the countryside, development will be restricted to locations within the Limits of Development defined for the towns and villages....’*

The proposal seeks the development of areas of land both within and outside the Limits of Development. The area of land contained within the Limits of Development is also defined as an Area of Minimum Change (KLP Saved Policy HH10). This designation is intended to protect those areas of land within, or at the edge of built up areas which make an important contribution to the character and appearance of the settlement. During the KLP examination it was considered that the area of land would not be appropriate for development as it could materially damage the character of the area and could negatively affect the setting of both the canal and the approach to the town from the north east. Therefore when considering this proposal, landscape impact should play an important determining factor. Potential impacts upon the normal range of material considerations, including landscape will have to be taken into account when determining the planning application. These are set out later in this report.

It is therefore evident that a proposal for up to 230 homes on this site, as envisaged in this proposal, is not in accordance with the policies contained in the KLP. However, it is a relevant material consideration as to whether these KLP policies are up to date, as required by the NPPF. This is a matter that has been questioned by the Inspector holding the Inquiry into the Wiltshire Core Strategy, and his findings are dealt with below.

Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the KLP.

The WCS has reached an advanced stage of preparation with the examination hearings having been completed in July 2013. On 2nd December 2013, the examining Inspector provided a procedural letter to Wiltshire Council seeking the views of the Council on a number of issues. Wiltshire Council responded identifying how these issues would be addressed on 19th December 2013. The Inspector has since produced a further procedural letter dated 23rd December 2013 responding to the proposals of the Council.

The submitted WCS introduced a housing requirement for the period from 2006 to 2026 presented by Housing Market Areas. The Inspector examining the Wiltshire Core Strategy has identified in his letter that he considers that the housing requirement for Wiltshire from 2006 to 2026 should be increased. Wiltshire Council has responded proposing to increase the housing requirement from 37,000 homes to 42,000 homes, an increase of 5,000. In his response the Inspector identifies that he considers this reasonable (letter dated 23 December 2013).

The WCS identifies Devizes in Core Policy 12 as a Market Town. Market Towns are defined within the WCS as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development of the type proposed outside these limits should be brought forward through a community led planning policy document which identifies specific sites for development. However, the Inspector's procedural letter states, in referring to the settlement boundaries as defined in the adopted Local Plan, that:

'...some of these were adopted some years ago, for example the Kennet Local plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the Core Strategy plan period.'

The Council has proposed to undertake a review of boundaries through a subsequent Site Allocations DPD, which is anticipated to be adopted by July 2015, to address this matter.

The National Planning Policy Framework

The National planning Policy Framework (NPPF) requires an assessment to be made as to whether the housing market area within which Devizes sits has a five year supply of housing land. If this cannot be demonstrated, then the policies in the development plan relevant to the supply of housing cannot be considered to be up to date. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission (NPPF paragraph 14). The adequacy or otherwise of a 5 year land supply in the East Wiltshire Housing Market Area within which

Devizes is located is therefore a material consideration in the determination of this application, alongside the relative benefits and disbenefits of this scale of development on this site at this time.

As discussed the Council has accepted that the overall housing requirement for Wiltshire should increase in line with the Inspectors suggestions in his letter of 2 December (i.e. an increase to 42,000) which will require the housing requirements for each housing market area to be reviewed. While the Inspector suggests that a 5 year land supply (together with a 5% buffer) could be achieved in Wiltshire at this higher level, work is currently being undertaken to determine how the increased housing supply will be distributed at the housing market area level and how supply will be met against the proposed new figures. This assessment will include re-examining the land supply taking account of the revised housing requirement at housing market area level and the significant number of planning applications granted in the last year. Until this assessment is complete officers are at this current time unable to say with any confidence that the requirement in paragraph 47 of NPPF to maintain a 5 year housing supply (together with a 5% buffer) is currently being met.

Core Policy 12 identifies the level of housing growth appropriate for Devizes and does not identify a specific strategic housing site to provide for growth. The housing requirement for Devizes is likely to increase as a result of the Inspector's letter, which identifies an increase in the housing requirement for Wiltshire.

Other considerations

A neighbourhood plan for the Devizes area is currently being developed. A steering group has been formed with the specific aim to identify sites for new housing at Devizes in the most suitable and sustainable location(s) to meet the housing requirement of the Core Strategy for Devizes. The plan is being developed for the administrative areas of Devizes Town and the neighbouring parishes of Roundway and Bishops Cannings.

However, in January, the Planning Minister, Nick Boles, made it clear that Neighbourhood Plans can only be given any significant weight in the decision making process when the plan has completed its consultation stage. The Devizes NP has yet to reach this milestone.

Policy Background - Conclusion

Until the Council has completed its work to determine how the increased housing supply will be distributed by housing market area, and how this supply will be met against the proposed new figures, it is considered that the policies in the development plan relevant to the supply of housing both within the adopted and emerging plan cannot at this particular time be given significant weight in this application. Nor can the existing limits of development be regarded as up to date, given the Inspector's comments. In these circumstances, national policy in the NPPF states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (NPPF paragraph 14).

9.2 IMPACT UPON THE WIDER AREA

The site lies approximately 300m at the closest point to the boundary of the North Wessex Downs AONB which is east of the proposed site. The AONB Officer is of the opinion that the proposal would bring about a level of change to the setting of the AONB but with suitable

planting especially on the eastern boundary, the level of harm is not significant to warrant an objection.

Part of the site is located in an Area of Minimum Change, designed to protect the character and appearance of the setting of the town. However, it is considered that with the existing landscaping on the southern boundary, the proposed development would not adversely affect the canal. It is also considered that although the development would be seen when approaching the town from the north east, the part of the development to the north of the site which is not within an area of minimum change would be the most visible and therefore it is not considered reasonable to refuse the application on this grounds.

On the proposed site is a woodland known as Lay Wood and there are also significant mature trees on the northern boundary with the adjacent development. These trees appear to be of veteran tree age, or Landmark Trees and the loss of these is considered to be inappropriate. As such the Local Planning Authority have served a Tree Preservation Order on all significant trees which will ensure their future protection. Some trees are to be removed as part of the proposal but not those that have been considered as important.

If this application were to be approved, it would be appropriate to include a condition to require method statements with regards to tree work. The woodland forms part of the open space for the development and therefore would already be protected.

The landscaping proposals include new tree planting along the frontage to Horton Road, continuing the existing tree belt along the route. Further landscaping and planting is also proposed along the eastern side of the development which is intended to create a new soft and natural edge to the Devizes settlement which is considered to be appropriate.

Open space and landscaping form part of the outline proposals and compromises children's play areas, amenity open space, retained woodland and SUDS ponds which have been deemed appropriate by the land adoption team within Wiltshire Council.

Concerns raised through the public consultation regarding the loss of open space. The land is privately owned and therefore the application does not constitute a loss of public open space.

In conclusion it is considered that the proposal would not have a detrimental impact upon the wider area including the AONB and in landscape terms is considered to be acceptable with suitable conditions regarding hard and soft landscaping details to be submitted.

9.3 HERITAGE ASSETS

Laywood Bridge is located just outside the south-eastern boundary of the site and is Grade II Listed, the associated blockhouse is also covered by the listing. No works other than landscaping and drainage are proposed within the vicinity of these buildings and it is therefore considered that their setting will be protected.

The canal is unlisted but is nationally significant. The proposed development will lie directly adjacent to this heritage asset. As the layout is indicative only, the precise detail is likely to be subject to change and therefore any reserved matters application should address the canal in a positive manner through the development design including any appropriate provision for access to the canal from the development.

The proposal is therefore considered not to have a detrimental impact upon heritage assets.

9.4 LAND QUALITY

Flood Risk & Drainage

The site is located in Flood Zone 1 where residential uses are considered to be appropriate in flooding terms. A surface water management plan is proposed to ensure that the development does not increase flood risk downstream. Run-off will be limited to greenfield rates and would not have any impact on flood regimes downstream or the flows required to pass through the culvert underneath the Kennet and Avon Canal.

The drainage from the site will pass under the canal through Culvert 49 which is in need of some improvement. In principle it has been considered by the Wiltshire Council Drainage Officer that the proposal would not have an impact upon drainage issues and if the application were to be approved, more detailed information would be required which can be achieved through an appropriate condition. In principle it is the opinion of the Drainage Officer that suitable drainage can be achieved on this site.

Concerns have been raised by some that the south eastern part of the site is known to flood, but no development has been proposed on this part. Drainage was also raised as a concern however as the Drainage Officer feels that suitable drainage can be achieved it would not be appropriate to refuse the application on such matters.

Archaeology

During the trial trench evaluation, the presence of Romano-British occupation was found and more significantly at the eastern end of the site a concentration of Romano-British features indicative of a range of buildings which probably formed part of a villa complex. The possible villa complex appears to be located on a slightly higher plateau within the field and the finds indicate occupation from the 1st – 4th century AD. A number of historic field boundaries were identified from the evaluation and a large area of the western part of the site had been substantially disturbed in the 20th century when it appears that the ground was truncated and built up. This disturbance may be related to the removal of the Prisoner of War camp and the subsequent construction of the County Council Depot, immediately adjacent to the north-western boundary of the site.

Due to the significance of the archaeology revealed, the plans have been amended to incorporate the likely extent of the villa/settlement site within green open space but further investigation, mitigation and recording will be required which can form a condition to any approval.

Concern has been raised by a member of the public that the Wiltshire Museum in Devizes has very limited storage and therefore the proposal would not be able to comply with requirements in the NPPF to have findings stored. It has been confirmed by the Wiltshire Council Archaeologist that there is still some capacity in other local museums and that the archaeological excavations on site are likely to only generate a small archive, therefore requirements of the NPPF can be achieved.

Agricultural Land Quality

The site is made up of land that is largely grade 3 land, although a small part in the north-east corner is Grade 2.

The NPPF states in paragraph 112 that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. As only a small part of the overall site is Grade 2, there are no justifiable reasons for refusing permission on this basis.

9.5 ECOLOGY

There are three statutory biodiversity sites of international importance located within 10km of the site including a SPA (Special Protection Areas) and two SACs (Special Areas of Conservation). Within 5km of the site there are seven statutory biodiversity areas of national importance and within 1km of the site there are two non-statutory biodiversity areas which are Lay Wood and the Kennet and Avon Canal.

Protected species that were found on site during the Phase I Habitat Survey include badgers, bats, reptiles, water vole and otters and priority bird species and breeding birds.

The retention of Lay Wood, the creation of SUDS and new buffer areas will help with mitigation and there are existing habitats along the edge of the canal adjacent to the proposed development that should not be altered as a result of this proposal and where possible links between habitats on site with the linear habitats of the canal should be provided. Further mitigation measures will be required to be submitted at the reserved matters stage alongside a lighting strategy and as stated previously, the proposed layout is indicative and will need to be re-looked at before a reserved matters application can be submitted especially with regards to the proposed locations of footpaths. It will therefore be important upon any approval to add an informative advising the applicant that the indicative layout has not been considered to be acceptable in terms of ecology.

9.6 HIGHWAYS

Access to the site is off Horton Road via a new roundabout junction which will reduce speeds on Horton Road. Access within the site has been designed as minor access roads and sees an internal loop arrangement for each piece of land which are then linked together. A pedestrian and cycle link is proposed through the adjoining developments making a connection to the strategic cycle network and existing bus stops. The precise locations and details will need to be provided as part of the reserved matters application.

Pedestrian access to the canal is important and is encouraged by the Canal and River Trust. The canal towpath and the footpath on the offside are both recognised as important sustainable transport routes and form a recreational loop as well as a commuter route into the town centre and therefore a financial contribution is being sought to upgrade these routes within the vicinity of the site.

As part of the proposal the footpath from the entrance to the site to the west bound bus stop on Horton Road is to be upgraded as well as the footpath on the northern side of Horton Road from the bus stop towards the site to which a financial contribution will be sought.

The final internal road layout will also incorporate a bus turning facility so that the existing 1C bus route can be extended into the site

It is acknowledged that Devizes struggles with congestion on a daily basis and in particular the A361, Windsor Drive, Horton Road and Horton Avenue. As the proposal would bring about an increase in traffic to the Devizes area, a financial contribution is being sought by the developers to be put towards the Devizes Transport Strategy which will help alleviate and lessen any potential for additional congestion brought about by this development. This has been considered by the Highways Department to be appropriate. With regards to Air Quality in the area, the proposed site has been run with the Devizes Transport Model and with the proposed mitigation measures results in the predicted emissions falling within UK National Air Quality Objectives by 2026 and is therefore considered to be appropriate.

Concerns that have been raised by the general public include who will ensure that the footpaths are laid correctly which will be the responsibility of Wiltshire Council Highways under separate legislation, the submitted transport assessment being flawed which the Highways Officer has considered to be acceptable, whether a footpath will be introduced to Chandlers Lane which is opposite the site. This is not being proposed however the proposed upgrade in public footpaths on Horton Road will help link up this particular lane. The proposed roundabout will introduce more accidents which is not the recommendation made by the Highways department as they are of the opinion that it will reduce vehicle speeds and therefore should reduce accidents and the school and doctors surgery not being within the recommended walking distance, however a contribution is being sought to improve a local bus service which is considered to be acceptable.

Other concerns include making the road network in Devizes one way, the installation of a ring road around Devizes, quality of existing bus networks and future accesses all of which are not material considerations when making a recommendation on this application. Another issue raised saw the concern of a future link road between the proposed roundabout and the proposed employment land as there is a restrictive covenant on the land. Again this is not for consideration under this application and any future application alongside any related concerns on this site will be considered when and if an application is made.

9.7 SECTION 106 OBLIGATIONS

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'. These are:

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

The developer has agreed to the following Section 106 requirements.

Affordable Housing

Core Policy 43 of the draft Wiltshire Core Strategy is the most up to date Policy regarding affordable housing and therefore Policies HC28 & HC30 of the Kennet Local Plan in terms of

amount and percentage requirements are considered to be out of date. Core Policy 43 requires a level of 40% affordable housing (although the evidence to support this level is another matter that the Core Strategy Inspector has requested more information on). What is not in doubt is that there is a strong demand for affordable housing in the Devizes area and therefore 40% (92 dwellings) is considered to be an appropriate amount to request with the following mix: 1b x 30%, 2b x 40%, 3b x 20%, 4b x 10%

The mix is negotiable and it is anticipated that a tenure mix of 75% rented and 25% shared ownership.

Education

Kennet Local Plan policy H37 requires that developments of 25 or more dwellings should be satisfied that the education needs of the population of the new development can be met by existing school infrastructure or improvements to existing school infrastructure will be sought. This is supported by paragraph 72 of the NPPF. The proposed development based on 40% affordable housing would result in the need for 63 primary school places and 13 secondary school places. The site lies within the catchment area of Bishops Cannings Primary and Devizes Secondary. Bishops Cannings is full and is forecasted to remain as so, therefore Wiltshire Council would require a full developer contribution in respect of the 63 primary school places to go towards this school. The secondary school in Devizes is not forecasted to reach capacity until 2023 onwards, however it is the only secondary school in Devizes and therefore it would be expected to pick up the pupils arising from housing developments within the town and its immediate environment and therefore is likely to be full earlier than the current forecasts indicate. In view of this Wiltshire Council would require a developers contribution towards secondary school infrastructure to the value of 13 places.

These figures are based upon the outline information provided with 40% affordable housing and therefore may be subject to change once the detailed information is received. It is also important to note that the new 2013/14 cost multipliers are due to be in place soon which would also change the monetary figures.

Primary School Places - £12713 per place x 63 = £800,919

Secondary School Places = £19155 per place x 13 = £249,015

Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF Policy. HC34 of the Kennet Local Plan requires developments of over 20 dwelling units to provide recreational open space in the form of equipped play space, casual play space and formal sport pitches. Core Policy 52 supports this by stating that accessible open standards should be in accordance with the adopted Wiltshire Open Space Standards. The proposed development would therefore require the following:

- A Neighbourhood Equipped Area for Play (minimum 1,000m²) to Wiltshire Council's Standard Specification for Equipped Play Space (version 1, June 2012). Aimed at older children, this will provide playground equipment (at least 8 items) and a hardsurfacing area.

- A Local Equipped Area for Play (minimum 400m²) to Wiltshire Council's Standard
- Specification for Equipped Play Space (version 1, June 2012). Aimed at 4-8 year olds this will contain at least five types of play equipment.
- Trim trail activities incorporated into the casual open space (around 500m²).

A maintenance sum would also be requested for all adoptable areas and would be calculated on receipt of a detailed adoption plan, management plan and planting schedule. The total approximate figure provided was £98,365 for maintenance of the equipped play space over a 20 year period and a further financial contribution of £1.2 million but this will need to be reviewed when detailed plans are made available.

A further financial contribution of £141,220 will be put towards off site formal pitches alongside a 20 year maintenance fee.

Highways

The Kennet Local Plan Policy AT10 states that contributions that are reasonably related in scale and kind including public transport, pedestrian and cycle facilities will be sought by way of planning agreements to ensure convenient access via alternatives to the motor car. A financial contribution of £809,500 has been agreed to support the following measures:

- Sum of £400,000 index linked to public transport improvements (based on £80,000 per annum for a period of 5 years). This will cover the cost of an additional bus to extend the 1C service into the site or alternative sustainable transport measures identified in the Devizes Transport Strategy.
- Sum of £405,000 index linked to measures in the Devizes Transport Strategy.
- Sum of £4,500 (£1,500 per annum for a period of 3 years) towards implementation of the travel plan plus travel plan monitoring. The Travel Plan includes measures such as travel vouchers and car share schemes

The Canal and River Trust have requested a sum of money totalling £69,000.00 which has been considered by the Local Planning Authority in this particular case to be CIL compliant as the future occupants of the site are more than likely to utilise the footpath network by the canal. This money is to be put forward to help with the cost of continued maintenance of the towpath and in particular to upgrading the towpath in the vicinity of the site to a wider, harder wearing surface enabling it to be more user-friendly. This is supported through paragraph 75 of the NPPF that states that Local Authorities should seek opportunities to provide better public facilities for users.

Community Benefit

A financial contribution of £57,000 is to be given to Wiltshire Council to help undertake general highway works in the vicinity of the Bishops Cannings school and village hall and could include the following:

- Drainage and re-surfacing of village car park
- New footway along section of road opposite car park by the Village Hall
- Virtual footway markings between the Village Hall and Bishops Cannings School
- Flashing speed signs within the village

It has been highlighted by the general public that facilities, especially parking for Bishops Cannings School is problematic. The commuted sum is therefore considered to be appropriate as it complies with the three tests for S106 noted above and is also supported through Policy HC42 which states: *“In the case of new housing developments involving 25 or more dwellings or 1 hectare of land (irrespective of the number of dwellings) the local planning authority will need to be satisfied that the social and community needs of the new residents can be met. Where the local planning authority has evidence to demonstrate that these needs cannot be met by existing infrastructure appropriate provision to meet the needs arising from the development will be sought”*

Wiltshire Council Highways can in discussion with the Parish Council confirm the details for a footway, footway markings and flashing speed signs. The car park that is to be re-surfaced is owned by the Crown Estate so an agreement would need to be made. However by ensuring that the legal agreement states that the sum of money can be used for “general highway works in the vicinity of the school and village hall within Bishops Cannings” this would be acceptable and allow flexibility.

9.8 OTHER MATTERS

The Fire and Rescue service have requested a commuted sum of £26,981.50 to go towards the cost of hydrants and water supplies for fire fighting. They have also requested sprinklers to be inserted into the homes. There is no policy in the KLP to support this request and therefore is not considered to be CIL compliant. The issue of sprinklers could be dealt with at a later stage through the Building Regulations process. There is also no policy in the KLP on making commuted sums towards health infrastructure and as such it would be unreasonable for the Local Planning Authority to request such monies.

The Parish Council have requested as part of the Section 106 Legal Agreement for land owned by the Crown Estate to be transferred to the local community to allow the village school to expand. This is not considered to be necessary to make the development acceptable and therefore fails one of the S106 tests noted above.

Other issues that have been raised include farmers being able to maintain their land, applicant just wanting to make profit, employment opportunities, residents in Wellington Drive no longer have a rural outlook, young people and what they will do in their spare time are all not material planning considerations when making a decision on this application.

10. CONCLUSION

Greenfield sites of this size are normally brought forward for consideration through the local plan process. However, in the case of Devizes, the draft Core Strategy makes no strategic housing allocations and no housing sites have been allocated for development through the development plan process since 2004, (and those were first considered in 2000). The Kennet Local Plan is now 10 years old, and the limits of development included have been criticised by the Core Strategy Inspector as not being up to date. Whilst the Council is committed to carrying out a review of the development limits in a site allocations document, this will not be ready until 2015. The Devizes Neighbourhood plan, whilst underway, is not at a stage where the Council can give it any significant weight, according to the statements made by the Government Planning Minister. The Council has committed to providing for the 5,000 additional homes the Core Strategy Inspector has said are required, and currently

cannot confirm the existence of a 5 year land supply in the housing market area within which Devizes lies.

In these circumstances, the policies of the National Planning Policy Framework (NPPF) apply. These apply a presumption in favour of sustainable development and state that planning permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits. In this case, it is considered that there are no such significant and demonstrable adverse impacts that would outweigh presumption on favour of development.

Accordingly, it is recommended that planning permission be granted, subject to the prior completion of a Section 106 legal agreement to deliver the obligations listed in the report, and subject to the conditions set out below.

RECOMMENDATION: Defer and Delegate to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement and subject to the conditions set out below:

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

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

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

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

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

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

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

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

Figure 1.1 (Ref 33976-LEA02d) and Figure 8.1 (Ref 33976-LEA12B) received on

19th June 2013

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

- 5 No dwellings shall be constructed on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 6 No dwelling shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 7 No development shall commence on site until a hard and soft landscaping scheme and implementation programme has been submitted to and approved in writing by the Local Planning Authority, details of which shall include:
- indications of all existing trees and hedgerows on the land;
 - details of any to be retained, together with measures for their protection in the course of development;
 - all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - finished levels and contours of the land;
 - means of enclosure;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

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

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

- 8 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 a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations";

has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

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

- 9 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development

- 10 Construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety

- 11 Construction of dwellings hereby permitted shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers,

drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved items serving that dwelling have been carried out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 interest of highway safety

- 13 Prior to first occupation of the 100th dwelling hereby approved an emergency vehicular access link to Horton Road, suitable for pedestrian and cycle use shall have been provided in accordance with details to be first submitted to and approved by the local Planning Authority. The link to be positioned to provide convenient pedestrian access to the bus stops on Horton Road.

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

- 14 Prior to the occupation of the 100th dwelling a bus turning facility or a loop road suitable for use by buses shall have been provided and made available for use on the section of the development to the north of Lay Wood, in accordance with details to be first submitted to and approved by the Local Planning Authority. A bus turning facility in this area of the site shall at all times thereafter be kept available for use by buses.

