

Wiltshire Housing Site Allocations DPD
Examination in Public
Statement of Common Ground

As agreed between

Wiltshire Council

And

Mr S H Crook

And

Foreman Homes Ltd

concerning

**Land at Empress Way, Ludgershall (Proposed Housing
Allocation Policy H1.1)**

Background

1. Ludgershall, along with Tidworth, is designated as a Market Town and has the potential for significant development. The Wiltshire Core Strategy (WCS) envisages Ludgershall, together with Tidworth, accommodating about 1,750 additional dwellings over the plan period (Core Policy 26, WCS). The settlement strategy supports an increase in jobs and homes at Market Towns to help sustain and enhance services and facilities and promote better levels of self-containment and viable sustainable communities (Core Policy 1, WCS). Further development will support it carrying out this role.
2. Approximately 16.5 hectares of land at Empress Way, as shown on Figure 5.1 of the draft Plan, is proposed for development under Policies H1 and H1.1. The proposal is to extend land already with permission for housing development to allow for a further 160 dwellings. The total amount of development would therefore be approximately 270 dwellings. The treatment and design of the site will be one comprehensive development proposal.

Purpose of this Statement of Common Ground

3. This Statement of Common Ground (SoCG) is provided in respect of the identification of Land at Empress Way, Ludgershall as a proposed allocation within the draft Wiltshire Housing Site Allocations Plan at Policies H1 and H1.1; and as detailed within paragraphs 5.17 to 5.21, as proposed to be amended through the Schedule of Proposed Changes. This SoCG is structured to provide the Inspector with a summary of the areas of agreement between the Council and Mr S H Crook and Foreman Homes Ltd.
4. Mr S H Crook is the site promoter and owner of the 16.5-hectare site.
5. Foreman Homes Ltd is the contracted purchaser and are ready to submit a planning application as soon as practically possible. Foreman Homes have recently completed the construction of 181 dwellings at Granby Gardens, Ludgershall (Kennet Local Plan Allocation HC25) to the south west of the allocation. Foreman Homes have made a reserved matters application 18/04346/REM pursuant to the extant outline planning permission E/2013/0234/OUT covering 4.8 hectares part of the H1.1 allocation at Empress Way. The application remains under consideration at this time.
6. In February 2017 a standalone planning application (16/10907/OUT) for 269 dwellings, primary school and other related infrastructure on the proposed site was refused planning permission by Wiltshire Council. The resulting appeal was then dismissed in February 2018 following the completion of a Section 106 Agreement between the site promoter and Wiltshire Council. In concluding the appeal inspector made the following statement which is relevant now:

“The Framework emphasises that the planning system is to be plan-led. At this point in time the proposal is clearly contrary to that plan as adopted. Looking at the material

considerations, both individually and collectively, none of these are such to outweigh the presumption given through the development plan. ***As such the proposal would not, at this time, represent sustainable development and the appeal should be dismissed***". (emphasis added).

Areas of Common Ground

Land availability, deliverability and supporting evidence

7. Mr S H Crook has completed the following technical studies in relation to the proposed allocation site:

Technical Assessment	Consultant	Reference	Date
Arboricultural Impact Assessment	S J Stephens Associates	952	21 st October 2016
Agricultural Land Quality Report	ADAS	PE/RE10	May 2016
Archaeological Geophysical Survey	Stratascan	J9405	January 2016
Archaeological Evaluation	PCA Ltd	EWLW16	October 2016
Contamination Assessment (Phase 1)	Clarkebond	WB04364	26 th October 2016
Ecological Appraisal	LCES Ltd		October 2016
Foul Water Capacity Assessment	AAH Planning	35253	February 2016
Flood Risk Assessment	AAH Planning	64496	September 2016
Landscape and Visual Impact Assessment	ACLA Ltd	ACLA/BGI	15 th October 2016
Transport Assessment & Travel