REASON: In the interests of the site being conveniently served by public transport.

- 15 Prior to first occupation of any dwelling hereby approved the site access roundabout as indicated in outline on drawing Transport Assessment Figure 8.1, and including street lighting in accordance with BS5489-1:2013, BS EN123201-2:2003, shall have been constructed and made permanently available for use

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

- 16 Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to and agreed in writing by the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (AMEC, June 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF

- 17 No development shall commence on site until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development in accordance with the Flood Risk Assessment prepared by RPS Health, Safety & Environment, reference RCEB23864-001R and dated January 2013 , together with a phasing scheme and a timetable explaining when the works are to be constructed, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be first occupied before the surface water drainage scheme for that dwelling has been provided.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF.

- 18 The reserved matters application shall include details of the proposed finished floor levels which shall be set no lower than 129.0 metres above Ordnance Datum (AOD), in accordance with the Flood Risk Assessment (AMEC, June 2013).

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

- 19 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

- 20 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 prudent use of natural resources.

- 21 No development shall commence on site until details of the works for the disposal of sewerage, together with a phasing scheme, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details for that dwelling have been fully implemented in accordance with the approved plans and phasing scheme.

REASON: In the interest of future residential amenity

- 22 No development shall commence until:

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

The approved programme of archaeological work has been carried out in

accordance with the approved details.

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

- 23 No dwellings shall be constructed on site until a scheme of acoustic insulation and mitigation for the purposes of attenuating the affects of noise on the occupants of the development from road traffic and the adjacent Wiltshire Council Depot have been submitted to and approved by the Local Planning Authority. No dwelling shall be first occupied until the approved insulation and mitigation measures for that dwelling have been fully implemented in accordance with the approved details.

REASON: In the interest of future residential amenity

- 24 No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. It shall include the following:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - measures for the protection of the natural environment; and hours of construction, including deliveries.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out other than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: 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.

- 25 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect neighbouring amenity

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the ?? 2014

INFORMATIVE TO APPLICANT:

It is important for the applicant to note that the indicative layout has not been considered acceptable in terms of ecology due to the location of proposed footpaths which the Local Planning Authority will expect to be provided to create links to the neighbouring residential development and to the canal. A further ecological mitigation strategy relevant to species found within the site will also need to be submitted with any reserved matters application for approval.

INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following informatives requested by the Environment Agency:

- 1) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 2) Any surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.
- 3) There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent will be required from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements
- 4) Wetlands are important wildlife habitats that support a wide variety of plants and animals, including rare and endangered species. Development should aim to prevent deterioration and enhance the status of aquatic ecosystems and associated wetlands. Furthermore a key output of the England Biodiversity Strategy for 2008 is a 50 year vision for wetlands. The Wetland Vision looks forward 50 years to a future where freshwater wetlands full of wildlife are found across the urban and rural landscapes, and where they are valued by society for the services they provide.
- 5) In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care.

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	Wednesday 12 th February 2014
Application Number	E/2013/0083/OUT
Site Address	Land at Coate Bridge, Adjacent to Windsor Drive, Devizes, Wilts
Proposal	Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works
Applicant	Mactaggart and Mickel Homes Ltd.
Town/Parish Council	ROUNDWAY, DEVIZES
Grid Ref	401970 162313
Type of application	Outline Planning – Now Appealed
Case Officer	Jemma Boustead/Mike Wilmott

1. Purpose of report

This application was previously refused planning permission by the Council at the Strategic Planning Committee on 25th September 2013. The applicants have subsequently lodged an appeal against this decision and a Public Inquiry is scheduled to take place week commencing 7th April 2014.

The Council has until 25th February 2014 to submit its evidence to the Inspector to defend the reasons for refusal. However, as the Inspector has to take account of the situation at the time of the Inquiry, not at the time of the original decision, he must take into account any material changes to the planning context that have been made since the original decision.

In this case, The Inspector holding the separate inquiry into the Wiltshire Core Strategy has written to the Council calling into question some of the assumptions that the original decision to refuse the application was based upon. These letters, and the Council's response, significantly change the context in which this appeal will be considered. It is therefore necessary for the Strategic Planning Committee to consider this material change in circumstances and to decide whether, in the light of these changes, the Council's decision to refuse the application can still be defended.

The full report prepared at the time of the Strategic Planning Committee considering this application in September 2013, has been appended to this report (**Appendix 1**). It includes a description of the site and the current proposal, the planning history for the site and additional detail on the planning policy context.

This report focuses on the changes in circumstances since the original decision on the application was made.

2. Report summary

The main issues to be considered with regard to the approach to this appeal are as follows:

- a) Original reasons for refusal
- b) Summary of relevant planning policy
- c) Implications of the changed circumstances arising from the Inspector's letters

3. Original reasons for refusal

The application was refused on 29th September 2013 for the following reasons:

1. *The site lies outside the Limits of development defined for Devizes in the Kennet Local Plan 2011. In this location, new development is restricted to that which is of benefit to the rural economy or the social well-being of the community. The Council does not consider that a housing development of this scale would support the rural economy or benefit the social well-being of the rural economy. The proposal would therefore conflict with policy NR6 of the KLP*
2. *The Draft Wiltshire Core Strategy, through CP2 requires development outside of the Limits of Development for Devizes to be identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This site has not been identified through this process and it would therefore conflict with policy CP2 if planning permission were to be granted*
3. *The Council is satisfied that there is no overriding need to bring forward this site outside the Limits of Development for residential development at this stage as it is satisfied that there is adequate land available to meet the Government requirement expressed in the NPPF for a 5 year land supply*
4. *The site includes within its boundaries potential heritage assets with archaeological interest, including a number of earthworks recorded on the Historic Environment Record. The Council considers that in these circumstances, and in accordance with paragraph 128 of the NPPF, an archaeological field evaluation is required to properly inform the Council of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to assess properly the impact on any potential archaeological heritage asset on the site*

The first, second and third reasons for refusal are the main issues for the appeal as it is expected that the fourth reason for refusal will be satisfied following the submission of an appropriate archaeological field evaluation.

4. Planning Policy

The Planning and Compulsory Purchase Act 2004 (as amended)

The Act requires that applications should be determined in conformity with the extant development plan.

National Planning Policy Framework (NPPF)

The NPPF was introduced as a principal material consideration in the determination of planning applications in March 2012. Of particular relevance to the reasons for refusal, the NPPF identifies:

- The need for the Local Planning Authority to maintain a 5 yr supply of housing.
- That where a 5yr supply cannot be demonstrated, relevant policies of the development plan should not be considered up to date and planning applications should be considered with a presumption in favour of sustainable development.
- Where relevant policies in a development plan are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Kennet Local Plan 2011

The KLP was adopted in 2004 and constitutes the statutory development plan. Policy NR6 is a relevant policy in this plan referred to in the reasons for refusal.

Policy NR6 of the KLP seeks to direct development to the most sustainable locations within East Wiltshire and states that: *'In the interests of promoting sustainable development and the protection of the countryside, development will be restricted to locations within the Limits of Development defined for the towns and villages'*. This approach to settlement planning by defining limits of development is considered entirely consistent with National Planning Policy Framework as it defines what is considered sustainable development locally. Indeed, the use of settlement boundaries as part of the development plan for Wiltshire has been confirmed by the Inspector examining the Wiltshire Core Strategy. However, the Inspector has stated in his letter of December 2nd 2013 that *'some of these were adopted some years ago, for example the Kennet Local Plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up to date for the purposes of the Core Strategy period'*. This is discussed below.

Draft Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the NWLP.

The WCS has reached an advanced stage of preparation with the examination hearings having been completed in July 2013. On 2nd December 2013, the examining Inspector provided a tenth procedural letter to Wiltshire Council seeking the views of the Council on

a number of issues. Wiltshire Council responded identifying how these issues would be addressed and the Inspector has since produced an eleventh procedural letter (23rd December 2013) responding to the proposals of the Council.

The submitted WCS introduced a housing requirement for the period from 2006 to 2026 presented by Housing Market Areas. The Inspector examining the Wiltshire Core Strategy has identified in his letter that he considers that the housing requirement for Wiltshire from 2006 to 2026 should be increased. Wiltshire Council has responded proposing to increase the housing requirement from 37,000 homes to 42,000 homes. In his latest letter the Inspector identifies that he considers this reasonable.

The spatial strategy (core policy 1 and core policy 2) sets the foundations for how 'sustainable development' is defined and applied in Wiltshire. Within the WCS, Devizes is identified as a market town with the ability to support sustainable patterns of living and the potential for significant development where that development enhances services and facilities and promotes better levels of self containment (Core policy 1).

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development of the type proposed outside these limits should be brought forward through a community led planning policy document which identifies specific sites for development. Devizes does have a Neighbourhood Planning Group that is working on producing just such a Neighbourhood Plan. However, in a debate in Parliament in January, the Planning Minister, Nick Boles, has made it clear that these can only be given any significant weight in the decision making process when the plan has completed its consultation stage. The Devizes NP has yet to reach this milestone. The Council has committed to undertake a review of settlement boundaries through a Site Allocations Development Plan Document (DPD), but this is in the very earliest stages of preparation, and is anticipated to be adopted by July 2015.

Core policy 12 identifies the level of housing growth appropriate for Devizes and does not identify a specific strategic housing site to provide for growth. The housing requirement for Devizes is likely to increase as a result of the Inspectors letter, which identifies an increase in the housing requirement for Wiltshire.

5) Implications of the changed circumstances arising from the Inspector's Letters.

Refusal Reason 1

- 1. The site lies outside the Limits of development defined for Devizes in the Kennet Local Plan 2011. In this location, new development is restricted to that which is of benefit to the rural economy or the social well-being of the community. The Council does not consider that a housing development of this scale would support the rural economy or benefit the social well-being of the rural economy. The proposal would therefore conflict with policy NR6 of the KLP*

The first reason for refusal reflected the failure of the proposal to comply with the adopted

development plan by virtue of the fact that the proposed site is located outside the Limits of Development and is therefore contrary to the provisions of Policy NR6 of the adopted Kennet Local Plan 2011.

The Inspector's letter of 2nd December undermines the position the Council took on this issue in September. By stating in specific reference to the Kennet Local Plan of 2004 that '*it cannot be argued with great strength that the settlement boundaries contained therein are up to date*' the Inspector has effectively stated that the policy is out of date. This means that it then has to be considered in the light of the NPPF policy that states that where the development plan is out of date, *planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 14)*. There were no site specific reasons that justified refusal of the application when the application was determined in September 2013.

The only local plan policy relied upon in the first reason for refusal is Policy NR6 and, in the context described above, this cannot now be ascribed significant weight.

Furthermore, the NPPF at paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development where a five year supply of housing cannot be demonstrated. Policy NR6 is considered relevant to the supply of housing as it restricts housing supply beyond the Settlement Framework Boundary. The weight to be afforded to the settlement boundary, therefore, also has to be considered in the context of the 5 year land supply (see below).

It is therefore considered that in the light of the Core Strategy Inspector's comments, Policy NR6 of the adopted plan, which restricts development outside of the Limits of Development, cannot be afforded any significant weight in relation to this site and this appeal and that this ground for refusal can no longer be substantiated.

Refusal Reason 2

The Draft Wiltshire Core Strategy, through CP2 requires development outside of the Limits of Development for Devizes to be identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This site has not been identified through this process and it would therefore conflict with policy CP2 if planning permission were to be granted

The second reason for refusal relates to the proposed site not being identified through community-led planning policy documents or development plan documents as it lies outside of the defined limits of development. The weakness of the limits of development has been dealt with above, and in the context of the Inspector's letter, significant weight currently cannot be given to policy CP2 meaning that the Council cannot at this stage rely on this reason for refusal. With regard to community-led planning, it is important to note that a neighbourhood plan for the Devizes area is currently being developed. A steering group has been formed with the specific aim to identify sites for new housing at Devizes in the most suitable and sustainable location(s) to meet the housing requirement of the Core Strategy for Devizes. The plan is being developed for the administrative areas of Devizes Town and the

neighbouring parishes of Roundway and Bishops Cannings. However, as noted above, the Planning Minister, Nick Boles, has made it clear that Neighbourhood Plans can only be given any significant weight in the decision making process when the plan has completed its consultation stage. The Devizes NP has yet to reach this milestone, so at this stage, a Planning Inspector on appeal will not be able to give it any significant weight. This means that this reason for refusal cannot be defended in this appeal.

Refusal Reason 3

The Council is satisfied that there is no overriding need to bring forward this site outside the Limits of Development for residential development at this stage as it is satisfied that there is adequate land available to meet the Government requirement expressed in the NPPF for a 5 year land supply

In accordance with the NPPF, the Council is expected to maintain a 5 year supply of housing sites. Where a 5 year supply cannot be demonstrated, relevant policies of the development plan should not be considered up to date and planning applications should be considered with a presumption in favour of sustainable development.

The Council has accepted that the overall housing requirement for Wiltshire should increase in line with the Inspectors suggestions in his letter of 2 December (ie an increase of 5,000 to 42,000) which will require the housing requirements for each housing market area to be reviewed. While the Inspector states that the evidence suggests that a 5 year (together with a 5% buffer) could be achieved in Wiltshire at this higher level, work is currently being undertaken to determine how the increased housing supply will be distributed at the housing market area level and how supply will be met against the proposed new figures. This assessment will include re-examining the land supply taking account of the revised housing requirement and the significant number of large planning applications granted in the last year. Until this assessment is complete officers are currently unable to say with confidence that the requirement in paragraph 47 of NPPF to maintain a 5 year housing supply (together with a 5% buffer) is being met. In the East Housing Market area within which Devizes lies, the settlement is identified in the draft Core Strategy as a market town with the ability to support sustainable patterns of living, and so it can be expected that some of the increase in housing numbers agreed by the Council will have to take place in Devizes. In these circumstances, the Council can no longer justify this reason for refusal in connection with the current appeal.

6. Other matters

The changed circumstances introduced by the Core Strategy Inspector's letters are an important consideration for this appeal.

Given the uncertainty over the housing requirement at this time and in the wider context of the Government's support for housing growth as set out in the NPPF, planning applications on unconstrained, sustainable sites are to be considered favourably unless significant and demonstrable adverse impacts can be identified. As the original report to the committee demonstrates, statutory consultees in relation to the main impacts of this development (highways; drainage; landscape; air quality etc) are satisfied with the proposed development. Subject to the satisfactory resolution of a Section 106 Agreement and an

archaeological field evaluation being submitted there are no overriding constraints to the proposed development. Developing the site will help housing delivery in Wiltshire and strengthen the existing land supply, which will in turn help protect the County from unsustainable development in other locations in the future.

The Council has little option but to consider its approach to this appeal in accordance with the circumstances that prevail now in relation to the Core Strategy and with regard to site specific considerations. Any change from the position adopted by the Council in September 2013 will not set a precedent for all future appeals and major applications currently being considered by the Council as each will be considered on their individual merits in a changing context and with regard to local circumstances.

6. Conclusion

The Inspector's Letters in relation to the Wiltshire Core Strategy significantly change the context in which this appeal will be considered. The reasons for refusal put forward by the Council in September 2013 are demonstrably undermined by the Inspector's conclusion that the settlement boundaries contained in the Kennet Local Plan are not up to date and by the increase in housing numbers of 5,000. In all fairness, this is not a situation that could have been foreseen when the original decision to refuse this application was made, but it will be the context in which the Inspector handling this appeal in April will write his report.

In these changed circumstances, officers now consider that as the reasons for refusal can no longer be justified, this appeal cannot be defended. It is therefore considered appropriate for the Council to inform the Inspector and the appellants that as a result of these changes, the Council will provide no evidence at the forthcoming Public Inquiry, provided that the archaeological field evaluation is undertaken and its findings are properly taken into account, and that a Section 106 Legal Agreement is completed to agree the matters set out in the original committee report.

It is important to note that a fresh application was submitted to Wiltshire Council on 13th January 2014 by the appellants and is currently under consideration. However the submissions of case by Wiltshire Council for the Public Inquiry are due to be submitted to the Planning Inspectorate before the Planning Application can be considered at a future Strategic Planning Committee and therefore a resolution on the upcoming Inquiry is required now.

Recommendation

It is recommended that in the light of the changed circumstances, the Council inform the Inspector that it no longer wishes to pursue reasons 1-3 put forward in the original decision, and will only pursue reason 4 if that matter is not satisfactorily resolved before the public inquiry.

APPENDICES

Appendix 1 – Strategic Committee Report – September 2013

Appendix 2 – Wiltshire Core Strategy Inspector's Letters & Council Reply

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Date of Meeting	Wednesday 25 th September 2013		
Application Number	E/2013/0083/OUT		
Site Address	Land at Coate Bridge, Adjacent to Windsor Drive, Devizes, Wilts		
Proposal	Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works		
Applicant	Mactaggart and Mickel Homes Ltd.		
Town/Parish Council	ROUNDWAY		
Electoral Division	Roundway	Unitary Member	Cllr Laura Mayes
Grid Ref	401970 162313		
Type of application	Outline Planning		
Case Officer	Jemma Boustead/Mike Wilmott		

Reason for the application being considered by Committee

This application is being referred to the Strategic Planning Committee as it is a large scale major development of up to 350 houses on a site not allocated for development and which raises issues of more than local importance as the proposal has implications for the future development of housing in Devizes, Roundway and Bishops Cannings town and parish areas. In addition, the divisional member, Cllr Mayes has asked that the application be presented to committee for the following reasons:

- Scale of Development
- Visual Impact upon the surrounding area
- Environmental/highway impact

1. Purpose of Report

The purpose of this report is to consider the application and the recommendation that planning permission be refused.

2. Report Summary

The main issues to consider are the principle of the development in relation to the policies of the development plan and the NPPF; and the impact of the proposal on other relevant material considerations, including highway and air quality; visual impact; drainage and ecology.

The application is opposed by Roundway Parish Council and the adjoining Bishops Cannings Parish Council and Devizes Town Council.

3. Site Description

The application site comprises a parcel of agricultural land immediately to the east of Windsor Drive on the edge and to the east of Devizes. The Kennet & Avon Canal and its towpath bound the site to the north and Coate Road bisects the site. The site itself is low lying and relatively featureless, with the southern edge on rising land and a derelict building adjacent to Coate Road.

A small section of the site adjoins the North Wessex Downs AONB and the site itself lies within the Landscape Setting for Devizes that is referred to in the emerging Core Strategy.

4. Planning History

There are historic applications which were refused on the site which were before the current Local Plan and are as follows:

K/79/0388 – Outline Residential Development

K/76/0011 - Residential Development including improvements to London Road, Coate Road, Coate Bridge and new residential distributor road

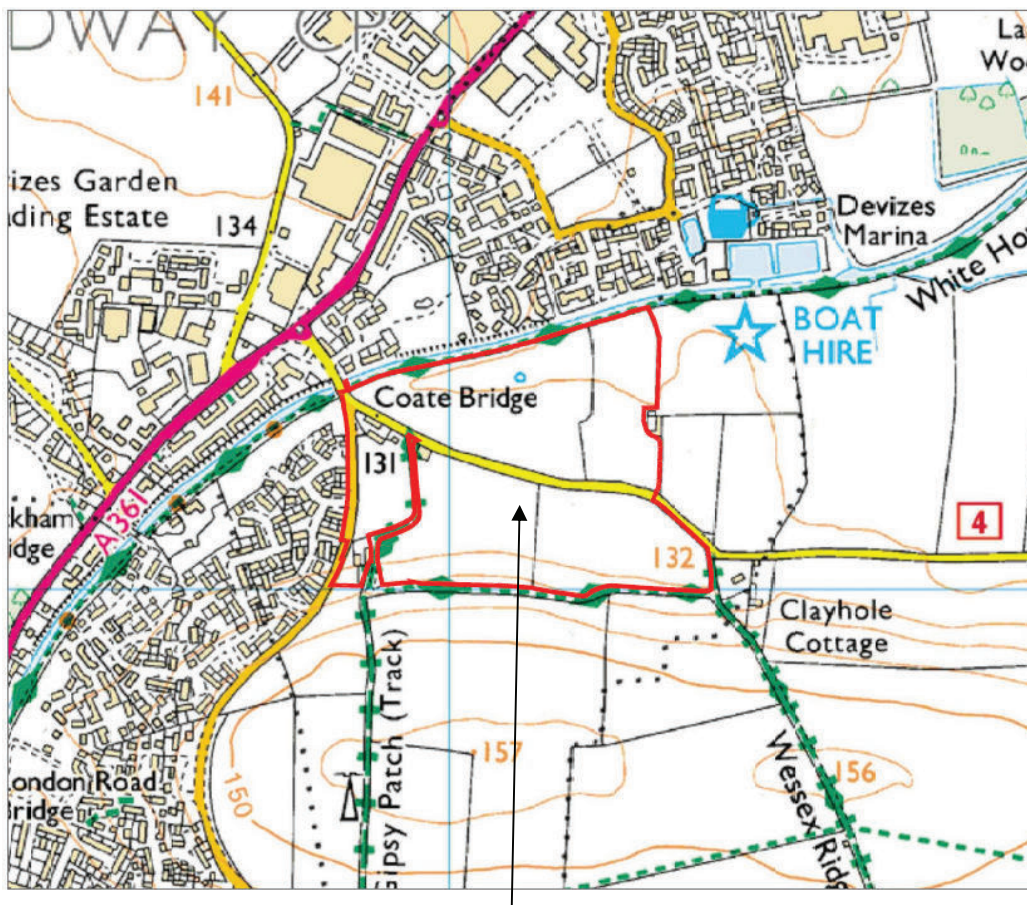
K80/0789 – Residential Development

K86/1124 – Residential Development

5. The Proposal

This application seeks outline planning permission for a residential development of up to 350 dwellings and a local centre of up to 700sqm of class A1 retail use, together with ancillary open space, access roads, cycleway, footpaths, landscaping and associated engineering works.

The outline is submitted in outline with only access for consideration at this stage. An illustrative masterplan is included which shows road connections to Windsor Drive and Coate Road.



Site Location Plan



Illustrative Layout

6. Planning Policy

Kennet Local Plan 2011 - Saved policies

- PD1 – Development & Design.
- NR6 – Sustainability & protection of the countryside.
- HC26 – Housing in the countryside.
- HC28 – Affordable homes target.
- HC30 – Affordable housing.
- HC34 – Recreation provision on large sites.
- HC37 – Demand for education.
- HC42 – Additional social & community needs.
- ED17 – Town centre development.
- AT1 – Transport appraisal process.
- AT10 – Developer contributions.

Wiltshire Core Strategy (WCS) - Pre-Submission Document (February 2012)

- Core Policy 2: Delivery Strategy
- Core Policy 12: Devizes Community Area
- Core Policy 38: Retail and Leisure
- Core Policy 41: Sustainable construction and low-carbon energy
- Core Policy 43: Providing affordable homes
- Core Policy 50: Biodiversity and geodiversity.
- Core Policy 51: Landscape.
- Core Policy 52: Green Infrastructure.
- Core Policy 55: Air Quality.
- Core Policy 57: Ensuring High Quality Design & Place Shaping.

Core Policy 61: Transport and Development

Core Policy 62: Development impacts on the transport network

Supplementary Planning Guidance

- Supplementary Planning Guidance 'Community Benefits from Planning' (March 2005).
- Kennet Landscape Conservation Strategy.
- Interim Development Control Policy 'Renewable Energy and New Development' (September 2007).
- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

Other Legislation

- National Planning Policy Framework (NPPF)
- Circular 06/2005 Biodiversity and Geological Conservation

7. Consultations

Bishops Cannings Parish Council – objects on the following grounds:

- The negative impact of increased traffic through small rural communities within the parish and traffic congestion throughout Devizes, with the associated further increase in pollution.
- Other infrastructure and services will be subject to unacceptable strain.
- The impact on local ecology – loss of habitat for barn owl and other species of fauna.
- This development is unnecessary as all housing requirement for the period 2006 – 2026 (covered by Wiltshire Core Strategy) can be met by small scale housing developments. These will have less direct impact on the environment and infrastructure of the Devizes area, and therefore should be considered preferable.

Devizes Town Council - objects on the grounds that this not a suitable location for a development of this size which would result in a negative impact on traffic, pollution and a lack of infrastructure.

Roundway Parish Council - objects on the following grounds:

- The development fails to address the Wiltshire Core Strategy;
- It is not part of the Neighbourhood Plan which is being worked on by the three parishes since July 2012 to find sustainable sites for future development;
- Two possible sites have been identified to date that meets our vision for Devizes and surrounding parishes;
- Members feel that the Coate Road site is close to a flood plain; and
- It compounds traffic problems already subject to heavy congestion in peak periods and currently above air quality limits on the A361 London Road.

North Wessex Downs AONB Unit – no objection subject to a number of detailed issues being resolved or agreed by planning condition. These issues can be summarised as follows:

- Building heights should not be up to 10m in height on the highest parts of the site and where closest to the AONB boundary. Heights should be restricted to 8m in these locations.
- The proposed landscape boundary (woodland) to the east of the site should include detailed management and protection proposals to ensure it is protected as a strategic and defensible boundary between the settlement, countryside and AONB. The land should not become part of private garden land where it may become eroded over time.
- Care should be taken at the detailed design stage to avoid suburbanisation to achieve a

successful transition from countryside into the development – for example using street lighting design and location, new landscaping within the development, materials and creating an interesting roofscape.

Attention is drawn to the North Wessex Downs AONB 'Position Statement on Setting'.

Canal & River Trust – no objections, subject to appropriate conditions and informatives and a S106 agreement to secure a contribution of £105,000 towards improvements on the canal bank and towpath in the vicinity of the site. This is in recognition of the role the Kennet & Avon Canal towpath will play in providing a sustainable transport route directly into the heart of the town; the funding will help upgrade the existing towpath in order to cope with the additional usage that the residents of the proposed houses will bring.

CPRE – objects to the principle of development on the grounds that the proposal lies outside of the Limits of Development for Devises and is contrary to policies HC2, HC26 & NR6 of the Kennet Local Plan 2011 and policies CP2, CP12 and CP51 of the emerging Wiltshire Core Strategy. There is also potential conflict with policies HC30 & HC42 of the local plan and policies CP43, CP46 and CP55 of the emerging core strategy. The CPRE rejects the applicant's arguments on most major issues, notably on traffic congestion, air quality, landscape impact, infrastructure and green space. As regards the access arrangements, the two accesses being proposed seem to be of adequate width, but they are likely to be busy junctions, so should have either protected turns or mini roundabouts to control usage.

Environment Agency – no objections subject to appropriate conditions and informatives regarding surface water drainage plan, scheme of water efficiency, a construction environmental management plan and a minimum target of Code Level 3 of Code for Sustainable Homes.

RSPB – no objection. The RSPB agrees with Section 4 (Recommendations and Mitigation) of the Ecological Surveys Report submitted with the application, regarding breeding and non breeding bird species during the demolition, construction and post construction periods of the development. It recommends that a Landscape/Wildlife Management Plan is made a condition of the consent if granted.

Wessex Water – no objection subject to a condition securing a foul and surface water drainage strategy. The following additional comments are made:

- There is a foul rising main crossing the site which requires protection or possible diversion as part of the foul drainage strategy.
- Wessex Water notes Option A in the applicant's suggested options for the foul drainage of the site in RPS "Utilities Assessment and Foul Water Strategy Options" (5 Foul Water Disposal Options). Unfortunately Option A will have to be discounted due to probable septicity / foul drainage storage issues. Option B is a possibility although alternative options will need to be considered through appraisal to ensure the most appropriate scheme is developed.
- The applicant has indicated surface water will be disposed of via SUDs arrangements which must be to the satisfaction of the Council.
- There is limited capacity within the water supply network to accommodate development. The applicant is invited to contact Wessex Water to initiate network modelling to determine the nature of recommended off site reinforcement. The developer will be expected to contribute to recommended improvements.

Wiltshire Council Archaeologist – recommends refusal on the grounds that the applicants have not carried out an archaeological field evaluation. The application does contain enough information from the desk assessment to determine the likely impact of this development on the potential cultural heritage remains. A watching brief by condition would be entirely inappropriate. The request for pre-determination evaluation is fully justified and in line with national guidance (NPPF).

Wiltshire Council Climate Change Project Officer – recommends refusal unless a detailed energy strategy is submitted either to comply with the Kennet Local Plan or the Wiltshire Core Strategy or to demonstrate the NPPF requirement of “sustainable development”.

Wiltshire Council Drainage Engineer – recommends approval of the application subject to the requirements of Wessex Water being complied with.

Wiltshire Council Ecologist - no objection subject to conditions securing the submission of an ecological mitigation and enhancement strategy and a robust construction method statement that will ensure habitats and species are given due regard throughout the process.

Wiltshire Council Education Dept – requests a financial contribution of £1,900,051 towards education infrastructure in Devizes, broken down into £203,408 towards infants (Southbroom), £394,103 towards juniors (Southbroom) and £1,302,540 towards secondary (Devizes Academy).

Wiltshire Council Environmental Health (re. Air Quality) – no objection, subject to the following highway improvements being secured as part of the development:

1. Installation of traffic signals at the London Road/Windsor Drive junction
2. Improvements to the southbound approach at the Hopton Road/London Road roundabout

Wiltshire Council Environmental Services – no objection, providing that the following can be secured:

- Equipped Play Space: 2,604sqm
- Casual Play Space: 3,444sqm (the indicative layout fully meets this)
- Formal Sports/Pitches Commuted Sum: £212,450)

A further commuted sum would be required if the developer wishes to offer the creation space for adoption by the Council.

Wiltshire Council Highway Officer – no objections, the Transport Assessment has been examined and the Devizes traffic model has been run with the proposed development included in order to further assess the wider effects. The Highway Officer is satisfied that the proposed development will not have an unduly adverse effect on the highway network subject to the following being secured by means of a S106 legal agreement:

1. Installation of traffic signals at the London Road / Windsor Drive junction;
2. Improvements to the southbound approach at the Hopton Road / London Road roundabout;
3. A financial contribution towards enhanced public transport provision in the area.

The Master Plan is accepted and the Highway Officer is satisfied that a suitable internal highway layout can be achieved. Residential parking will need to be provided in accordance with the Council's minimum residential parking standards.

Wiltshire Council Landscape Architect – no objections, the submitted Landscape & Visual Impact Assessment is well considered and its overall findings are accepted. The illustrative landscape proposals satisfactorily address the points raised by officers during pre-application discussions, and adequately respond to important issues connected with landscape character and visual impact identified in the LVIA.

Wiltshire Council New Housing Officer – no objections subject to a 40% affordable housing contribution with a tenure mix of around 70% rented and 30% shared ownership. Full text of comments below:

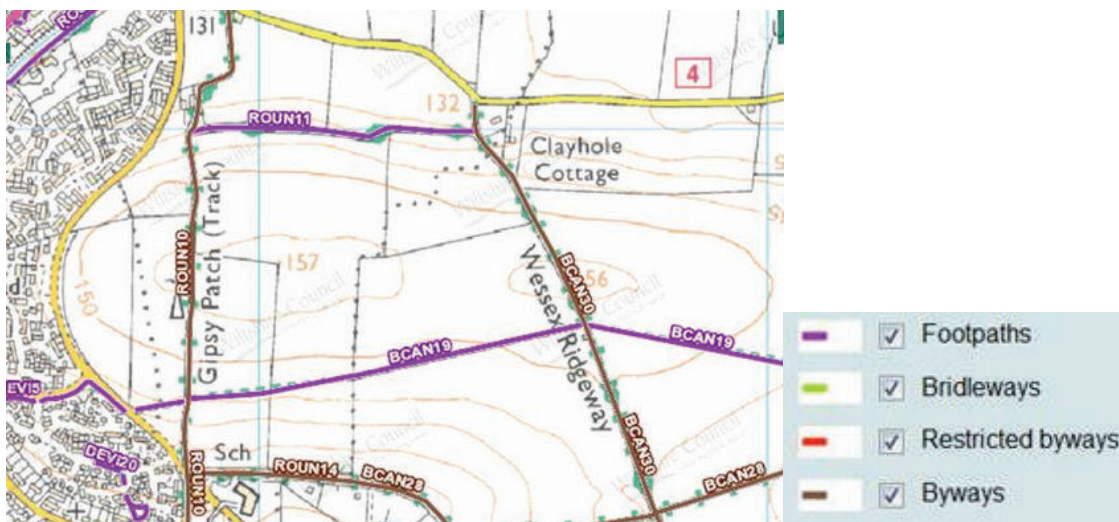
“Although the affordable housing policies of the Kennet Local Plan 2011 are extant, they

were underpinned in their requirement of a 50% affordable housing contribution by the assumption that grant funding would be freely available. This is no longer the case, either locally or nationally. I therefore consider it reasonable to have regard to the Draft Wiltshire Core Strategy in relation to affordable housing proportions, and suggest that a 40% affordable housing contribution may be appropriate.

“Setting aside the appropriateness in planning terms of the site itself, the outline application, whilst acknowledging the importance of affordable housing, appears to be silent on proportions. I would expect to see a 40% affordable housing contribution. I have looked at the data contained in the Wiltshire SHMA, I have also run an analysis of the Wiltshire housing register and am satisfied that there is sufficient demand to require a 40% affordable housing contribution on this site. I consider that it is essential that the proportion of affordable housing which would be provided is established at this stage.

“I would expect a tenure mix of around 70% rented and 30% shared ownership. All affordable dwellings would need to meet minimum design standards. Further details of these can be provided, along with details of Wiltshire council’s Registered Provider partnership members if requested.”

Wiltshire Council Rights of Way – no objections subject to upgrades to the surface of the public footpath bounding the southern edge of the site (Roun11) and the Gipsy Patch byway linking Coate Road with Brickley Lane Primary School to the south (Roun10). Full comments below:



“The site has several rights of way running past/through it:

1. On the south side it is bounded by footpath Roun11.
2. A byway open to all traffic links through the site down to near Nursteed School, Roun10. BOATS can be used by walkers, cyclists, horse riders, carriage drivers and motorised vehicles (eg cars and motorbikes).
3. Bcan30 is another byway open to all traffic, it runs down the east side of the site.

“Currently these are rural rights of way but a development here would drastically change how the rights of way were used and what people’s expectations/requirements of the routes would be.

“Roun10 is a direct, safe link to Nursteed School. It would be expected that, due to parental choice, some parents would want their children to go here and some would go to Southbroom School. Residents of the development could reasonably expect their children to be able to cycle along Roun10 to school. There would only be the occasional motorised user. Currently the surfacing is acceptable for its rural byway use but it would not be good

enough as an attractive route to the school – particularly in the longer term. We would therefore require the developer to tarmac the route. If we did not get the developer to do this now, the residents would demand it was done. Although vehicles can legally drive the byway residents should be discouraged from doing so, so any links from the development onto the path should be only for pedestrians and cyclists.

“Roun11 can get muddy in places at times. While this is acceptable for rural routes, again, this new housing would greatly increase usage – considerably exacerbating the situation to the point it would be difficult to use for much of the year. We would want to see the surface of this route stoned. This would be less of a priority than the above but we still feel it is essential.

“There are also many deal elm trees around the byway where the development would take place. It would be inappropriate to have these around the housing so work would also be required to clear some of these.”

Wiltshire Council Spatial Planning – The proposal does not accord with the emerging development plan as it is outside the defined limits of development for Devizes and it has not been identified through a community led planning document. The Council can demonstrate a sufficient supply of housing when considered against the emerging Core Strategy.

Wiltshire Council Spatial Planning (Waste Policy) – no objections, the submitted Site Waste Management Plan covers the main aspects of policy WCS6 of the Waste Core Strategy, with the exception of criterion h) which relates to the steps to be taken to ensure maximum waste recovery (e.g. recycling and composting) once the development is completed/occupied.

Wiltshire Council Urban Designer – no objection. The urban designer provides a useful analysis of the illustrative layout and picks up on a number of detailed points which can be addressed at the reserved matters stage.

Wiltshire Fire & Rescue Service – Provides general guidance and requests a developer contribution of £26,981.50 towards infrastructure.

8. Publicity

The application has been publicised via site notice, press advertisement and neighbour notification letters to nearby properties. 63 representations of objection have been received raising the following issues of concern:

- a. The site is not allocated for housing development;
- b. This is a greenfield site, there are more suitable brownfield sites in and around the town;
- c. The site lies outside of the Limits of Development and beyond the existing urban boundary;
- d. Development is premature before the community has been consulted on its Neighbourhood Plan;
- e. The Government has pledged to devolve more decision making to local levels. This is an era of Localism and therefore the community's wishes should be listened to;
- f. The Wiltshire Council 2012 Area Board meeting said that no additional high density development would be allowed in Devizes and therefore the application in question should be fully and finally declined by the Council;
- g. Development is not sustainable;
- h. This development is far too large for the area; the town does not need any more developments on this scale. There is no evidence that the housing is needed;
- i. Devizes does not have the infrastructure to cope with a development of this size. The hospital is closed, health & education services are overstretched and people have to travel miles (20-30 miles) for the nearest A&E department and maternity unit. The scheme will also have a significant impact upon competition for school places. There are

- insufficient school places in the town;
- j. This part of Devizes has seen its fair share of development in recent years and cannot cope with the traffic it already has. London Road is heavily congested at peak times and air pollution targets are not being met;
 - k. Development would exacerbate traffic congestion and no amount of traffic lights or junction improvements will help, there is simply too much traffic for the roads to cope with at peak times. Traffic already backs up a long way along Windsor Drive and the town is gridlocked at certain times of day;
 - l. Traffic problems in Devizes need to be solved before we add such a huge development to one corner of this town. Smaller developments can be integrated more easily;
 - m. Has the scheme been tested against the Devizes traffic model?
 - n. Speed would need more control on Windsor Drive.
 - o. Development would exacerbate an existing air pollution problem which is already above legal limits, particularly along the London Road corridor.
 - p. Windsor Drive marks a clear natural boundary for the eastern Limits of Development and should not be breached. To do so would leave this area open to urban sprawl.
 - q. It sets a dangerous precedent for further developments in the area.
 - r. The Core Strategy housing requirement can be met via small scale housing developments which will have less direct impact upon the environment and infrastructure of Devizes.
 - s. Development will harm the rural setting of the town.
 - t. The countryside will be spoilt and the rural character of the area harmed.
 - u. The site borders onto the AONB, the setting of which will be adversely affected.
 - v. The proposal will result in the loss of agricultural land.
 - w. The site is unsuitable for building. It is a water meadow, it is low lying and already gets very wet and floods. The southern parcel of land also floods, taking water from the rising land. Surface water has spread across Coate Road and stayed for months.
 - x. There would be a significant loss of wildlife habitat. There are hares, owls and bats on the site. Retaining trees is not enough.
 - y. The desktop archaeological assessment does not adequately assess the site's archaeological potential. An excavation is required.
 - z. The site is too far from the town centre.
 - aa. Devizes cannot provide employment for the increase in working population. Workers would end up commuting or displacing existing employees who would in turn commute.
 - bb. A quiet stretch of canal would become a lot busier and this would result in more pollution in and around the water.
 - cc. Drivers will use the villages of Coate, Little Horton, Bishops Canning and Etchilhampton as rat runs and this is dangerous (as Roundway village has suffered in recent years). Country lanes cannot support this higher level of traffic.
 - dd. There is no benefit the local community, only a small handful of local landowners and a property developer from the opposite end of the country.
 - ee. The applicant has consulted the community and has ignored its wishes.
 - ff. The Government has pledged to devolve more decision making to local levels. This is an era of Localism and therefore the community's wishes should be listened to.
 - gg. The main London Road going into Devizes from this area is gridlocked already – no way can it take a further 500 plus cars
 - hh. The air pollution levels are already in excess of the limit imposed by the European Union and the addition of 350 homes will exacerbate this problem
 - ii. We expect developers to achieve their planning permissions by default when, on appeal against rejection of their initial application, local authorities claim to be unable to afford legal representation in that appeal process.
 - jj. It is inappropriate for the planning authority to be afraid to fight this proposal on the basis of the cost involved when central government overrule
 - kk. If approved the residents will petition the European Union to take action against the Council on the increased excessive levels of air pollution we will have to endure.
 - ll. Walking routes will be reduced
 - mm. Loss of ecology – it would be environmentally very wrong to destroy habitats that have

- existed for years
- nn. Where will the children go to secondary school as there is only one in Devizes – bussing children out to neighbouring towns will not be an attractive option
 - oo. There are no clothing, furniture, hardware or white good stores to meet the needs of existing occupiers of Devizes who have to go to Swindon. More people will only exacerbate this problem
 - pp. An extra 350 homes will put pressure on existing water and sewer facilities
 - qq. What will the prices of these homes be – will they be able to be bought by local people

An objection was also received from AMEC who are the applicants for a current application at Lay Wood in Devizes for up to 260 dwellings (13/01243/OUT). They have the following comments to make:

- a) The Crown Estate has been promoting its land at Lay Wood through the plan making process and consultation has started with Wiltshire Council and the Town and Parish Councils
- b) The Crown Estate has submitted a planning application at Lay Wood to enable an informed debate about the options available to Devizes
- c) The proposed application at Lay Wood will round off and improve the existing harsh urban edge with strong landscaping and linking to the wider canal network as well as the proposed employment land to the north. It will also provide a much improved gateway into Devizes
- d) The Coate Bridge application subject of this report should not be determined until the Council and the wider community has the opportunity to properly consider the proposals for Lay Wood and for both schemes to be put through the Devizes Transport Model.
- e) The Transport Assessment for Coate Bridge appears to be deficient – there is no assessment of junctions to the north east of Windsor Drive when at least 1/3 of the development traffic is predicted to use London Road. The traffic on London Road is also considered to be underestimated.
- f) AMEC have concerns that the level of proposed discharge from the proposed site is too high and the provision of surface water storage capacity on site is too low. This would negatively impact on the site at Lay Wood whether it is developed or not given that the canal discharges water via a sluice at Lay Wood when water levels are too high. It therefore has the potential to impact on the culvert under the canal in this location.

9. Planning Considerations

9.1 Principle of Development

Planning law requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The first principle is therefore to establish what the development plan states.

In terms of this proposal, the adopted development plan policies are those set out as 'saved' policies in the Kennet Local Plan 2011. In this plan, whilst Devizes is identified as a settlement where new housing development will be concentrated, the site proposed in this application lies outside of the Limits of Development defined for Devizes. The plan suggests that new large scale housing proposals outside of settlements such as Devizes '*should only come forward as part of a review and roll forward of the plan's housing policies*'. Policy NR6 restricts new development to locations within the Limits of Development defined for the town, unless it is demonstrated to be of benefit to either the rural economy in the locality or to the social well-being of the rural community in the locality. It is therefore evident that a proposal for up to 350 houses on this site, as envisaged in this proposal, is not in accordance with the policies that govern the location of new housing development in the Kennet Local Plan.

However, a number of saved policies of the Kennet Local Plan will be replaced in the foreseeable future by the Wiltshire Core Strategy. The Core Strategy is yet to be adopted, but it is now well advanced and has been the subject of Public Examination by an Inspector. In this more advanced stage, the policies of the emerging Core Strategy can be accorded an increasing degree of weight in decision making, particularly as the relevant policies are considered by your officers to be consistent with the policies in the NPPF. The Inspector's report is awaited and is anticipated later this year. In the Core Strategy, Devizes is not one of the principal settlements (the first tier towns) identified in the County as a primary focus for growth. The Town's role is identified as that of a market town that has a role in providing for significant development that will sustain the services and facilities that it provides to the town residents and those of its hinterland. (Policy CP1). The existing Limits of Development identified in the Kennet Local Plan are carried forward. Development of this nature outside of these limits is permitted only where the site has been identified through community-led planning policy documents, including neighbourhood plans, or a subsequent development plan which identifies specific sites for development. (Policy CP2). A neighbourhood plan for the Devizes area is currently being developed. A steering group has been formed with the specific aim to identify sites for new housing at Devizes in the most suitable and sustainable location(s) to meet the housing requirement of the Core Strategy for Devizes. The plan is being developed in cooperation for the administrative areas of Devizes Town and the neighbouring parishes of Roundway and Bishops Cannings. The councils have submitted a neighbourhood area designation application for the plan area and have commenced the process of selecting appropriate sites for development. At this stage, all that can be said of the emerging Core Strategy and the emerging Neighbourhood Plan is that the Limits of Development (LoD) for the town are not scheduled to change and that no additional sites for residential development have yet been brought forward outside the LoD in Devizes. However, it should be noted that a variety of windfall sites continue to come forward at the town within the LoD suggesting that the LoD are not currently constraining opportunities for new homes to be brought to the market at Devizes.

The strategy for development at Devizes is expressed in Core Policy 12 (CP12) of the Core Strategy. CP12 states that development proposals at the Devizes Community Area will need to demonstrate how the relevant issues and considerations listed in the community area strategy section will be addressed. These include the need to address traffic congestion, air quality and reduce the rate of development in Devizes compared to recent trends to enable infrastructure and traffic congestion issues to be addressed. Many of these issues and considerations are considered in this report under the normal range of material considerations i.e. transport and air quality etc – see below in Sections 9.2 onwards. CP12 identifies that a further 405 homes are required at the town over the remaining plan period (up to 2026).

In terms of the development plan policies that guide new development in and around Devizes, the proposal as it stands is clearly in conflict with them as it proposes a large residential development outside of the limits of development on a site that has not been identified for housing through any community-led or development plan document.

However, in terms of principle, this is not the end of the matter. The National Planning Policy Framework (NPPF) requires an assessment to be made as to whether the housing market area within which Devizes sits has a five year supply of housing land. If this cannot be demonstrated, then the policies in the development plan relevant to the supply of housing cannot be considered to be up to date. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission. (NPPF paragraph 14). The adequacy or otherwise of a 5 year land supply in the East Wiltshire Housing Market Area within which Devizes is located is therefore a material consideration in the determination of this application, alongside the relative benefits and disbenefits of this scale of development on this site at this time.

The amount of housing land available varies over time as new sites come forward and are granted planning permission and other sites are built out. It is thus a 'moving target'. In a 31st July 2013 Planning Inspector's decision on a site located within the LoD in Devizes and allocated for

employment use (Bureau West – E/2012/0268/FUL) an Inspector granted planning permission for 25 new dwellings after concluding that the Council could not ‘*convincingly demonstrate a five year land supply*’ based on the evidence presented during the hearing. However, the Bureau West appeal decision should be read in context. At this appeal, housing supply was seen by the Council as tangential to the primary issue relating to the loss of employment land. As a result, and as the matter was dealt with by way of a hearing, the accuracy of statements made about housing supply was not subject to the rigours of cross-examination. Furthermore, the Inspector did not conclude that the Council did not have a 5 year land supply, he simply stated that at that hearing, the Council could not ‘convincingly demonstrate’ one. Since that appeal was heard in June 2013, the Council has gone back and reassessed its figures for the 5 year land supply in East Wiltshire. These were published in August 2013 and submitted to the Core Strategy Inspector. They show that the East Wiltshire Housing Market Area has a 5.7 year land supply, in excess of the 5 years required by the NPPF. In these circumstances, the Council can still give significant weight to its existing development plan policies for the supply of housing. (It should also be pointed out that the Council could, if it considered that the benefits of developing this site for housing outweighed the conflicts with the development plan, grant planning permission. The NPPF encourages such flexibility if it is seen as being in the interests of the planning of an area and any adverse impacts were outweighed by the benefits, although such a decision would first have to be referred to the Secretary of State as a departure from the development plan).

Having established that the principle of the development is in conflict with the existing development plan and the emerging Core Strategy, and that a 5 year land supply exists, it is also necessary to consider the normal range of material considerations that have to be taken into account when determining a planning application. These are set out below.

9.2 Landscape & Visual Impact

The application site comprises undeveloped land on the edge of the built-up area of Devizes. The site carries no statutory or local landscape designations, although the North Wessex Downs Area of Outstanding Natural Beauty abuts the site at its eastern end. Policy NR 6 of the Kennet Local Plan has been addressed above. In the emerging Core Strategy, Policy CP51 states that development should protect, conserve and where possible enhance landscape character and must not have an unacceptable impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The application is accompanied by a Landscape & Visual Impact Assessment (LVIA). The Council’s Landscape Advisor advises that the assessment is well considered and he agrees with it overall findings. In his opinion the illustrative landscape proposals satisfactorily address the points raised by officers during pre-application discussions, and adequately respond to important issues connected with landscape character and visual impact identified in the LVIA.

It might be viewed as unfortunate that the proposed development will breach the hard edge to the town created by the Windsor Drive distributor road. Nevertheless, the site is well contained in landscape terms with rising land to the south, existing urban development to the north and west and the potential to create a new landscape buffer on its boundary with open countryside to the east. The development will be viewed as an urban extension, much the same as recent developments at Wayside Farm and Brickley Lane. There will be changes to localised views, notably from the base of Windsor Drive, but this could not be described as harmful *per se* and would be no different to other urban extensions. There is an important distinction to be made between change - which is the inevitable result of development - and harm which would be significant enough to justify a refusal of planning permission.

The proposed development would extend the built up area of Devizes to the edge of the AONB and therefore would be regarded as within its setting and therefore has the potential to result in harm to the character, qualities and enjoyment of the AONB. It has been considered by the AONB Officer that with suitable design measures, the impact upon the setting of the AONB can be satisfactorily mitigated. These design measures include buildings on the highest parts of the site and where closest to the AONB boundary should not exceed 10 metres in height, street lighting

design and location, new landscaped areas within the development, materials and creating an interesting roofscape which all assist in mitigating the harm to the AONB and can be requested through the reserved matters stage. All of which is considered to be appropriate.

In short, the conclusion is that if development were found to be acceptable here in policy terms, the landscape impact could be satisfactorily addressed.

9.3 Impact on Ecology

The application is accompanied by an Extended Phase 1 Habitat Survey and various protected species surveys, supported by a comprehensive desk study. The Council's ecologist confirms that the survey work to date has been thorough and of a level appropriate to the site and to the proposed development.

There are no statutory designated sites within close proximity to the application site that could suffer adverse impact as a result of the proposals. However, the Kennet & Avon Canal which runs adjacent to the proposed development carries the non-statutory designation of County Wildlife Site for its open water habitat. It is important to retain and where possible enhance the canalside habitats and provide a buffer to the development which will minimise any disturbance to ecology.

Field surveys were carried out at a sub-optimal time of year and further work will be required to fully predict the potential impacts of the proposed development on species of nature conservation value. However, Phase I habitat surveys do not rely on optimal seasons since identification of habitat type can be made at any time of year. The Council's ecologist agrees that the applicants have correctly interpreted the potential of the habitats on site to support the species they have listed. She also notes that the habitats within the site, and within a reasonable zone of influence adjacent to the site, have historically been managed as cultivated arable and semi-improved grazed pasture, both of which are classified as low conservation value, since they are not irreplaceable.

Accordingly, the Council's ecologist raises no objections to the proposals, subject to further survey work by the applicant and the imposition of conditions on any outline planning permission to secure the following (as required by Core Policy 50, Paragraphs 118 to 122 of the NPPF and guidance found in Circular 06/2005)

- An ecological mitigation and enhancement strategy;
- A robust construction method statement that will ensure habitats and species are given due regard throughout the process.

9.4 Impact upon Archaeology

The applicant has submitted a desk-based heritage assessment which concludes that there is limited potential for archaeological remains within the site. The Council's archaeologist disagrees with this conclusion on the basis that the Historic Environment Record records a number of earthworks within the site boundary. She considers that an archaeological field evaluation is required prior to determination of the planning application. She considers that this approach is fully justified and in line with paragraphs 128 and 129 of the NPPF as the desk assessment does not provide enough information to determinate the likely impact of this development on the potential cultural heritage remains and a watching brief would be entirely inappropriate.

It is worth noting that the need for an evaluation was first identified in September 2012 at the pre-application stage so this is not a last minute requirement. The applicant has continually declined to carry out the work and therefore a refusal of planning permission is recommended on archaeological grounds. This could be accompanied by an Informative indicating that it may be possible to overcome this objection if the evaluation is carried out and does not reveal anything that may lead to a need to reconsider the principle of development of this site for archaeological reasons.

9.5 Highway Issues & Air Quality

Kennet Local Plan Policy AT1 requires all development proposals to provide the provision of off-site highway or public transport improvements in the locality where extra traffic generated by the development would have identifiable adverse effects on highway safety. This Policy is supported by Core Policies 61 and 62 and paragraph 32 of the NPPF. Core Policy 55 also states that developments which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire.

The applicant has submitted a Transport Assessment and an Air Quality assessment as part of the application. The Devizes traffic model has also been run with the proposed development included in order to further assess the wider effects. The Highway Authority is satisfied that the proposed development will not have an unduly adverse effect on the highway network, subject to the following being secured by means of a S106 legal agreement:

- Installation of traffic signals at the London Road / Windsor Drive junction;
- Improvements to the southbound approach at the Hopton Road / London Road roundabout;
- A financial contribution towards enhanced public transport provision in the area.

The installation of further traffic signals and improvements to the roundabout will help improve the air quality issues that currently exist in Devizes

The Highway Authority accepts the submitted master plan and is also satisfied that a suitable internal highway layout can be achieved. Residential parking will need to be provided in accordance with the Council's current minimum residential parking standards. This element of the scheme will need to be considered at the reserved matters stage as layout is not for consideration as part of the current outline application.

Concerns have been raised regarding the loss of safe walking routes. The public footpaths that run from the site (ROUN10 and ROUN11) will remain in situ alongside the existing towpath. Therefore the proposed development would not result in the loss of a public footpath. Furthermore, the sustainability of the site is enhanced by its proximity to the Kennet and Avon canal towpath with its traffic-free route that runs close to the town centre, between 1 and 1.4 miles distant.

9.6 Renewable Energy & Sustainable Construction Issues

The interim development control policy on on-site renewable energy, adopted by the former Kennet District Council, requires major developments such as this to provide sufficient on-site renewable energy to reduce CO₂ emissions from users of the development by a minimum of 10%. This requirement can often be met using solar photovoltaic technology, or air source heat pumps.

Emerging policy contained in the Wiltshire Core Strategy (Core Policy 41) takes a wider approach, looking at sustainable construction as a whole which is supported by paragraph 96 of the NPPF. It requires the submission of a Sustainable Energy Statement with planning applications and expects developments to achieve minimum levels against the Code for Sustainable Homes standard (Code Level 4 from 2013 and Code Level 5 from 2016).

The current application does not include a Sustainable Energy Statement and it contains very limited information on how the development will meet the Council's targets for sustainable construction and CO₂ emission reductions. This is in part due to the fact that the application is submitted in outline and there are no details of layout or building design to consider. It is considered that the Council's objectives could be secured through the use of planning condition(s)

requiring the submission of details as part of the reserved matters. It is not considered that a refusal of planning permission would be justified on these grounds in this case.

9.7 Design & Layout

The current application is submitted in outline with only access for consideration at this stage. The reserved matters would cover the issues of layout, scale, appearance and landscape. The application is accompanied by an illustrative layout plan which shows how the site could be developed. Officers consider that the principles shown on this plan are acceptable should the site be considered suitable for development and that it could form a good basis around which to prepare reserved matters. The Council's Environmental Services team is satisfied in principle that the indicative layout could accommodate the necessary equipped and casual play space.

The proposed local centre which could see a potential shop is considered to be appropriate as it would serve a local need and it is not considered to be a threat to the vitality and viability of Devizes Town Centre. It is important to note the NPPF in paragraph 25 states that the sequential test and impact assessment as set out in Core Policy 38 should not be applied to applications for small scale rural development or if the floorspace is below 2,500 square metres

9.8 Drainage

The site is located within Flood Zone 1 meaning that the site has a low probability of flooding from main rivers. A Flood Risk Assessment (FRA) has been submitted with the application and states that flooding from the Kennet and Avon Canal is minimal due to the existing footpath and an existing canal embankment. Sewer flooding can occur during heavy periods of rainfall but the site is not currently served by storm water sewers. Surface water flooding also occurs during intense rainfall events. The proposed development is therefore providing a Sustainable Urban Drainage System (SUDS) which in principle is considered to be appropriate. However detailed information regarding these SUDS would be requested to be submitted with any reserved matters application. The Environment Agency, Wessex Water and the Wiltshire Council Drainage Officer have raised no objections to the scheme and it is therefore considered that the flooding and drainage mitigation measures highlighted in the FRA are appropriate and could be dealt with by suitable conditions if the site was considered to be acceptable in principle.

9.9 S106 Contributions

The infrastructure items listed below are those that are relevant to the application site and would be required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the NPPF. The applicant has agreed to provide the following items via a Section 106 Legal Agreement.

Education.

Kennet Local Plan policy H37 requires that developments of 25 or more dwellings should be satisfied that the education needs of the population of the new development can be met by existing school infrastructure - or improvements to existing school infrastructure will be sought. This is supported by paragraph 72 of the NPPF. The site based on 40% affordable housing would result in a requirement of 95 primary places and 68 secondary with a total cost of £1,900,051 at current prices. The designated schools for improvements are Southbroom Infants and Juniors and Devizes Academy at a secondary level.

Highways

Kennet Local Plan Policy AT10 states that contributions that are reasonably related in scale and kind including public transport, pedestrian and cycle facilities will be sought by way of planning agreements to ensure convenient access via alternatives to the motor car. The following measures are considered to meet this criteria:

- £30,000 per annum for five years towards public transport (total £150,000);

- Installation of traffic signals at the London Road / Windsor Drive junction;
- Improvements to the southbound approach at the Hopton Road / London Road roundabout;

A contribution of £105,000 is also required to go towards improvements on the canal bank and towpath in the vicinity of the site. This is in recognition of the role the Kennet & Avon Canal towpath will play in providing a sustainable transport route directly into the heart of the town. The funding will help upgrade the existing towpath in order to cope with the additional usage that the residents of the proposed houses will bring through cycle, pushchair and pedestrian use. This is supported through paragraph 75 of the NPPF that states that Local Authorities should seek opportunities to provide better public facilities for users.

Affordable Housing

Core Policy 43 of the draft Wiltshire Core Strategy is the most up to date Policy regarding affordable housing and therefore Policies HC28 & HC30 of the Kennet Local Plan in terms of amount and percentage requirements are considered to be out of date. Core Policy 43 requires a level of 40% affordable housing. The application does not specify an amount of affordable housing and there is a strong demand in the Devizes area. Therefore 40% is considered to be an appropriate amount to request with the following mix: 70% rented & 30% shared ownership.

Open Space & Leisure

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF Policy. HC34 of the Kennet Local Plan requires developments of over 20 dwelling units to provide recreational open space in the form of equipped play space, casual play space and formal sport pitches. Core Policy 52 supports this by stating that accessible open standards should be in accordance with the adopted Wiltshire Open Space Standards. The proposed development would therefore require 2,604 sq metres of equipped play space, 3,444 sq metres of casual play space and a commuted sum of £212,450 to be put towards formal sports pitches for sports facilities at Green Lane, Devizes. Further monies would also be payable if the developer wanted the Council to adopt the open space

9.10 Other Matters

The Fire and Rescue service have requested a commuted sum of £26,981.50 to go towards the cost of hydrants and water supplies for fire fighting. They have also requested sprinklers to be inserted into the homes. There is no policy to request the sum of money above and therefore is not considered to be CIL compliant. The issue of sprinklers would be dealt with at a later stage through the Building Regulations. There is also no policy on making commuted sums towards health infrastructure and as such it would be unreasonable for the Local Planning Authority to request such monies.

Concerns raised by the general public including value of homes decreasing, types of shops that are currently available, employment opportunities, people making money out of the scheme are not material planning considerations when making a decision on this application. Concerns were also raised regarding the Local Planning Authority not being confident in defending appeals or not defending appeals due to a lack of money. The Local Planning Authority will make recommendations and decisions on applications they feel can be suitably defended at appeal.

AMEC are of the opinion that a decision should not be made on this application until their own application at Lay Wood is also able to be discussed. Every application is based upon its own merits and therefore it is considered unreasonable for the Local Planning Authority to hold up a current application on this basis.

9.11 Conclusion

The key issue here is considered to be the principle of the development. The site lies outside of the Limits of Development defined in the Kennet Local Plan and carried forward into the emerging Core Strategy. Where the Council is satisfied, as it is in this case, that it has an identified five year land supply for the Housing Market Area, the emerging Core Strategy details a variety of sources to bring forward the proposed housing requirement, with policy CP2 stating that new sites outside of the LoD should be brought forward through community-led planning policy documents, including neighbourhood plans, or a subsequent development plan which identifies specific sites for development. A Neighbourhood Plan is being prepared for the Devizes Area and to approve an application for a major development of this number of houses in this location at this time would undermine this process. Furthermore, as discussed above, sites within the LoD continue to come forward to provide choice at the town. Accordingly, the application is recommended for refusal for the reasons set out below.

RECOMMENDATION

Refuse the application for the following reasons:

1. The site lies outside of the limits of Development defined for Devizes in the Kennet Local Plan 2011. In this location, new development is restricted to that which is of benefit to the rural economy or the social well-being of the community. The Council does not consider that a housing development of this scale would support the rural economy or benefit the social well-being of the rural economy. The proposal would therefore conflict with policy NR6 of the KLP.
2. The Draft Wiltshire Core Strategy, through CP2, requires development outside of the Limits of Development for Devizes to be identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This site has not been identified through this process and it would therefore conflict with policy CP2 if planning permission were to be granted.
3. The Council is satisfied that there is no overriding need to bring forward this site outside the Limits of Development for residential development at this stage as it is satisfied that there is adequate land available to meet the Government requirement expressed in the NPPF for a 5 year land supply.
4. The site includes within its boundaries potential heritage assets with archaeological interest, including a number of earthworks recorded on the Historic Environment Record. The Council considers that in these circumstances, and in accordance with paragraph 128 of the NPPF, an archaeological field evaluation is required to properly inform the Council of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to assess properly the impact on any potential archaeological heritage asset on the site.

INFORMATIVE: The applicant is advised that it may be possible to overcome the 4th reason for refusal by undertaking the necessary archaeological field evaluation conducted by a professional qualified archaeologist following discussion with the Council's County Archaeologist.

Appendices: None

Background Documents Used in the Preparation of this Report: Wiltshire Core Strategy Documents; Planning application file E/2012/0268/FUL

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Our Ref: PINS/Y3940/429/9

Date: 2nd December 2013

Dear Mr Cunningham,

Wiltshire Core Strategy

I acknowledge receipt of the latest bundle of Examination documents which include the outcome of the most recent post-hearings consultation and EXAM/34A (28th Nov), the track changed Core Strategy. Whilst my report is not yet complete and as indicated in my last letter, I am in a position to seek the views of the Council on a number of key matters. In so doing, I am conscious of the Council's formal request under S20(7c) for me to modify the submitted plan in order to secure soundness.

As you would expect, I recognise that Wiltshire is a large county and that the Core Strategy seeks to address a broad range of inter-related and often complex issues. There are many good planning reasons for having a sound plan to be in place as soon as possible and I appreciate the endeavours of your team to supply information and clarifications to date. Working further towards this end, the matters summarised below are those upon which I am most interested to hear how the Council may wish to proceed. Such matters are not exhaustive of those that will be addressed in my final report albeit many aspects of the plan appear justified, positively prepared, consistent with national policy and likely to be effective in their implementation.

1) **Housing**

As you will be aware, the National Planning Policy Framework requires, amongst many other matters, that any Local Plan/Core Strategy should be based upon robust evidence to ensure that the full objectively assessed needs for market and affordable housing are met within a specific Housing Market Area (HMA) as far as is consistent with other Framework policies. The Framework, which post dates some of the Council's evidence such as Topic



Paper 15, has the aim of boosting significantly the supply of housing and indicates that Councils should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups.

Against this context, I am mindful of the body of evidence that has been provided to the Examination, including the Council's Topic Papers, the SHMA and the wealth of submissions made by interested parties. In short, I am currently inclined to conclude that the balance of the evidence does not support an objectively assessed housing need as low as 37,000 homes.

For example, based upon the Fordham work, allowing for completions and notwithstanding an affordable housing need that may exceed 1,100 dwellings per year¹, levels of housing need appear to warrant provision in the order of 44,000 dwellings over the plan period. Alternatively, based upon ONS population projections, the Council's evidence suggests the housing need would appear to be in the order of 43,200 (43,900 allowing for concealed households). Various alternative assessments of housing need produced by interested parties have utilised the available data in differing ways, for example employing the Chelmer methodology, to indicate that levels of need exist above 44,000 dwellings over the plan period². Such approaches incorporate consideration of 2nd home ownership, vacancy rates and the economic aspirations of the Council. Ultimately they support an objectively assessed need that is significantly greater than the minimum CS figure of 37,000 dwellings over the plan period.

Rates of migration undoubtedly influence levels of housing need and I have had regard to the Council's balancing housing markets model. However, a housing figure as low as 37,000 homes over the plan period does not appear justified. My current interpretation of the evidence leads me to find that the objectively assessed housing need across the three Wiltshire HMAs would be in the region of 44,000 homes for the plan period.

With paragraph 47 in mind, the Council will be aware that the Framework requires a Local Plan to be aspirational but realistic. Against this context, the setting of a housing requirement which is undeliverable may compromise the ability of the Plan to effectively deliver sustainable forms of development supported by adequate infrastructure. Topic Paper 15 indicates that past delivery rates have averaged approximately 2,100 homes per annum during the period of 2001-2008. The Council consider that the potential deliverability of housing should result in a base for the dwelling requirement that does not exceed 43,200 new dwellings over the plan period which seems reasonable. Indeed, the evidence indicates that a notable increase in average housing delivery over the remainder of the plan period would be required to deliver, for example, in excess of 44,000 homes.

Nonetheless, the Framework calls for a significant boost to housing supply. The preferred Option 1 within the Council's SA identifies the broad acceptability of between 35,800 and 42,100 new homes. With regard to the evidence, including past delivery rates, and to ensure consistency with national policy, I am minded currently to find that the CS housing requirement should be expressed as a minimum figure towards the upper end of this range. Any

¹ STU/21 para 9.49 on

² See POS Barton Wilmore and Gladman and Redrow et al

suggestions you may have as to how this can be established within the CS would be appreciated.

Such a modification would have implications for other parts of the CS, for example, the disaggregation of housing across the three HMAs, the distribution of development within the community areas and the indicative housing land supply. Could you please indicate how the Council would contemplate accommodating such a change?

I note from Table 3 of the Council's updated Housing Land Supply Statement that the Council considers that it has a deliverable housing land supply of some 11,164 homes for the period 2013-2018 which would represent in the region of a 5 year (+5%) housing land supply based on a requirement of approximately 42,000 homes. Such figures would need to be revisited and confirmed for the most up to date assessment to indicate consistency with national policy. Is it feasible, for example, to identify a broad disaggregation for each HMA whereby the early production of a Sites Allocation DPD could provide a means of providing the subsequent detail of site allocation? Such a process could be complementary to any neighbourhood planning process currently underway or those which subsequently emerge and would supplement the planned CS Review. To ensure consistency with the Framework, I would need clarification as to how the LDS would be amended and how the housing land supply would be met against an increased housing requirement.

2) Affordable Housing

The evidence indicates a considerable need for various forms of affordable housing throughout Wiltshire. Core Policy 43 seeks the provision of at least 40% (net) on sites of 5 or more dwellings and financial contributions in other circumstances. In essence and whilst I recognise a considerable need for such housing, I am concerned that the figure of 40% is not justified adequately by the evidence base, particularly the Affordable Housing Viability Assessment (STU/51).

STU/51 provides some support for the policy figure of 40% for both the strategic sites and other notional sites but it does so primarily on the basis of tenure being affordable rent. If, for example, social rent were required, STU/51 indicates the likely need for flexibility to be necessary in securing other potential infrastructure, particularly in areas of lower value. Similarly, STU/51 indicates that 40% affordable housing can only be required on the basis of the Code for Sustainable Homes Level 4 from 2013 (in the context of providing housing for affordable rent) and that Code 5 from 2016 would only be viable if supported by a proportionate increase in sales values in the intervening period.

The Framework requires a Local Plan to be produced with due consideration of relevant standards and policies together with their impact upon development throughout the economic cycle. It would therefore appear that a range of tenures delivering 40% affordable housing without subsidy (accommodating changes to the Code for Sustainable Homes) is most challenging to secure under current and foreseeable circumstances. As mentioned previously, the CS can reasonably be aspirational but must also be capable of effective delivery.

Whilst the Council has proposed to delete its requirement for affordable housing to be constructed to the latest Housing Corporation Standards, there

appears to be no substantive evidence which analyses alternative affordable housing proportions, for example those lower than 40%. Whilst being progressed, there are only limited details of the Council's intended Community Infrastructure Levy. The Framework (para 173) is clear that the sites and scale of development in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. With particular regard to STU/51, the CS approach to affordable housing does appear to risk the delivery of key elements of the plan.

Core Policy 43 acknowledges that the provision of affordable housing may vary on a site by site basis with regard to factors which include development viability. This introduces a necessary degree of flexibility which could aid the effectiveness of the CS. Nonetheless, the CS should be justified adequately and the balance of the evidence does not currently support the 40% figure as a minimum requirement for affordable housing on sites of five dwellings or more. The justification and effectiveness of the policy is in question. However, there is insufficient evidence to establish what alternative figure may be justified and therefore I am faced with a conundrum of how Core Policy 43 and its supporting text may be modified to ensure the CS as a whole is justified adequately and will be effective in operation.

For example, the simple deletion of the 40% reference within Core Policy 43 would remove the unjustified requirement on all sites but it would not provide particular precision for the plan as a whole or an effective means of maximising the provision of necessary affordable homes in the county. Supplementing the modified policy by keeping a broad target within the supporting text may be feasible but would require justification and I remain conscious of the need to avoid the ineffective burden of individual site negotiations on the majority of schemes which come forward. Can the Council direct me to any evidence which supports clearly a lower figure than 40%? It may be necessary for the Council to revise STU/51 to look at alternatives which will be clearly viable in a more comprehensive range of circumstances so that the objectives of the CS may be fulfilled. Clearly, subsequent review could be programmed as necessary. I would appreciate your constructive thoughts on how to progress this important matter.

3) Gypsy and Travellers

The 'Planning policy for traveller sites' (PPTS), alongside the Framework, sets out national policy on this issue and indicates the evidence based approach that local planning authorities should take in relation to gypsies and travellers.

As indicated by the PPTS (para 6), there is an expectation that a robust evidence base exists to establish accommodation needs and inform the preparation of a local plan. By its own evidence, the Council acknowledges that the Gypsy and Travellers Needs Assessment (GTAA) undertaken in 2006 and which informed the draft RSS had a number of weaknesses that led to an underestimation of need and a consistent understatement of the level of requirement for residential pitches. It relied too heavily on caravan count data, failed to provide an accurate estimate of the travelling community residing in bricks and mortar, produced a low estimate of need from unauthorised sites, included a high pitch turnover on the supply side and did not examine adequately the needs of Travelling Showpeople. Furthermore, it also sought to provide an indication of requirements only between 2006 and 2011. The

subsequent Proposed Changes to the draft RSS increased pitch provision and were used by the Council to inform its Wiltshire Core Strategy Consultation Document (core policy 31).

Subsequent concerns as to the efficacy of the proposed pitch provisions led to what the Council has termed 'a light touch' review of the GTAA to provide revised pitch requirements for the period 2011-2021. The pitch provisions in the CS are lower than those in its Consultation Document. The Council's Topic Paper 16 provides a review of the GTAA and uses the July 2011 caravan count as evidence of current need. The Council considers that this Topic Paper represents an up to date statement of the need for traveller pitches in Wiltshire as of December 2011.

During the Examination process a number of issues were raised in relation to the Council's justification for Core Policy 47 and the content of Topic Paper 16. In particular and with regards to the latter, concerns were raised at the validity of the figures contained in Table 6 and the absence of any independent benchmarking of the Topic Paper as a whole. These concerns would appear to have some validity in as much as overcrowding on local authority sites and unauthorised developments/ encampments may have been underestimated with the consequent effect that there may be an additional need for pitches that exceeds the Council's figure of 88 (Table 6 2011-2016). With regards to supply, the Council appears to countenance 10 pitches (Cricklade) which have unresolved issues of deliverability whilst a further 6 may have limitations as to their occupation (eg family members only). The evidence is not conclusive on these matters but leads to a concern that the potential supply of additional pitches (2011-2016) is overestimated. The net effect is that there is a degree of substantive doubt as to whether the figures within Topic Paper 16 justify robustly the pitch requirements within Core Policy 47. The data contained and presented in the caravan count for 2013 does not aid clarity on this point.

With regard to the PPTS (para 9) the CS does not identify a supply of specific deliverable sites for the next 5 years nor does it identify a supply of specific developable sites or broad locations for growth for the remainder of the plan period. Consistency with this aspect of national policy is not achieved.

The Council has proposed a change to Core Policy 47 that would make clear that the pitch requirements are minimums. This would be prudent and would introduce flexibility within the plan which would aid the effectiveness of its delivery. The CS is also clear that a Gypsy and Travellers Site Allocation DPD, providing a further opportunity to work with neighbouring authorities, will be prepared to aid the implementation of Core Policy 47 and to deliver the pitch requirements therein. Overall however, the justification for the pitch requirements of Core Policy 47, which will inform any subsequent part of the development plan, is weak. Given the content and subsequent analysis of the GTAA, a more robust approach for the purposes of informing the CS may have been to pursue 'Alternative Option 4' to recalculate local need. It is unsatisfactory that the Council has chosen to merely undertake a limited review of a document which contained previously acknowledged flaws.

Indeed, Topic Paper 16 acknowledges that the data relating to the needs of Travelling Showpeople is limited and not robust enough to extrapolate beyond 2011. The 5 plots identified within Core Policy 47 appear to have been derived from the draft RSS which were required in the period to 2011 but not delivered. At best this figure is that of an historic identified need; rolling it forwards is a

simplistic approach which does not incorporate robust evidence of current or forecast needs for the immediate plan period.

Whilst the Topic Paper appropriately discounts the option of not making provision for transit sites, the subsequent CS approach is undermined by the absence of clear and substantive evidence. As Topic Paper 16 indicates: "Given the lack of consistent records the range indicated in Table 11 of between 17 ... and 35 ... unauthorised encampments may in reality be much higher than that recorded." The figure of 25 (2011-2016) is consequently not particularly well founded and is itself inconsistent with Core Policy 47 which seeks 25 between 2011 and 2021.

Notwithstanding the intended DPD, I must query whether the CS approach towards gypsies, travellers and showpeople is consistent with national policy and is justified by the evidence base. Whilst the Council has requested that I modify the plan to ensure soundness, this is most challenging and may not be feasible on the basis of the available data.

It appears to me that the Council could reassess this matter with a view to ensuring that it does not underestimate the requirements for the remainder of the Plan period. The programmed DPD could assist in matters of specific delivery but the CS should logically set a robust indication of necessary pitch provision for the relevant period, including the next five years whilst acknowledging the absence of a specific land supply. Consequently further work would appear to be required to ensure that there is reliable data to inform the strategic content of the plan. Your constructive thoughts on how to progress this matter would be welcome.

4) Chippenham and Strategic Allocations

Without going into full details, there is a body of evidence which provides support for the strategic allocations identified in Core Policy 10. Nevertheless, the Council is obliged to consider whether reasonable alternatives exist in order to ensure that the submitted plan is justified adequately.

During the preparation of the submitted CS, the Council considered there was positive scope for further strategic development to the east of Chippenham. The approach presented was amended following consultation on the Wiltshire 2026 publication. In this context, yet not exclusively so, a number of concerns have been expressed at the way in which the Council has considered alternatives to the content of Core Policy 10 and the way in which options have been assessed. In short, I share some of those concerns.

It is important, as indicated by case law, that the process and outcomes of Sustainability Appraisal (SA) can withstand scrutiny as an evidence source which assists in justifying the content of the CS. With this in mind, the proponents of unallocated land to the east of Chippenham (the '2020 site') have submitted detailed evidence identifying potential shortcomings in the Council's SA and site selection process. A primary concern is the way in which the Council has dealt with the 2020 site in relation to other options.

Whilst recognising that professional judgements need to be made in undertaking the SA process, it is important for reasons of robustness and legal compliance, that the SA process deals with reasonable alternatives in a fair and

comparable manner. The reasoning for the Council's amended approach to strategic sites in Chippenham can be found within Topic Paper 12³ and elsewhere. The process of site selection has been informed by the iterative SA which has been updated on numerous occasions. Yet the evidence does not indicate that the Council considered equitably the reasonable alternative of an East Chippenham allocation (reduced in scale compared to the Wiltshire 2026 proposal) against the preferred option that ultimately found its way to be part of Core Policy 10.

The Council's SA states that transport impacts are a key issue in the consideration of Chippenham's strategic site options. However and amidst a wealth of other evidence, the assessment of Option 3 (within STU/11) that informed the SA and which included the 2020 site, was undertaken without an assumption that a completed eastern distributor road would be provided through developer contributions. This is in contrast to the consideration of Options 1 and 2 with their associated infrastructure, the latter of which was assessed with the assumption that a necessary road bridge would be provided through developer contributions. The balance of evidence suggests both elements of infrastructure for Options 2 and 3 are capable of being delivered.

Whilst the Council's evidence acknowledges that mitigation in the form of a completed eastern distributor road for Option 3 was likely, the mitigation was not assumed to be in place for the testing/modelling of Option 3. Instead, Option 3 was tested on the basis of a connection to the A4. Such an approach is not equitable for the purposes of the SA; particularly when the evidence indicates that Option 3 could not be feasibly completed without the distributor road. The manner in which this matter has been treated has affected the content of the SA.

The consequent effect of such an approach risks the inaccurate identification of transport effects within the SA. The basis for the SA assessment of Option 3, particularly in terms of the 'Transport' criterion, is therefore not well founded. In this relatively narrow respect, it is unreliable evidence which does not accurately inform the identification of preferred options. The 'Entran' report prepared in support of the 2020 site provides evidence which supports a conclusion contrary to that of the Council. The justification for the different approach taken by the Council in relation to Options 2 and 3 is unconvincing⁴; I do not accept that the omission of testing the evidentially required eastern distributor road was necessary to ensure a 'level playing field' with other alternative options.

Furthermore, the evidence submitted by proponents of the 2020 site as part of the CS pre-submission consultation, which includes specialist SA evidence, indicates that the 2020 site would perform better against the SA objectives than perceived by the Council. Whilst I accept that different professional judgements can be exercised, this evidence is not countered specifically and fully by the Council, has some weight and consequently introduces a degree of substantive doubt as to whether the Council's SA accurately assesses the effects of the 2020 site against the SA criteria.

I have considered, in the context of all the SA criteria and the balance of the evidence available, whether the weaknesses in the Council's approach are

³ Topic Paper 12 Figure 1, Table 4 et al

⁴ EXAM/09C

sufficient to undermine the justification for the content of Core Policy 10. Ultimately, I conclude that they do.

In totality and with regard to the strategic allocations of Chippenham, the SA does not inform robustly the equitable consideration of reasonable alternatives and the subsequent content of Core Policy 10. This is an unfortunate but fundamental shortcoming for this community area. I am unable to conclude that the content of the CS with regard to the strategic allocations of Core Policy 10 is justified and could form part of a sound plan. Consequently, I am considering a modification to the plan which would, in effect, remove the strategic allocations contained within Core Policy 10.

Submissions have been made to the Examination in relation to a large number of potential development sites in and around Chippenham. It is primarily for the Council to ascertain, through due and equitable consideration of alternatives, how best any new development should be accommodated. In the absence of a robust SA in these regards, I have insufficient clear evidence upon which to base a recommendation as to which sites should be developed through until 2026.

It therefore appears necessary for the Council to review its approach to development allocations within Chippenham. Without causing undue delay to the progress of the submitted CS, this could reasonably be secured through a subsequent plan, for example the Sites Allocation DPD or a document specific to Chippenham. Such a review would enable further consideration to be given to not only the housing allocations but also, as necessary, the provision of employment land.

Your thoughts on how this matter should be progressed would be appreciated.

5) Settlement boundaries

The CS refers to defined settlement boundaries for the hierarchy at the level of Large Villages and above. By such means the Council intends to provide clarity on what forms of sustainable development may be carried out where in a manner consistent with the Framework. There is no compelling evidence to suggest that such an approach is flawed.

However, the Council has not reviewed the extent of the boundaries to inform the CS; instead relying upon the pre-existing development plan documents. Some of these were adopted some years ago, for example the Kennet Local Plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the CS plan period. Indeed, the Council concedes in Topic Paper 3 'Settlement Strategy' that whilst existing boundaries offer protection to the countryside and guard against urban sprawl/ribbon development they are out of date, do not reflect current urban form and require review and updating ... 'a new boundary would be the ideal solution'. To review boundaries, the Council identifies community led planning as the vehicle to deliver the necessary updates. However, there remains a considerable risk that, for example, Neighbourhood Plans will not be delivered across the county in a comprehensive or timely fashion. Such an outcome would, in the context of the CS Settlement and Delivery Strategy, potentially stymie development initiatives on the basis of an unjustified evidence base and therefore not represent a positive form of planning.

The large geographic scale of Wiltshire and the sheer number and variety of its settlements does present challenges to the practical completion of an appropriate and swift review of settlement boundaries. Rather than delay to a disproportionate extent the adoption of the submitted CS, there appears scope to advance such a timely review through a Sites Allocation DPD as broadly referenced within CS paragraph 4.26. Such work could complement that emerging from any advanced community led planning process and would not negate such processes from reviewing the validity of revised settlement boundaries in the future. Can you identify any specific objection to such an approach and confirm how this may be incorporated suitably both into the CS and the LDS?

6) Retail frontages – town centre boundaries

The Framework requires that plans should, amongst other matters, define the extent of town centres and primary shopping areas based on a clear definition of primary and secondary frontages in designated centres. In this regard, the CS relies upon preceding documents and their saved policies. Due to the various ages of such plans, the approach of the CS is not strong in this regard. The evidence base cannot be considered to be particularly robust with regard to designated frontages and most town centre boundaries. The Council proposes that the partial review of the CS will provide an opportunity to update the designated town centres and their frontages; alternatively this could be accommodated through the Sites Allocation DPD. I would be grateful for your clarification as to the Council's preferred way of moving forwards on these matters and how they could be swiftly resolved.

I trust the above is clear. My work continues and subsequent matters may arise. In the meantime I would be grateful for your early indication as to how the Council would wish to proceed.

Yours sincerely,

Andrew Seaman

Senior Housing and Planning Inspector

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19th December 2013

Mr A Seaman
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Temple Quay House
2 The Square
Bristol BS1 6PN

Economic Development and Planning
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Your ref:
Our ref : AC/PT

Dear Mr Seaman

Re: Wiltshire Core Strategy

Thank you for your letter of 2 December 2013 and confirmation of receipt of the latest bundle of Examination documents.

As you appreciate, a priority for the Council is to have a sound plan in place as soon as possible and to this end your commitment to provide us with the opportunity to address the issues you have identified in your letter is welcomed.

As requested, we have considered the points in your letter and set out below how the Council wishes to proceed with the matters raised. I will of course write to you again once we have undertaken the necessary work to provide a full response to the matters you raise.

In the interest of maintaining progress on the plan could you please confirm that you are happy with the approaches we are proposing in response to the issues you raise, as set out below?

Housing

I note that you are minded to find that the Core Strategy housing requirement should be expressed as a minimum towards the upper end of the range that has been assessed within the Council's Sustainability Appraisal as 35,800 to 42,100.

This can be established within the Core Strategy by replacing all references to the housing requirement of 37,000 within the draft plan with 42,000 homes. In particular, Core Policy 2 'Delivery Strategy' as the policy relating to the housing requirement would need to be revised.

The higher housing figure would also need to be disaggregated across the three Housing Market Areas (HMA) and distributed at the Community Area level (Principal Settlements, Market Towns and in the South Wiltshire HMA the Local Service Centres, and community area remainders). In addition to Core Policy 2, corresponding changes would also be needed to the housing requirements within each Community Area Strategy policy.

We are therefore reviewing the evidence to determine what the appropriate level of growth would be for each HMA and are minded to use a methodology that is based on the distribution of the additional growth on a proportionate basis, in order to maintain the integrity of the spatial strategy and current balance of growth between each area. We intend to test this at a community area level to ensure consistency with the NPPF and maintain a distribution of growth consistent with Core Policy 1. In doing this, we are mindful that there may be constraints, greater potential or other issues in a particular area that will mean some adjustment of the figure for some Community Areas. The Sustainability Appraisal process will help inform what the appropriate figures are for a particular area.

This work will also consider how the housing land supply can be met against the increased housing requirement. However, we anticipate that it will be necessary for a Site Allocations Development Plan Document (DPD) to be prepared in order to identify new sites and this will be programmed within a revised Local Development Scheme (LDS), which will be considered by Cabinet at their meeting on 21st January 2014.

Your thoughts on the appropriateness of this approach would be appreciated.

If you can confirm that this is acceptable to you in principle we will, following completion of the work, provide the requisite changes to the Plan including the necessary modifications to Core Policy 2, amended community area policies and a revised housing trajectory to demonstrate supply. This will be accompanied with supporting documentation as necessary.

Affordable Housing

As suggested, we have reviewed the evidence relating to levels of affordable housing and conclude that it would be prudent to revise this in order to provide appropriate justification for Core Policy 43 and its supporting text. We therefore propose to instigate an independent review of affordable housing viability in order to look at viable alternatives to inform Core Policy 43 so that the objectives of the Core Strategy may be fulfilled and are making arrangements to expedite this. It is anticipated that we will have an initial report by the first week of February. It is our intention to involve the Swindon and Wiltshire Housing Market Partnership in this work.

Again your thoughts on this approach would be welcomed.

Gypsy and Travellers

In order to provide a more robust indication of pitch requirements for Core Policy 47, we propose to review and update the evidence in Topic Paper 16 in the form of an addendum to take into account the points you raise regarding overcrowding on local authority sites, unauthorised developments and encampments; and pitch supply in the north and east HMA. The outcome would inform proposed changes to the permanent pitch and transit provision requirements in Core Policy 47. This would enable the council to suggest permanent pitch and transit provision requirements, based on a more robust evidence base, via a proposed change to Core Policy 47.

In addition, the council will undertake a complete and comprehensive review of local need in the form of a full Gypsy and Traveller Accommodation Assessment (GTAA) with a base date of January 2014. This work would be undertaken as a matter of urgency culminating

in a swift review of pitch requirements in Core Policy 47 either by way of a single issue review or by widening the scope of the current Gypsy and Traveller Site Allocations DPD, as identified in the LDS, to encompass proposals and formal examination of this aspect. Further work on a revised LDS can determine which of the two would be the most timely and effective, if the general approach is acceptable to you. The need of travelling showpeople will be addressed as part of the GTAA and subsequent DPD.

Chippenham

In the light of your comments on Chippenham and the approach to development allocations, we consider that the most expedient way forward would be to prepare a development plan document specific to Chippenham and for Core Policy 10 to be modified through the removal of the strategic allocations. In order to provide the right context for this, it is proposed that the level of growth for the town be identified within the Core Strategy as set out above.

Settlement boundaries

We are able to confirm that the review of the settlement boundaries can be undertaken as part of the Site Allocations DPD referred to above and this can be referenced within the Core Strategy in the supporting text to Core Policy 2.

Retail Frontages

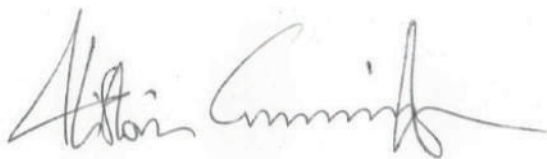
The Council's preferred approach to update the designated town centres and their frontages would be through the partial review, as already identified in the LDS. The timetable for this will be updated in the revised LDS.

Revision to Local Development Scheme

As referred to above, we are currently working on a revised LDS for approval by Cabinet at its meeting on 21st January. We will be able to let you have a copy of the draft report early in the New Year when it is available.

If you should be minded to accept our suggestions in principle then I will write again setting out the programme of work that we will undertake to allow this process to move forward. With holiday season upon us, an early reply would be appreciated.

Yours sincerely



Alistair Cunningham
Associate Director
Economic Development & Planning

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Mr A Cunningham
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Our Ref: PINS/Y3940/429/9]

Your Ref: AC/PT

Date: 23rd December 2013

Dear Mr Cunningham,

Wiltshire Core Strategy

Thank you for your letter dated 19th December 2013. I am pleased that positive progress appears capable of being made with regard to the content of the plan, its justification and the Examination as a whole.

Housing

Your suggestion that the references to 37,000 homes be replaced with 42,000 homes seems reasonable. This will require a disaggregation of the revised housing figure across the three HMAs and, as you mention, this will necessitate a redrafting of Core Policy 2.

I note your proposed approach towards the distribution of growth across the HMAs which seems logical. It is important for the Core Strategy to provide a proportionate level of detail of, in simple terms, what new development is intended to go where and, amongst other documents, the SA, the HRA and the SHLAA will be informative to this process. With this in mind, the issue of further disaggregation of the housing supply at the level of community areas is a matter that I would wish the Council to lead upon.

Provided an adequate housing land supply can be demonstrated, I consider currently that the proposed alterations to the LDS to accommodate a Sites Allocation DPD will provide an effective mechanism, subject to public involvement and independent examination, by which the level of specific detail for each community area over the plan period can be resolved. Indeed, I assume that the Council will retain its intention for an early review of the CS within the revised LDS. Consequently, I consider that there may be scope for a broader and more flexible approach within the CS towards the disaggregation of housing across community areas within each HMA, particularly as many potential developments may fall to be realised later in the current plan period. Thus the Council may wish to come to a view as to whether prescriptive



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DIVERSITY PEOPLE

minimum housing 'targets' for each community area are necessary at this stage. Clearly, the CS needs to be internally consistent and any redrafted Core Policy 2 must reflect the intentions of the Council's strategy as a whole and Core Policy 1.

I will therefore be pleased to receive an update upon the housing provision of the Core Strategy, its disaggregation, the housing land supply and trajectory with supporting evidence at the earliest opportunity.

Affordable Housing

Your suggested approach towards reviewing the evidence that has informed Core Policy 43 seems sensible. It seems logical that this will be undertaken in the knowledge of my earlier comments and also the submissions made to the CS and in relation to the Hearing for Matter 4 'Housing'.

Gypsy and Travellers

I welcome the intention to provide further evidence upon the issue of Gypsy and Travellers and note your intention to update Topic Paper 16 which should be of particular use. I assume from your letter that you intend the new GTAA would follow the update to the Topic Paper but would not be available to inform the currently submitted CS.

If that is the case, then it is important for the Council to be able to show as far as is practicable and proportionate, within the proposed addendum, how the CS is consistent with national policy, particularly the 'Planning policy for traveller sites' (especially Policies A to D). Such work should also identify how, albeit in an interim fashion until the GTAA is complete, the Council will adopt a positive approach towards the gypsy and travelling community. In the interests of clarity and to aid future decision making in the shorter term, it may be necessary for the Council to acknowledge within the CS any absence of a requisite land supply until such time as the GTAA and the proposed DPD are completed.

Please note however, that I can give no assurance at this time that such an approach will be adequate for the purposes of my examination. The details will be determinative.

Chippenham

In light of your comments, I would be pleased to receive any suggested changes from the Council to the CS and Core Policy 10 in particular.

Settlement Boundaries and Retail Frontages

In light of my previous correspondence, I would be most interested at the speed by which both of these important matters can be resolved satisfactorily. Undue delay in identifying robust boundaries and frontages may weaken the overall approach of the CS in the context of national policy. The content of the revised LDS, which I note will be available in draft shortly, will be important in these regards.

It would appear that there may be a practical and reasonable way forwards in relation to the current Examination. I look forward to receiving further details of the Council's work programme which will help to deliver the matters referred to above. I remain anxious to expedite the Examination process in an efficient manner although there may be a necessity for further hearings if the consultation processes, that will invariably be required, and matters arising cannot be dealt with adequately by way of written representation.

Yours sincerely,

Andrew Seaman

Senior Housing and Planning Inspector

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	12.02.2014		
Application Number	W/13/00643/FUL		
Site Address	Land South West Of Kingston Farm Buildings Holt Road Bradford On Avon Wiltshire		
Proposal	Mixed Use development comprising 138 dwellings, new employment space, on site public open space, community allotments, offsite highway and drainage works and a strategic landscaping scheme		
Applicant	BOA Property Ltd & CG Fry Ltd		
Town/Parish Council	Bradford On Avon		
Electoral Division	Bradford On Avon North	Unitary Member:	Rosemary Brown
Grid Ref	383238 160811		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

The proposal is for a development of a significant size outside of the current limits of development in the Local Plan on a site identified for strategic growth in the draft Wiltshire Core Strategy.

Councillor Rosemary Brown has called this application to committee if officers are minded to approve the application due to the:

- * Detrimental impact on air quality;
- * The narrowness of Holt Road; and
- * The lack of infrastructure in the town.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to the satisfactory completion of a legal agreement and conditions.

Neighbourhood Responses:

24 representations received with a mix of support, concern, and largely objection.

Parish Council Responses:

Bradford on Avon Town Council: “No objection”

Holt Parish Council: “Support”

2. Report Summary

The main issues to consider are:

- * Principle of development;
- * Viability and affordable Housing;
- * Planning contributions;
- * Sustainable development – Economic, Social, Environmental;
- * Urban Design;
- * Landscape and Setting;
- * Trees;
- * Open Space;
- * Heritage assets including Conservation Area, setting of Grade II historic park and garden
And setting of listed buildings including the Grade I listed ‘The Hall’;
- * Archaeology;
- * Highways;
- * Air Quality;
- * Residential amenity;
- * Ecology;
- * Drainage;
- * Green Belt; and Land contamination.

3. Site Description

The proposed development site occupies part of the Kingston Farm estate which extends to circa 300 acres of arable, pasture, woodland and a 5 MW Solar PV Farm extending from the existing eastern edge of Bradford on Avon to the east towards Staverton. It is bounded by Holt Road to the north, and the railway line and river to the south.

The planning application site of approximately 10-11 hectares largely comprises open arable fields (circa 8ha) but also includes the existing Anthony Best factory, copses of trees and open land adjoining the Solar PV Farm. Furthermore it includes highway authority land required to accommodate the off-site transport and foul drainage infrastructure works; and land accommodating surface water drainage infrastructure that links to an existing watercourse that connects to the river Avon.

To the north the site is bound by the Holt Road (B3107); to the east by the existing cemetery and Solar PV Farm; to the south by a strip of steeply sloping retained agricultural land, railway line and River Avon; and to the west by The Hall's Grade II listed historic park and garden.

The main development area of the site is currently allocated in the existing local plan as "safeguarded land" under policy GB3 to "meet the longer term development needs of Bradford on Avon" and "for future development that may be required beyond 2011". Under the emerging Wiltshire Core Strategy the site has been allocated as a strategic development at Appendix A for a mixed use of "up to 150 houses and 2-3 hectares employment land".

Within the existing local plan a relatively small proportion of the application area to the western end is located within the town policy limits of Bradford on Avon, all other areas of the site are located in open countryside which is designated under policy C4 as the historic landscape setting of Bradford on Avon.

The area within the town policy limits also lies within the Conservation Area. It is also important to note that The Hall, to the west of the application site, is Grade I listed and its associated gardens, which bound the application area, are a Grade II listed park and garden. To the west of the site and running under the south west corner of the site there are caves. The uses in this location are already mixed with The Hall being a residential property but there are also the well established businesses of Moulton Bicycles and Antony Best Dynamics.

To the north there are trees flanking the Holt Road which are subject to tree preservation orders (TPO). There are also two trees within the centre of the site that are covered by TPOs. There is a copse of trees that has recently been subject to additional planting to the south of the site and a further copse of trees towards the eastern end of the site. These do not have any formal protection.

Beyond the application site to the north of the Holt Road is residential development dating from circa the 1960s/1970s.

A relatively small proportion of the application area to the eastern end of the site, beyond the existing copse of trees, extends beyond the safeguarded land into what is formally designated Green Belt. However this part of the Green Belt facilitates Bradford on Avon's cemetery and a 5 MW Solar PV Farm. Beyond this is agricultural land and woodland.

To the south beyond the application site there are flooding constraints associated with the River Avon.

4. Relevant Planning History

W/11/01064/FUL – Installation of solar PV arrays and associated works – Permission on 17/05/2011.

5. Proposal

The proposal can be summarised as a mixed use scheme involving the erection of 138 new residential units; the erection of 7,161m² (Gross floor space) of commercial development; highway and drainage (foul and surface water) works; public open space, allotments and a strategic landscaping.

The proposals have been subject to detailed negotiation and discussion in particular over issues of viability and the level of affordable housing provision and wider planning obligations.

The final proposals provide for 30% affordable housing (41 units); on-site public open space totalling approximately 2.3 hectares; on- and off-site drainage (foul and surface water) works; on- and off-site highway works and a package of planning obligations totalling circa £1.4m towards education, child care, historic core zone phase 3, GP surgery, leisure, air quality monitoring, traffic regulation orders, travel plans, and cemetery expansion.

The housing element of the proposals involves the loss of 1 existing dwelling (Saltacre) and the creation of 138 new dwellings; a net increase of 137 units. 30% of the units are proposed to be affordable, creating 41 new affordable units. The proposal is for an overall mix of 1, 2, 3, and 4 bedroom units broken down as follows:

97 open market units: - 3 x 1-bedroom; 46 x 2-bedroom; 26 x 3-bedroom; 22 x 4-bedroom

41 affordable units: - 7 x 1-bedroom; 23 x 2-bedroom; 11 x 3-bedroom

A total of 266 allocated parking spaces are proposed including 140 garage spaces which have been oversized to count towards the Council's parking standards. In addition there are 3 designated visitor spaces within the courtyard for affordable housing units nos. 68-76 and 20 further 'on-street' bays on the southern edge of the site.

The employment element of the proposals involves the erection of a purpose built factory for the Bradford on Avon based company, Antony Best Dynamics, to expand its operations into. It is understood that this is essential in order to retain the business within the town as its existing premises are inadequate and there are no suitable alternative sites within the town. The move will allow the firm to grow from employing 50 staff to approximately 80. The new premises are sited on the northern eastern edge of the application site. The existing factory forms part of the overall application area on the western extremity of the site and it is intended that this will be occupied upon ABD's departure by Mouton Bicycles who currently operate from buildings connected to the adjacent grade I listed The Hall. This will potentially free some further small scale employment floorspace off site.

The new ABD factory building has been described in the submission as "a workshop and a two storey office element within a secure compound. The total proposed floorspace is 3,519m²

(gross). The design and detailing is modern and hi-tech, meeting the functional requirements to enable efficient occupation by ABD.” The developers propose that this building shall be practically completed before the occupation of the 50th open market dwelling. A total of 60 car parking spaces are proposed for this element of the scheme.

In addition there is also the proposal of a ‘work-hub’ building on the western half of the employment area. This has been described in the submission as being “designed for occupation by Small-Medium size Enterprises (SMEs) and start-up companies”. The work-hub comprises three linked 3-storey buildings arranged around a central courtyard and a southern single storey element accommodating communal facilities. The proposed work-hub floor space extends to 3,641m². The work-hub would create flexible working space of a B1 use class nature. There is no current end user proposed and this is clearly a speculative element of the application. The developer proposes that phase 1 of the ‘work hub’ development would be practically completed before the first occupation of the 80th open market dwelling. The developer does not propose any end date for the overall completion of the employment offer. A total of 86/87 car parking spaces are proposed for this element.

In addition to the main focus of B1 use the work hub development provides some communal facilities such as a restaurant/cafe, open space and potential for exhibition space by resident firms.

The highway works are largely internal within the site, principally the re-engineering of the existing ‘Springfield’ junction into a roundabout to create access into the residential development. As part of the new western area roundabout there will be a new zebra crossing to allow safe crossing of the Holt Road and use of the existing pedestrian facilities on the north side of Holt Road which leads directly to the town centre and via other safe pedestrian routes links to wider facilities such as the local schools. The works are likely to result in a net loss of on-street parking at this point in the network.

The northern footway on the Holt Road will be widened between the site and town to a width of not less than 1.7 metres to 2 metres, reducing the carriageway to not less than 6 metres. Beyond these improvements the proposal is to contribute financially to the Historic Core Zone works planned by the Council as necessary.

A new junction to the employment area to the eastern side of the application site is proposed from Holt Road. The 30mph speed restriction will be extended to the east toward the cemetery and a central refuge will be provided to allow safe crossing to the existing pedestrian facilities on the north side of Holt Road around the cemetery/allotments.

Allotment development is proposed to the eastern end of the site beyond the employment area and the existing copse of trees (which will be retained as public open space.) The allotments will have access for emergencies or significant bulk deliveries. Users of the allotments will not have vehicular access and as such there is no formal parking provision. The site includes a communal building for allotment users.

In terms of landscaping, broadly speaking the existing trees are being retained on site with minimal tree loss proposed. In addition there are plans for management and supplementary planting to help any development harmonise into its landscape setting and soften the urbanisation of the environment. This includes areas of public open space in the south west corner of the site over the mine, two central areas around existing TPO trees, a modest courtyard near the central flats, semi-private space around the workhub units and informal woodland play areas.

Finally the proposals involve significant drainage operations which involve the removal of surface waters from the existing mains; upgrading the existing pumping station at the Holt Road/Springfield junction and upgrading the discharge through The Hall. This will facilitate space in the infrastructure for foul disposal from the development into the existing sewer. A detailed surface water drainage system has been designed which notably includes a substantial attenuation pond to the far east of the application area which then flows through to the River Avon.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (local plan)

GB1: Western Wiltshire Green Belt; GB3: Safeguarded Land – Bradford on Avon

C1: Countryside Protection; C4: Landscape Setting; C6a: Landscape Features

C9: Rivers; C15: Archaeological Assessment; C16: Archaeological Investigation and Recording

C17: Conservation Areas; C18: New Development in Conservation Areas

C19: Alterations in Conservation Areas; C30: Skylines; C31a: Design; C32: Landscaping

C33: Recycling; C34a: Resource Consumption and Reduction; C35: Light Pollution

C37: Contaminated Land; C38: Nuisance; H1: Further Housing Development Within Towns

H2: Affordable Housing Within Towns and Villages; H19: Development in Open Countryside

H22: Affordable Housing on Rural Exception Sites; H24: New Housing Design

E6: Rural Employment; T2: Bradford on Avon Bypass; T9: Bus Services; T10: Car Parking

T11: Cycleways; S1: Education; CF10: Cemeteries; U1a: Foul Water Disposal

U2: Surface Water Disposal; I1: Implementation; I2: The Arts; I3: Access for Everyone

Design Guide – Principles Supplementary Planning Guidance (2004)

Residential Design Guide Supplementary Planning Document (2005)

Open Space Provision in New Housing Development: A Guide Supplementary Planning Guidance (2004)

Affordable Housing Supplementary Planning Document (2005)

West Wiltshire Leisure and Recreation Development Plan Document (2009)

LP4: Providing recreation facilities in new developments; LP5: New sport and recreation facilities

GM2: Management and maintenance of new or enhanced open space

GM3: Future management partnerships; IS1: Indoor Leisure Centres

Draft Wiltshire Core Strategy (dWCS)

CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements

CP7: Spatial Strategy: Bradford on Avon Community Area

CP35: Existing Employment Sites; CP41: Sustainable Construction and Low-carbon Energy

CP43: Providing Affordable Homes; CP45: Meeting Wiltshire's Housing Need

CP50: Biodiversity 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 Development; CP62: Development Impacts on the Transport Network

CP64: Demand Management; CP67: Flood Risk; CP68: Water Resources

Appendix A: Development Templates for Strategic Allocations – Land at Kingston Farm, Bradford on Avon

Appendix D: Saved policies and policies replaced (those that would continue to be saved and are relevant are underlined above.)

National Planning Policy Framework (NPPF)

7. Consultations

Town/ Parish councils

Bradford on Avon Town Council: Comments on the revised/final submission dated 22/1/2014 were: - permit no objections.

Holt Parish Council: Support.

"We note that the modelling in the Transport Assessment document (7.45) indicates that there will be a relatively small, but nevertheless regrettable, increase in the already excessive levels of traffic passing through the village of Holt on the B3107 at the peak hours.

We also note that there will be a greater increased flow at the dangerous cross roads on the B3107 at Forewoods Common which is located in this Parish. Consideration should be given to improving this junction.”

Wiltshire Council Air Quality Officer - No objection subject to financial contribution.

“We accept the land is ‘allocated land’ within the core strategy, however as stated in my memo of the 20th June 2013 it is not our wish to prevent development or hinder economic activity, however the developer needs to be recognise the extent of the current air quality problem within the town and the potential to impact upon this with their proposed development.”

Financial contribution of £20,000 is sought.

Wiltshire Council Arboricultural Officer - No objection in principle.

Overall the proposals appear reasonable in respect of trees and general landscaping

Wiltshire Council Arts Officer

No objection subject to condition. Regarding provision of public art.

Wiltshire Council Archaeology

No objection subject to condition.

“The proposed development site is of archaeological interest. Geophysical survey and evaluation at the site has revealed the buried remains of prehistoric settlement of Iron Age date. The evaluation suggests that the concentration of the remains appears to be towards the eastern part of the development site, but further features such as a possible Iron Age enclosure, ditches, pits, trackway and field systems appears to be more dispersed across the site and the finds recovered suggest activity from the Iron Age through to the post-medieval period.

The archaeological investigations suggest that the most significant part of the Iron Age settlement survives at the eastern end of the development site, indicated by double and triple ditched features revealed by the geophysical survey and evaluation results. The remains appear to continue into the woodland area and the area which is proposed for allotments.

Due to the significance of the remains my recommendation is that a programme of archaeological investigation, mitigation and recording is undertaken in advance/during construction work at the site, the details of which will need to be discussed with the Wiltshire Council Archaeological Service. This is in line with guidance as set out in the National Planning Policy Framework.”

Wiltshire Council Childcare - No objection subject to financial contribution.

“There is a need for affordable childcare in the Christchurch area of Bradford on Avon. There is one community group in this area and any additional housing will put pressure on numbers in this group. Its accommodation is poor and section 106 money would provide money to move

this group to the school site and increase the number of places to serve the community. The free entitlement grant is a statutory function of the Local Authority and must be fulfilled.”

Financial contribution of £161,530 for affordable childcare is sought.

Wiltshire Council Conservation Officer - No objection in principle.

Wiltshire Council Contaminated Land Officer - No objection subject to conditions.

Wiltshire Council Countryside Team - No objection subject to financial contributions towards enhancements to ‘The Strips’, Barton Farm Country Park, phased towpath improvements and maintenance on the Kennet and Avon Canal.

Financial contributions of £3,051.64 and £14,800 are sought.

Wiltshire Council Drainage Officer - No objection in principle.

Wiltshire Council Ecologist - Following negotiation and discussion and the conclusion of a Habitat Regulations Assessment there is no objection subject to conditions and an informative.

Wiltshire Council Economic Development Officer - No objection.

“I am pleased to see this application come in for an employment led development where a work hub will provide space for new and existing businesses and a new building will allow Antony Best Dynamics to move from its current location adjacent to the new site. Moultons Bicycles will then be able to move into the vacated building which will allow them to expand production in Bradford on Avon. Anthony Best Dynamics, a locally based firm, has grown to become a world leader in the field of dynamics in the automotive industry and Moulton Bicycles is a world leader in the manufacture of iconic bicycles. This development will allow both of these businesses to expand and remain in the town.

The new development will allow businesses to create 300 new jobs and safeguard a further 65 jobs at Moulton’s and Antony Best. This will help to reduce out commuting from the town (an aspiration of the Core Strategy) by providing local jobs to make up some way for the jobs that have been lost in the town due to employment site being converted for residential uses. It is also likely that the construction phase will provide opportunities for local employment and suppliers to be used.

I am very much in support of this development which will provide much needed work space in the town and contribute to the local economy.”

Wiltshire Council Education - No objection subject to financial contribution.

Financial contribution of £470,381 for primary education and £498,030 for secondary education are sought.

Wiltshire Council Energy Officer - No objection subject to conditions

English Heritage - Objection.

“In conclusion, we are of a view that there will be harm to the setting of the Hall, its grounds and the Bradford on Avon Conservation Area and to its unique historic landscape setting. In particular, we would strongly suggest that this proposal does not currently meet the tests of paragraph 131 of the NPPF.”

Environment Agency -No objection subject to conditions and informatives.

Wiltshire Council Highways - No objection subject to conditions, financial contributions and addressing detailed issues.

“The proposal of this identified strategic site will necessarily involve some compromises in relation to normal expectations relating to highway standards for roads serving new major development areas.

The transport assessment submitted in support of the application acknowledges the shortcomings of the local road network, especially in relation to the potential to provide a good standard of footway on Holt Road, or to improve existing routes into the town along Woolley Street and Silver Street.”

Financial contributions of £225,000 for bus service enhancements, £155,000 for Historic Core Zone phase 3, £15,000 for Traffic Regulation Orders and £5,000 for travel plan monitoring are sought.

Wiltshire Council Housing Officer

Comments on final mix:

“As requested, the New Housing Team has reviewed the revised 30% affordable housing mix – as shown on plan ref PP-02C - and can confirm that the mix now proposed does reflect the current demonstrable need for affordable housing in Bradford on Avon - with regard to mix of tenure and size of units on site - the shared ownership units on site to be a mix of 2 and 3 bed houses - and the units have been dispersed throughout the development. The applicant has removed the garages from the affordable housing mix as previously requested. The level of parking now provided for the affordable housing is within an acceptable level. As previously advised, the affordable housing will need to be built to at least the current Homes & Community Agency Design Quality Standards and transferred to a Registered Provider at nil subsidy.”

Wiltshire Council Landscape Officer - No objection

“I was able to take the time to explore the potential vantage points with Justin Thomson (Landscape Architect, MacGregor Smith) from around the town and the local footpaths. We noticed that the site is only visible from a few distant higher points around the town, namely The Tory (NW), Jones Hill (SW) and Windbrook Hill (S) but views are glimpsed and will not change significantly. The ‘conceal and reveal’ nature of the site was particularly evident from The Tory where views were intermittent as one travelled along the footpath. There are localised views from Holt Road, Springfield Road and from the south across the valley.

There will undoubtedly be a change of character from agricultural landscape to a new townscape. Overall there will be a positive new landscape character, a new townscape with a strong sense of place that fits well with the historic character of Bradford on Avon.”

Wiltshire Council Leisure Officer - No objection subject to financial contribution.

Financial contribution of £30,907.03 for sports pitches at Culver Close / Victory Field is sought.

Wiltshire Council Libraries - No objection.

“When we revisited the MLA guidance of £105 per person, it very clearly relates to build and fit-out only, so we feel it is not helpful to a proportionate request for book stock, of the type we have talked about in the Core Strategy/IDP. Attached is a request based on a reasonable provision of 2 books per person, with an assumed occupancy of 2 people per property.”

Financial contribution of £7,126 is sought.

Natural England -No objection.

“Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment (HRA) process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Based on the information provided Natural England is satisfied that the proposals with the safeguards identified within the submitted HRA is unlikely to result in significant effects on the Bath and Bradford on Avon Special Area of Conservation (SAC). This view is based on the appropriate protection and enhancement of the Combe mine and its entrance and the safeguarding of key bat commuting routes.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.”

NHS Wiltshire -No objection.

“The Practice in Bradford on Avon is at capacity and have been reviewing options to increase their capacity. This is likely to involve a significant extension to the existing building in Station Approach.”

Financial contribution of £53,750 is sought.

Wiltshire Council Public Open Space Officer - No objection in principle. Subject to:

* The Open Space and Play is secured in perpetuity.

* Further details of the play areas are submitted

* A contribution of £3,750 is secured for the expansion of Bradford on Avon Cemetery

Royal Society for the Protection of Birds - No objection subject to conditions.

Generally satisfied but raises concern on ensuring open space and SuDS are managed with wildlife in mind, connectivity for wildlife, ensuring that landscaping and ecological plans are interlinked and ensuring that opportunities available to provide biodiversity opportunities are built into the scheme.

Wiltshire Council Spatial Plans - No objection.

“Given the uncertainties around Core Policy 43 in the Wiltshire Core Strategy the 30 per cent offer based on the adopted West Wiltshire District LP Policy H2 is acceptable. I am pleased to see that the developer has agreed to contribute to essential infrastructure items and it is appreciated that a flexible solution can be adopted towards bus service improvements. Contributions to place shaping items such as leisure, air quality improvements and open space will certainly be positively received locally. Overall this strategic development will contribute to housing and most importantly employment delivery at Bradford on Avon. The retention and expansion of ABD and Moulton Bicycles, and the delivery of a work hub for start up businesses will contribute to achieve the vision for Bradford on Avon as expressed in the Core Strategy. Therefore I fully support the latest proposal.”

Wiltshire Council Urban Designer - No objection subject to amendments.

“The residential element of this scheme is focused on high quality pastiche design. This is a result of local opinion and is intended to link the scheme with the historic town centre. The decision to mimic the historic town is understood, but it represents a missed opportunity to create a development with its own distinctive character, and takes away from the distinctiveness and value of the historic centre.

Overall there is a good housing mix in terms of size of units as well as the scale and appearance of buildings. The arrangement and detailed design of the buildings has taken account of long views of the site and its relationship to the existing town and the use of chimneys is welcomed as these are important features in the current skyline.

In general it is felt that the arrangement of buildings takes account of the sites constraints and good design principles and will result in quality spaces and streets. Nevertheless, there are some areas where the arrangement of parking and rear courtyards could be improved through minor alterations which would result in considerable benefit for the overall development:

AB Building – modern and crisp, the design of this building seeks to make a statement whilst minimising the visual impact of the scale of the building by focusing on the western wing and the building entrance. The design concept for this building is strongly supported.

Work Hub Complex – The rationale behind the design of this building is incongruous as the buildings have no agricultural references. Their design has more in common with a Victorian

mill. In addition there is certainly very little of the external appearance that can be referred to as contemporary.

Wessex Water No objection subject to condition.

“Wessex Water has been instructed by the applicant’s consultants to undertake foul network modelling to appraise the capacity of the existing foul sewerage network to accommodate predicted foul flow from the proposal. The Flood Risk Assessment and Drainage Strategy (WB01513/R3/FRA February 2013) reflects appraisal works undertaken so far and describes the capacity improvements recommended to mitigate against the development flows thus reducing the risk of downstream flooding and pollution.”

Wessex Water have yet to fully agree these works formally and in detail so recommend a condition to require a foul and surface water drainage strategy and its implementation once agreed.

Wiltshire and Swindon Biological Records Centre - No objection.

Noted, 5 bat species and hedgehog recorded within application site boundary (1977-1983). Multiple records associated which may be pertinent.

Wiltshire Fire and Rescue Service - No objection.

Generic advice provided on building regulations, improvements in the event of a fire and the need for financial support.

Financial contribution of £11,204.67 is sought.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Twenty four representations received with a mix of support, concern, and largely objection.

Summary of points raised which include representations from the Bradford on Avon Preservation Trust (object) and the Bradford on Avon Climate Friendly Group:

- * Application is premature.
- * Housing development in Bradford should be phased towards the end of the Plan period, that is towards 2026.
- * The Town must have some time to absorb extra housing (Kingston Mills etc.) before yet more is provided.
- * Time is required to consider measures to alleviate the considerable impact of increased traffic generated by the development.
- * Air pollution problems exacerbated.

- * Need plans to divert traffic away from bridge bottleneck
- * Missed opportunity to provide off-street public parking on the North side of the river.
- * Suggest public parking as provided above the mine.
- * Holt Road is far too narrow to accommodate the traffic, both private and commercial.
- * A direct pedestrian route between the site and the Town Centre, through the present Anthony Best site and the along the river to the Bridge, could alleviate some problems, at least for pedestrians.
- * Concerned to ensure development protects and enhances wildlife opportunities including for swifts, starlings and house sparrows.
- * Pedestrian safety on Holt Road is a concern.
- * Exacerbate existing congestion.
- * No need for housing now as other developments sites are on-going and not yet sold.
- * Employment site would not create new employment and businesses are just moving.
- * Potential impact on local business
- * Wiltshire highways have stated a presumption against development in Bradford on Avon.
- * Scheme has attractive features.
- * Fails to comply with the environmental dimension of sustainability
- * Falls short on the economic dimension of sustainability
- * Loss of existing on-street parking
- * Inadequate parking provision within site
- * Likely to attract more inward commuting with employment generation
- * Likely to attract more out commuting with 138 new homes
- * Allowing development early in the plan period will increase pressure for development north of Holt Road and on the golf course
- * Need to have a safe off road route to town centre through Kingston Mills
- * Holt Road adjacent to the development site must be widened.
- * exacerbate congestion parking and pollution problems
- * Visual intrusion and light spillage - a screen is required

- * footbridge to access Fitzmaurice school required
- * Will create and exacerbate 'rat-runs' including through Cemetery Lane and Woolley Terrace.
- * Will jeopardise any potential to re-route traffic around and out of the town.
- * HGVs continue to use the town as a route which is not properly policed or enforced.
- * Employment designs are poor quality and site uncomfortably next to the Poundbury pastiche.
- * Concern over impact on archaeology.
- * Schools do not have capacity for more children.
- * Create air quality issue on Springfield and New Road – residential streets not a by-pass
- * Do people in Holt know about this? Traffic will go through there.
- * Job numbers quoted are unrealistic and at best maximum numbers.
- * Appear to be buying the permission by paying for town centre improvements
- * While this is pending the Council are not controlling illegal parking on Springfield and New Road
- * Getting the solar PV development has made this land brownfield which is very sneaky of the developers / how has this become brownfield land
- * The cemetery is full and they are not providing land to extend it.
- * Why was the Avon factory demolished for housing only now to build factories on fields.
- * we should be preserving green spaces
- * inadequate consultation
- * prompts the Core Strategy conclusion
- * opens up potential for further development if granted prior to Core Strategy adoption.
- * layout and design is good
- * cycle parking put in place in employment areas
- * employment architecture too imposing
- * transport assessment and modelling underplays the level of traffic existing in the town.
- * Holt Road speed limit should be reduced to 20mph
- * Holt Road needs to be improved to address rat run problems

- * Detail of construction traffic management plan critical
- * Residential development is much too early in the plan period needs to be closer to 2026.
- * ABD buildings design is ugly
- * green credential of the development are massively over stated
- * Fencing around ABD of 2.2 metres is excessive
- * main open space through the site is severed by a road.
- * Space should be retained for a by-pass
- * Should permanently close Cemetery Lane
- * Traffic calming on Holt Road required
- * Vehemently opposite Redcliffe Homes development as an alternative
- * Experimental closure of Cemetery Lane should occur before any development is considered
- * traffic calming in place on potential rat runs to discourage traffic
- * roundabout needs to have planting akin to the existing extensive bulbs and two trees

9. Planning Considerations

9.1 Principle of development.

The application site is shown within the local plan under policy GB3 as “safeguarded” land set aside from the Western Wiltshire Green Belt to meet the longer term needs of Bradford on Avon beyond 2011 and therefore into the next plan period. It is a green field site. Other land within this classification is to the north of Holt Road and to the south of the River Avon. However the site is largely outside of the defined town policy limits in the Local plan where development would be acceptable in principle.

As members will be aware, although well advanced, the Wiltshire Core Strategy that will replace the Local plan has not reached formal adoption and therefore cannot be afforded full weight. However, the draft Wiltshire Core Strategy (dWCS) promotes this site for a mixed use development of circa 150 houses and 2-3 hectares of employment land as the only strategic development in Bradford on Avon. This is set out under the development templates of Appendix A to the dWCS. The template states that infrastructure requirements may change and that flexibility should be had. The dWCS proposes to continue to save policy GB3 which safeguards the application site and other land from the Green Belt for the future development needs of the town.

As such it is considered that the principle of a mixed use scheme of housing and employment is one that has been anticipated on this site, with the evidence base currently showing a need for

further housing and employment within the town to meet local need and help reverse out-commuting trends; and the NPPF's clear message of needing to support sustainable development.

9.2 Viability and affordable housing

The application was submitted to Wiltshire Council in the early summer of 2013 after pre-application discussions and developer-led public consultation work. One key area of discussion has been the viability of the scheme to provide the dWCS criterion (CP43) of 40% affordable housing, other planning obligations and infrastructure requirements such as drainage and highway works. The application was submitted with an offer for 20% affordable housing, other planning obligations up to circa £1.3m and infrastructure requirements on drainage and highways. Since submission, feedback on the dWCS has been provided by the Planning Inspector to indicate that the 40% affordable housing requirement may not be evidence based. In light of that, further negotiation has facilitated an improved offer from the developer to provide 30% affordable housing to match the percentage that would be sought on a large scale residential development within the adjacent Bradford on Avon town policy limits. The developer continues to offer all the infrastructure improvements and they have increased their offer on planning obligations to be circa £1.4m.

A further factor to the viability of this scheme is the fact that a significant proportion of the employment offer has a defined end user and has been designed bespoke for the firm's purposes. The proposed new Antony Best Dynamics (ABD) factory would see the retention of 50 jobs within Bradford on Avon and the creation of up to 30 new jobs. It also means that the emerging plan's aim of creating mixed use development to meet housing need, improve employment offer and reduce out-commuting trends is more realistic than it would be if this were a proposal that is entirely speculative. It has been made clear that ABD needs its new factory and if it cannot be realised imminently within the town then there is a significant risk that they may move away from the area.

It is considered that the current proposed level of affordable housing and planning obligations meet the statutory tests, are fairly and reasonably related to the development and should enable delivery of a viable scheme.

With regard to the detail of the affordable housing offer, there is a good mix of accommodation from 1 to 3 bedroom units. All affordable units are provided with allocated parking, with some visitor parking provided for. The overall parking levels have been agreed with highway officers.

The affordable housing is clustered throughout the site allowing for a better social integration whilst ensuring ease of management and maintenance for the registered social landlord. The affordable housing can be retained in perpetuity subject to a legal agreement.

9.3 Planning Obligations.

This has been an area of considerable negotiation. The contributions that have been secured have been based on the requirements of the extant local plan policies (with particular note given to any that are to be saved by the dWCS) and the subsequent development template for the site

in the dWCS. They have been assessed against the statutory test to ensure that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. They include:

Education: A sum of £498,030 has been agreed toward secondary school places based on the current cost multipliers and would be index linked.

A sum of £470,381 has been agreed toward primary school places based on the current cost multipliers and would be index linked.

Child care provision: A sum of £161,530 toward affordable child care has been agreed. This is a request that stems from the development template and would go towards funding the free nursery places that were formally funded by central government and are now at the cost of local government.

GP surgeries: Following consultation with NHS Wiltshire a sum of £53,750 has been agreed. Again this request has stemmed from the development template for the site.

Traffic Regulation Orders: The highway consultation set out a request for £15,000 has been agreed. This is on the basis that “there is currently no weight restriction on Holt Road/Woolley Street. Whilst the prospect of a weight limit has been aired in pre-application consultations, it is not intended that restrictions be imposed on the route without an opportunity to monitor development impacts; a contingency will be sought by way of a planning obligation to promote and make a traffic regulation order in the event the development increases town centre lorry movements via Woolley Street”.

Travel Plan Monitoring: A sum of £5,000 has been agreed as a contribution to travel plan monitoring. Again this is a development template requirement and identified as ‘essential’ in order to facilitate the development. This will help with encouraging sustainable travel behaviour.

Historic Core Zone: A sum of £155,000 towards phase 3 of Bradford on Avon’s Historic Core Zone project has been agreed, which would see improvements made to the public realm and transport within the town. This is an initiative that started in 2009 and it stems from a “priority for people” project. Phase 3 of the project includes works to Silver Street

Leisure: A sum of £30,907.03 has been agreed as an off-site contribution to be used at Culver Close / Victory Field recreation ground. This is in accordance with the development template for the site and the Leisure and Recreation DPD.

Air Quality: A sum of £20,000 has been agreed in order to help mitigate any potential impact on air quality problems within the air quality management area that covers Bradford on Avon’s town centre including Silver Street. The money would be used toward “current air quality projects that are contained within the emerging draft air quality action plan and the community air quality action plan for Wiltshire. These include:

* A text alert system, linked to the automatic air quality monitoring analysers which will alert people with respiratory health issues of poor air quality

* A stand alone air quality website giving the public access to real time air quality monitoring data in their area

* Upgrading the automatic monitoring equipment to enable remote access to data via the stand alone website

* Ecopurer paint to be applied to surfaces in Masons Lane to try and reduce levels of nitrogen dioxide (a community lead initiative and pilot study)".

Although this is not a part of the development template for the site, issues of air quality have been identified as 'place-shaping' infrastructure within the emerging Infrastructure Delivery Plan (IDP).

Cemetery Expansion: In addition to the on-site public open space requirements that can be secured through legal agreement there is a requirement being raised for a financial contribution to cemetery expansion plans. The sum agreed is £3,750. This is an issue identified in the development template and issues with cemetery expansion in Bradford on Avon have been problematic for many years.

Not every request can either be accommodated (not justifiable in terms of the statutory tests; or not highlighted in either the development plan or the development template for the site in the DWCS and to go further would also bring the viability of the scheme into serious question.

The proposal is considered to be acceptable in terms of the planning obligations agreed.

9.4 Sustainable development – Economic, Social, Environmental.

The development is considered to represent sustainable development within the meaning of the NPPF. The proposals will generate an economic benefit through the development itself which will generate construction associated employment over the delivery of the scheme which is expected to be circa 5 years. Furthermore the proposals will create new employment space for the town which will help reverse the out-commuting trends that the town experiences. The proposals will create bespoke new space for local business ABD allowing them to expand their operations so that 50 jobs are retained in the town and approximately 30 new jobs are created through expansion. This is a business with research and development (R&D) and as such especially important to the local economy over and above low skilled employment opportunities. This development would occur in tandem with the housing as the developer has offered to practically complete the ABD factory before the occupation of the 50th open market dwelling.

The established Moulton Bicycles will then be able to expand its own operations by moving into the old and renovated ABD factory, therefore again retaining and generating employment in the town. Moulton Bicycles employ around 17 full-time equivalent staff and it is estimated that this could double; furthermore they have a heritage within the town.

Furthermore there is the speculative element of the employment proposals with the phased building of the 'work-hub'. Whilst this is speculative the developer has offered to commit to practically completing phase 1 of the work-hub before the occupation of the 80th open market dwelling. The work hub building will offer a flexible employment floor space for small-medium sized enterprises and start-up business with communal facilities. It is estimated that when complete this would generate circa 200-250 full-time equivalent jobs. This will significantly help address the loss of employment floorspace that has occurred in the town, arguably because existing premises are historic and have associated problems with cost, access and management making them less desirable to business, especially in difficult economic conditions.

The Council's economic development team support the proposals.

Socially the proposals will see the creation of employment opportunities and also the provision of further housing, including affordable housing, that is evidently needed in the town. The mix of tenure and housing types is varied which will help serve a range of needs that exist in the town. This would provide 41 affordable units to help meet housing need ranging from 1 bedroom to 3 bedroom units.

Environmentally the scheme is also considered to be sustainable. The proposals form part of what was originally planned to be a much larger scheme with a 5MW solar PV farm. That part of the scheme, due to government subsidy changes came forward in advance of the housing and employment and has been completed and is up and running generating energy which has been hard wired to the existing ABD factory, whilst the majority of the energy is passed on to the grid. The commercial elements of the scheme are proposed to be linked into the solar PV scheme in the future and the developer's claim is that the energy use from the proposals is likely to be less than 55% of the adjacent solar PV output. The submitted energy statement states that "the total regulated energy requirement of the Kingston Farm development (residential plus commercial buildings) is equivalent to about 61% of the estimated annual zero carbon electricity yield from the Kingston Farm PV array." Whilst the two scheme's have become stand alone projects in the development management process it is clear that the overall Kingston Farm development has significant environmental credentials.

Furthermore the ABD building has been designed to be BREEAM 'very good' standard; the roof materials to the work-hub are BREEAM 'very good' whilst incorporating green walls into the proposals.

The submitted energy statement sets out a strategy with the residential proposals to be built on "fabric first principles" meaning that they will have low energy requirements and be well insulated. They will have high energy efficiency gas central heating boilers as the submission indicates this is actually preferable in carbon terms over other options such as air-source heat pumps.

The drainage works for the site include upgrading the existing pumping station and creating capacity in the system for further foul waters by removing surface waters from the existing combined sewers. This has environmental benefits by avoiding the need to treat surface waters

with foul waste. The engineering solutions are to the satisfaction of the Environment Agency and Wessex Water and in principle the Council's drainage officers without increased risk of flooding.

Turning to ecology, it is noted that after negotiation the Council's ecologist raises no objection and indeed the drainage and landscaping solutions to the site offer opportunity to enhance biodiversity.

The location of the development is also important in sustainability terms. Bradford on Avon is heavily constrained encircled by Green Belt and as such the options for expansion of the town are very limited. The eastern side of town is considered to be a sustainable location with good accessibility, including by foot. The town benefits from a good rail service which can be realistically reached on foot from the development site. The town offers facilities to cover day-to-day requirements and as such it is considered to be a sustainable location and whilst future residents and employees on the site will be likely to use a private car, there are realistic alternatives depending on the life style choices of the people. The proposals have been made with the offer of travel plan work and monitoring, revising bus stop locations and improving pedestrian facilities for access to local schools and the town. All of which will contribute to people making more sustainable travel choices. In short this is considered to be a sustainable development in economic, social and environmental terms.

9.5 Urban Design.

The application has been subject to detailed pre-application discussion and public consultation. The site is not well related to any existing pattern or grain of development and it has been identified that the site has opportunity for creating its own spatial character and form. The developer's public engagement has revealed a local desire to have a traditional approach that reflects the traditional form of development in Bradford on Avon.

In light of the urban design and conservation officer comments, mindful of the viability concerns with the project, some minor alterations to the scheme have been sought. Notably as a result there has been a strategic increase in the level of natural stone that is so characteristic of Bradford on Avon.

The elevation treatments of the buildings are considered to be varied and interesting aided by the good mix of housing types and sizes. The street layouts are in blocks with a mix of curved and linear street layouts which aid permeability and visual interest. The site benefits from good natural surveillance, especially where flats over garages have been employed in the more backland areas of the site.

The proposals are considered to represent a good density and efficient use of land given the site constraints of TPO trees, requirements for on-site public open space and the mines to the south west corner of the site. So although below the development template's indicative target of 150 dwellings the proposals are considered to be reasonable.

The proposals have an acceptable level of car parking. The proposals are not overly dominated by allocated car parking and where car park courtyards have been employed there is indicative

planting illustrated to soften the appearance of such areas. The streets have been designed to allow for on-street parking without causing obstruction to the network.

The proposals have clustered the employment to the north east corner of the site which means that from approaches to the town from the east (Holt) these commercial buildings will be significant features upon entry to the town. The design of the ABD factory has attracted no objection from the Council's urban design officer and although very contemporary in nature is considered to be well designed. The existing copse of trees immediately to the east of the building will be managed and maintained and will help the building to harmonise into its setting with additional strategic landscaping. This can be achieved and secured by condition; it need not hide the development rather help it to assimilate into the landscape. The larger work-hub building has taken an entirely different design approach in its formation. This is a building that is considered to reflect some architectural features of traditional agricultural buildings and indeed industrial buildings in the area but with a contemporary slant. The design is considered to be acceptable and would cause no demonstrable harm.

In terms of access to the site, the proposals necessarily involve a substantial revision to the Holt Road/Springfield 3-way junction. This is already a heavily engineered road layout which has been softened with landscaping in order to avoid a significant impact on the adjacent heritage assets of a conservation area, listed park and garden, setting of listed buildings and historic setting of the town. Although English Heritage has raised concern it is considered that the roundabout proposals are a necessary highway safety feature and with appropriate hard and soft landscaping that could be secured by condition then there is no demonstrable harm to be caused.

The access to the employment area further to the east will become part of a new 'gateway' to Bradford on Avon's fringe and has been designed in an attractive manner whilst meeting the safety requirements of the highway.

9.6 Landscape and Setting.

The proposals are relatively self-contained and do not relate directly with any existing character area of Bradford on Avon. However this safeguarded land is within the historic setting of the Bradford on Avon designation under the local plan. This is a heritage asset and needs to be protected whilst acknowledging the need to expand the town to meet its economic and housing needs.

The Council's conservation officer raises no objection to the proposals and whilst there has been concern raised by English Heritage it is considered that the inevitable change in character from arable farming to a suburban environment has been designed in a manner sensitive to the historic setting of the town.

The Council's landscape officer has assessed the proposals in light of the submitted landscape and visual impact assessment and has raised no objection concluding that "overall there will be a positive new landscape character, a new townscape with a strong sense of place that fits well with the historic character of Bradford on Avon."The submitted Landscape and Visual impact

Assessment details a post construction affect from the development with a 'slight adverse impact' with 'limited significance' in this context. It has been noted that the main distant views of the site will be from the opposite side of the Rover Avon valley and the layout of the development has addressed this with varied and interesting curved street scene presenting itself to those views. Rising above this naturally with the topography will be further housing development and then the rear sides of the employment development.

Whilst it may have been more natural to have the bulk of development to the western end of the site and to regress the scale and density down toward the eastern side and open countryside, an alternative approach has been taken in acknowledgement of the constraints to the west including sensitivity of the heritage assets. The result is a buffer that will be created between the Grade II listed park and garden, conservation area and the setting of listed buildings including the Grade I listed The Hall.

The existing landscaping around the listed park and garden, the copse of trees along the southern boundary of the western half of the site, the TPO planes on the northern boundary, the retained TPO field trees within the centre of the site and the retained copse to the eastern end of the site will all help the scheme to assimilate into the landscape. There is some relatively limited requirement for further landscaping works as set out in the submitted details.

The development template indicates that along the Holt Road development should be limited to 2-storey height to protect the skyline. With the exception of the work hub facility this has been adhered to and it is considered on balance that the need to provide a greater floorplate of employment with an additional floor outweighs any harm. This is because the it has only been possible to allocate around 1 hectare for employment. As such increasing density is necessary and justifiable.

9.7 Trees.

The proposals detail the felling of circa 20 trees, however there will be a net increase in trees with the landscape proposals implemented. Most critically it is necessary to remove a limited number of trees subject to TPO in order to facilitate the access to the site. One of the TPO field specimens requires removal for good arboricultural practice and will be replaced. It is not considered that the impact will be very significant in the context of those TPO trees retained along Holt Road and the replacement landscaping which is greater in tree number than existing. The submitted arboricultural assessment justifies the works and details the need for wider management of the existing trees and copses in the site. The submission concludes that there would be no significant post construction pressure on trees. Despite this conclusion the Council's arboricultural officer has raised some slight concern with potential pressure post construction. In particular concern was raised with parking spaces being located below the canopy of TPO trees. As a result the scheme has been revised to limited the number of parking spaces affected to no more than 4 spaces connected with only 2 dwelling units.

9.8 Open Space.

The application has been submitted with a combined amount of open space, including the woodland copse, allotments, and strategic landscaping, extending to approximately 2.3ha, of which 1.5ha is within the main development site and 1ha of which is designed for public open space. The open space provision has been designed to create multi-functional green infrastructure in accordance with the development template for the site. There is an emphasis on formal and informal play, biodiversity, connectivity and place-shaping through the open space strategy.

Approximately 1 ha of the open space will be designated as public open space designed for access, children's play and as wildlife habitats. This will be managed by a management company or a commuted sum will be paid to the Council as part of any land transfer. There is an area over the mine in the south west corner; two areas within the centre of the site where there are existing field trees subject to TPO (the northern one will be where a formal 'junior play zone' will be provided); a strip along the south of the site and the woodland area to the east of the site (where a formal 'woodland play space' will be created including a piece of play equipment).

In addition the allotments form a separate area of over half a hectare and will be managed as a private facility. This is not offered for transfer to the Council or for retention in perpetuity through the application.

There are additional areas of informal play and green infrastructure throughout the site which will be landscaped.

The development template for the site in the dWCS identifies the need to explore the retention of land to the south, between the development and the railway line, for public open space. Whilst it has been retained as open agricultural land and forms part of the landscaping strategy it is clear from indicative fencing details that it will not be publicly accessible at this time. It is understood this area will be retained for the private enjoyment of the current land owner and it is noted that there is an agricultural access indicated (on landscaping and drainage drawings) from the development site onto this land adjacent to the new pumping station. This will be utilised to gain access to the new attenuation pond for any maintenance purposes.

The Council's Open Space officer has raised no objection to the proposals highlighting a requirement for 0.83ha of Public Open Space (PoS) of which 160sqm should be equipped. They also detail the preference to see the PoS transferred to the Council for management. These requirements have been met. Additional points have been raised but these can be covered by condition.

9.9 Heritage assets including Conservation Area, setting of Grade II historic park and garden and setting of listed buildings including Grade I The Hall.

The vast majority of the site is located outside of any designated conservation area, listed park or garden or indeed listed building. As such it is generally the setting of these heritage assets that is a consideration. A further heritage asset is the historic setting of Bradford on Avon under local plan policy C4.

As already detailed regrettably English Heritage have raised objection to the proposals. They have stated that they are “concerned about the visual impact of any development in this landscape”. They point to the heavily engineered access and views from positions such as the Tory in particular as concerns. However the Council’s conservation officer has raised no objection and nor indeed have the Council’s landscape officer who acknowledges that from some higher points in the town the site can be seen such as The Tory, but “views are glimpsed and will not change significantly”. A full site inspection from within the site, from adjacent public and private vantage points and wider vantage points such as The Tory and the rights of way on the opposite side of the River Avon valley has been carried out by officers and it is considered that any harm to heritage assets is relatively modest and outweighed by the potential for hard and soft landscape mitigation and the overall benefits of the scheme. English Heritage seem to be concerned with the principle of development at all, however it must be accepted that this site has been safeguarded for future development needs for a number of years within adopted local plan policy in addition to the emerging detailed proposals within the dWCS.

As such it is concluded that the impact on the conservation area, grade II listed park and garden, setting of various listed buildings ranging from Grade I to Grade II listing and also the setting of the town itself are acceptable within the overall context of the proposals and subject to conditions. Your officers conclude that the proposals do accord with paragraph 131 of the NPPF contrary to the English Heritage advice.

9.10 Archaeology.

The Council’s archaeologist has highlighted that the site is of archaeological interest (a further heritage asset) and it is known from the solar PV scheme that there are potential for remains in the vicinity. The submitted Geophysical survey and evaluation has confirmed that there are remains of an Iron Age settlement concentrated to the eastern part of the site, although other features are also dispersed through the site.

The archaeological submission suggest that the most significant part of the Iron Age settlement survives at the eastern end of the development site, indicated by double and triple ditched features revealed by the geophysical survey and evaluation results. The remains appear to continue into the woodland area and the area which is proposed for allotments.

Generally the Council’s archaeologist has been satisfied that subject to a programme of archaeological investigation (which can be secured by condition) then they have no objection. However they were concerned with a paucity of evaluation in the woodland play and allotment areas. The Council’s archaeologist has stated that this area contain(s) a late Bronze Age-Early Iron Age multivallate settlement site of high significance. In light of this further discussion and negotiation has taken place and a mitigation/method statement submitted at the request of the Council’s archaeologist. This covers work in the woodland and allotments area to avoid disturbance of the ground below 250-300mm by means such as raft foundations to the allotment building, importation of 300-400mm of topsoil, banning of ‘double-digging’ by allotment holders, using no dig specifications to pathways, and ensuring a watching brief for excavations below 250mm. This can be controlled by condition.

9.11 Highways.

Vehicular, cycle and pedestrian access to the site is to be obtained from 2 new access points. At the western end by creation of a roundabout at the existing Holt Road/Springfield junction. Furthermore at this point there are highway works proposed to improve the pedestrian path on the north of Holt Road and create a new pedestrian crossing to the west of the roundabout to allow safe crossing. This will narrow the vehicular carriageway. Beyond this there is a financial contribution to planned Historic Core Zone works offered by the developer.

To the eastern end of the site there is a new access for the employment area and associated modifications to the highway including a island refuge to aid crossing from the path on the north side of Holt Road to the allotments and cemetery. The allotments and cemetery will also be accessible from the arguably more preferable route of travel through the development site itself.

There is no access to the allotments by vehicle save for an emergency access/bulk delivery access. For the avoidance of doubt this should be conditioned. This means that parking for allotment users is limited to on-street within the development or potentially at evenings and weekends there could be an element of shared use with parts of the employment site. The later is acceptable to highways and could be controlled by condition.

The site has a total of approximately 289 spaces including 20 designated on street bays for 138 dwellings.

The site has a total of approximately 146 spaces for the employment element, 60 of which are allocated to the ABD factory which has bespoke requirements.

Furthermore the proposals do not include the improved pedestrian and cycle facilities from the south of the site linking to the town centre via The Hall estate and/or Kingston Mills as envisaged with the original development template for the site. The original template critically stated that such links must avoid the Holt Road but this has been amended in recent months in acknowledgement that alternatives are not viable except for the stretch that adjoins the development site. Early in the discussions this proved to be unviable, a particular concern being land ownership complications but also the potential impact of opening up sensitive heritage assets of the Grade II listed park and garden and the Grade I listed The Hall to easy public access. The improvements on the Holt Road and Silver Street are the best compromise in-lieu of this.

The highway officer has highlighted that "Bradford on Avon is acknowledged to be subject to peak period traffic delays. The Transport Assessment submitted in support of this application demonstrates that there will be a further, but not material effect on the most difficult roads in the town, making acceptable assumptions in relation to the distribution/ of trips on the network. No highways objection is made in relation to impact remote from the site because actual changes to the operation of the network will not result in severe transport impacts, and because the site is the chosen strategic housing site in the dWCS."

During the construction phase there is some potential for disruption and so a construction management plan is necessary by condition. Lorry movements are a potential concern as there

is currently no weight restriction on Holt Road/Woolley Street. The highway officer has stated that “a contingency will be sought by way of a planning obligation to promote and make a traffic regulation order in the event the development increases town centre lorry movements via Woolley Street. The developer will be required to contribute a sum towards monitoring and order making/implementation, if required”.

Finally it has been noted that the proposals do detail cycle storage for those residents in flats which will help encourage sustainable travel choices.

9.12 Air Quality.

The site will result in an increase of traffic onto the highway network and it is likely that a number of trips will inevitably occur through the congested town centre which has existing air quality issues. As such it has been designated as an Air Quality Management Area (AQMA) since 2001. CP55 of the dWCS details that development proposals that are likely to exacerbate existing areas of poor air quality will need to effectively mitigate any impacts.

The application submission includes an Air Quality Assessment which details that there will be a “minor adverse” impact as a result of the development and goes on to detail mitigation measures such as travel plans and highway improvements. These have been offered as part of the submission and in addition to that, following consultation with the Council’s air quality officers a financial contribution of £20,000 has been agreed to further monitor and mitigate against traffic impacts on the air quality in the AQMA.

9.13 Residential amenity.

The proposed development would not cause overlooking or a dominant or overbearing impact on any existing property as this site is self contained and separated from other residential property. The outlook of houses opposite on the Holt Road may have their outlooks affected although the existing tree screening will be retained and protected.

The proposals do not fully detail a lighting scheme however this can be controlled by condition to avoid light pollution, nuisance and indeed potential ecological impacts for species such as bats.

9.14 Ecology.

The proposals have been submitted with an ecological assessment, a bat survey, reptile survey, badger report and an assessment of the impact on the adjacent Combe Mine County Wildlife Site (CWS) and the Bath and Bradford Special Area of Conservation (SAC). The mine is known to be home to bats. No objection is now raised from Natural England or the Council’s ecologist subject to appropriate conditions.

The development proposals may also provide significant opportunity to provide ecological enhancement with the Sustainable urban drainage scheme, additional tree planting, providing a long-term ecological management plan for the site, changing agricultural practices (to suit bat foraging) on the remaining farm land which will not be suitable for arable farming and so will be

grazed by cattle, and management of the site's landscaping. These enhancements can also be controlled by condition.

9.15 Drainage.

The application has been submitted with a Flood Risk Assessment (FRA) and Drainage Statement. The application site is all designated as Flood Zone 1, the lowest probability of fluvial flooding.

The foul and surface water drainage proposals are understood to have been subject to pre-application discussion with Wessex Water, the Environment Agency and Wiltshire Council's drainage officers and the principle of the foul and surface water drainage solutions agreed.

The foul drainage solution increases foul drainage capacity in an existing combined sewer by extracting surface water flows. The submitted planning statement summarises that "the proposals include provision of upgraded foul drainage infrastructure. Additional foul storage capacity has been achieved by diverting surface water from an existing combined sewer through a repaired culvert in Springfield Road and a replacement culvert through The Hall grounds. An additional storage tank is also proposed at the junction of Holt Road/Springfield to provide further additional capacity for the existing Springfield pumping station." On-site foul drainage drains to a new purpose built storage tank and pump station on the southern edge of the site and would then be pumped to the existing upgraded Springfield pump. Details of this facility should be controlled by condition.

Surface water disposal from the development will largely be to the River Avon via an existing watercourse that is already culverted under the railway tracks. This is to the eastern end of the solar PV farm. In order for water to reach this area and in order to aid water attenuation from the urbanising of the environment there will be subterranean storage within the employment area, a network of surface water pipes and an open water course through a 'living water environment' running from the main development area east to newly engineered attenuation pond.

The submission details the predicted routes of storm events which indicate exceedance flows into the upgraded Springfield culvert and into the retained permeable land to the south of the application site.

The application has been subject to consultations with the Environment Agency, Wessex Water and the Council's drainage officers. No objection has been raised in principle although a condition requiring final details and actual implementation is recommended in light of the expert consultation responses.

In light of the information submitted and the consultation responses it is considered that the proposals are in that they can be adequately serviced, do not pose a significant flood risk and any impacts of urbanisation can be adequately mitigated for through the proposed engineering solutions.

9.16 Green Belt

The vast majority of the proposals are outside of the Green Belt, however the woodland copse to the east of the main development area, the allotments and the SuDS for the development are all located within the designated Green Belt. There is no relevant local plan policy on Green Belt as GB2 was not saved. Indeed the dWCS does not have a particular policy on the matter stating in the supporting text of CP51 that any decision will be made in accordance with national policy on the Green Belt.

The NPPF details that inappropriate development is by definition harmful and should not be approved except in very special circumstances. It goes on to detail that new buildings are inappropriate including some exceptions such as buildings for agriculture and outdoor recreation. These exceptions would include the proposed structures connected to the woodland play area and the allotments. Furthermore the openness at these points would be preserved by the development with the added benefit of making use of land that cannot be reasonably farmed at a commercial level due to the solar PV farm development isolating them from any other holding.

9.17 Land contamination.

To the south west corner of the site is a disused mine. Given the site's proximity to this and the residential nature of development conditions have been recommended by the Council's contaminated land officer to address potential contamination and ground gases.

The submitted geoenvironmental investigation highlights these as potential areas of concern although it identifies the risk as being "low".

In light of the expert advice conditions are recommended.

10. Summary and conclusions

The proposal is sited on land safeguarded for the longer term development needs of the town (post 2011) in the development plan. It is a proposed strategic allocation in the draft Wiltshire Core Strategy. Whilst it would have been preferable if the site had been brought forward once the Core Strategy had been adopted, it is clear that adoption is still some way off, and the employment needs of the local firms involved in the proposal cannot be put on hold indefinitely.

The policy in the NPPF is that planning permission should be granted in situations where sustainable development is proposed and there are no adverse impacts that would significantly and demonstrably outweigh the benefits. In this case, it is considered that the social, economic and environmental benefits of bringing the site forward justify the favourable consideration of this application. The proposals offer a considerable amount of the requirements and stipulations detailed in the draft development template for this strategic site.

There were 4 key objectives set out including the delivery of upto 150 houses and 2-3 hectares of employment land to improve self-containment; a high quality, sustainable and mixed use development with 40% affordable housing; an exemplar for sustainable and renewable energy

development to meet carbon neutral standards; and facilitate the retention and expansion of two employers. The general thrusts of the objectives have been met by this proposal.

Therefore it is recommended that planning permission be granted subject to a legal agreement to secure the package of planning gains being offered by the developer along with reasonable and necessary planning conditions to control the development.

Recommendation:

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure the following:

i) 30% Affordable Housing to be provided on site.

ii) a financial contribution towards the provision of secondary school places totalling £498,030 which would be index linked;

iii) a financial contribution towards the provision of primary school places totalling £470,381 which would be index linked;

iv) a financial contribution towards the provision of affordable childcare totalling £161,530 which would be indexed linked;

v) a financial contribution towards the provision of GP surgery facilities totalling £53,750 which would be indexed linked;

vi) a financial contribution towards Phase 3 of the Bradford on Avon Historic Core Zone works totalling £155,000 which would be indexed linked (in the event that this works does not occur monies will be made available to bus service enhancements to serve the development site);

vii) a financial contribution towards the cost of making Traffic Regulation Orders relating to waiting, speed limits, weight limit and temporary closure of Cemetery Lane totalling £15,000 which would be indexed linked.

vii) a financial contribution towards the monitoring of the Travel Plans for the Development totalling £5,000 which would be indexed linked.

viii) a financial contribution towards the outdoor leisure facilities at Culver Close / Victory Field totalling £30,907 which would be indexed linked.

ix) a financial contribution towards the expansion of Bradford on Avon cemetery totalling £3,750 which would be indexed linked.

x) a financial contribution towards monitoring, improving and mitigating air quality issues within the Bradford on Avon Air Quality Management Area totalling £20,000 which would be indexed linked.

xi) the practical completion of the new Anthony Best Dynamics factory and the relocation of the business onto the development before the first occupation of the 50th open market dwelling.

xii) the practical completion of phase 1 of the 'work-hub' development before the first occupation of the 80th open market dwelling.

xiii) the provision of circa 1.5 hectares of public open space on site (including equipped play areas), with payment of a commuted sum towards its initial management if the Council is requested to adopt it;

xiv) the provision of private allotments;

xv) the provision of a series of highway improvement works including widening of pedestrian facilities from the site to the junction of Wooley Street/Silver Street; provision of a new roundabout; provision of a new access to the employment area with realignment to highways; and dedicated pedestrian crossings and refuges on Holt Road.

And subject to the following planning 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 No development shall commence on the housing development until details and samples of the materials to be used for the external walls and roofs of the housing development have

been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 3 No development shall commence on the employment development until details and samples of the materials to be used for the external walls and roofs of the employment development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 4 No development shall commence on the allotment development until details and samples of the materials to be used for the external walls and roofs of the communal barn have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 5 No development shall commence on the respective employment or housing sites until a scheme of hard and soft landscaping has been submitted to and approved in writing for those sites by the Local Planning Authority, the details of which shall include for each:-

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

REASON: To ensure a satisfactory landscaped setting for the development and to protect and enhance biodiversity interests.

- 6 No development shall commence on site until a scheme of phasing programme for the development and associated landscaping has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is phased so as to minimise any harm during the construction period and that a satisfactory landscape setting is created and to protect and enhance biodiversity interests.

- 7 All soft landscaping contained in the approved details of landscaping shall be carried out in accordance with the approved phasing programme required by condition 4.

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 to protect and enhance biodiversity interests.

- 8 No building shall be first occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens, but for the avoidance of doubt including the allotments) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 9 No development shall commence on site until a habitat and ecological management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- * a set of detailed objectives;
- * a drawing showing the locations of habitat features of importance for bats;
- * a requirement for those with landscape management responsibilities to ensure bat habitat features are retained and enhanced through appropriate management for the lifetime of the development;
- * a programme of management works including annual and less frequent works required to maintain the bat habitat features in good condition.
- * details of monitoring for compliance against the plan objectives.

The habitat and ecological management plan shall be carried out in accordance with the approved details.

REASON: In the interests of preserving and enhancing biodiversity and protected species.

- 10 Notwithstanding the hereby approved plans, no development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme required by condition 4.

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

- 11 No development shall commence on those parts of the site within the root protection areas/canopies of protected and retained trees until a full 'No-Dig' specification for works within these areas has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: In order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the:
- east elevation of plot 11;
 - north elevation of plot 67; and
 - north elevation first floor of plot 133.

REASON: In the interests of residential amenity and privacy.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

- 14 No development of the proposed impermeable parking areas and hardstandings shall commence on site until details of surface water drainage from these areas, including oil interceptors has been submitted and approved by the Local Planning Authority. The areas/hardstandings shall not be first brought into use until the oil interceptors have been installed in accordance with the approved details. Thereafter the oil interceptors shall be retained in accordance with the approved details. Roof water shall not pass through the interceptors.

REASON: To minimise the risk of pollution of the water environment.

- 15 No development shall commence on site until the final scheme for the discharge of foul 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 occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained, minimise the risk of pollution and minimise the risk of flooding on the site and downstream.

- 16 Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. The associated development shall not be first occupied until such facilities have been constructed and completed in strict accordance with plans approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment

- 17 No development shall commence 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 in writing by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Furthermore the development shall be carried out in accordance with the 'Method Statement for Landscape Construction Works within Area of Archaeological Interest' by McGregor Smith received on 20 December 2013.

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

- 18 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To ensure that the development can be adequately drained, minimise the risk of pollution and minimise the risk of flooding on the site and downstream.

- 19 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating:
- a working method statement for road construction detailing how the works will be controlled;
 - details of how bat monitoring and vibration monitoring will be used during construction to avoid harm to bats and instability in the mine;
 - position, design and timescale for protective fencing which will be erected to exclude construction machinery from land above Coombe Mine;
 - working restrictions to minimise impacts on bat movement at night;
 - pollution prevention measures,

has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: In order to protect the natural environment.

- 20 All fixed plant and machinery shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997.

REASON: In order to safeguard the amenities of the area in which the development is located.

- 21 The working hours during the construction phase shall be limited to:
- | | |
|--------------------------|-------------|
| Monday – Friday: | 0800 - 1800 |
| Saturdays: | 0830 – 1300 |
| Sundays/Public Holidays: | None |

REASON: In order to safeguard the amenities of the area in which the development is located.

- 22 Vehicle deliveries shall be limited to:-
- | | |
|--------------------------|-------------|
| Monday – Friday: | 0800 – 1800 |
| Saturdays: | 0900 – 1300 |
| Sundays/Public Holidays: | None |

REASON: In order to safeguard the amenities of the area in which the development is located.

- 23 No development shall commence until a final external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing all public, private domestic and private commercial external lighting. The scheme shall detail the type of light appliance, the height and position of fitting, illumination levels and light spillage. The scheme shall achieve Environmental Zone Category E2 levels or less, complying with guidance issued by the Institution of Lighting Engineers. Furthermore the scheme shall be designed specifically to achieve light levels that avoid harm as far as reasonably practical to bats by complying with the lux plot contained in scheduled additional information “eg12492: Further Information to Inform a HRA” and scheduled drawing “0066-1300-004 Rev A”; and reducing light levels towards 1 lux near trees along the sites northern boundary. The scheme shall include details of when lanterns will be switched off at night.

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

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

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

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

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

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

- 25 No development shall commence until a scheme of public art, including a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority. The public art shall be provided in accordance with the agreed timetable.

REASON: In the interest of public amenity and appearance of the development.

- 26 No development shall commence until details of bat and bird boxes (including those integrated into the fabric of the built environment), including a plan to show their location have been submitted to and approved in writing by the Local Planning Authority. These shall subsequently be installed before any dwelling is first occupied.

REASON: In order to preserve and enhance biodiversity interests.

- 27 No part of the development shall be first occupied until the entrance of Combe Mine county wildlife site has been fitted with a protective metal grill to prevent public access.

REASON: In order to minimise potential disturbance to protected species and their habitat.

- 28 No tree will be felled or pruned unless it has been assessed by a professional ecologist for risks to bats within the previous 12 months and the works are undertaken following the advice of the ecologist.

REASON: In the interests of protected species.

- 29 No hedgerow or tree removal will be undertaken on the site until advanced planting works are completed in accordance the approved phasing programme required by condition 4.

REASON: In the interests of protected species.

- 30 Notwithstanding the details submitted, no development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 31 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

- 32 The Class B1 and B2 development hereby approved shall not be first brought into use until that part of the service road which provides access to it has been constructed, and all parking and manoeuvring spaces have been completed in accordance with the approved plans. The parking and manoeuvring spaces shall only be used for the purpose of parking and manoeuvring at all times.

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

- 33 No Class B1 or B2 development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. The spaces, and changing and showering facilities, shall be made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

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

- 34 No building shall be occupied on the respective parts of the site (employment/residential) until a Green Travel Plan for the respective part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The employment use Travel Plan shall identify measures that are disincentives for employee travel as single car occupants. The results of the

implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The travel plans shall each have a minimum period of operation of 6 years from the date of first occupation of the respective land uses.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 35 Before the development hereby permitted is commenced, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall identify what routes are to be used by construction lorries and vans to serve the site, how the construction traffic will avoid adding to congestion in Bradford on Avon, what arrangements will be put in place to ensure exiting lorries and vans do not cause mud and other deleterious materials being deposited on the local roads

REASON: In order to ensure that existing highway users are not unduly inconvenienced by development related construction traffic

- 36 The access to the designated allotments shall be limited to maintenance and service vehicles only.

REASON: In order to define the terms of this permission and highway safety.

- 37 The 25 parking spaces opposite residential units 68-80 within the work-hub employment area shall be made available for public parking at weekends, bank holidays and from 18.00 to 07.00 hrs (the next day) on all other days.

REASON: In order to alleviate on-street parking demand and make an efficient use of the development's off-street parking provision.

- 38 No development shall commence until detail of new bus stop positions and facilities within the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. Those details shall include an agreed timetable for the works.

REASON: In order to improve sustainable transport options for those living and/or working at the development without prejudice to existing residents and workers.

- 39 The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule

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

Informative(s):

- 1 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

- 2 There are ordinary watercourses either within or in close proximity to the site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:-

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

- 3 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles, including wheel-wash
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

- 4 The archaeology work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.
- 5 It should be noted that the new Part L Clause 25 of the 2013 Building Regulations may require documentation of a low carbon/centralised energy strategy approved by the local authority.
- 6 The developer is encouraged to consider the installation of sprinkler systems within the development in the interests of fire safety.
- 7 The applicant is advised that erection of a grille across the entrance of Coombe Mine is likely to require a licence from Natural England.
- 8 Within the submission of landscaping condition discharge the following matters will be expressly addressed:
- * details of a planting scheme along northern boundary of the site and timescale for its implementation which is necessary to provide a commuting route for bats as soon as possible during the construction programme;
 - * details of planting that will be undertaken around the entrance to Coombe Mine to provide visual screening; and
 - * planting plans will demonstrate how dark bridges will be created to encourage bats to cross new roads.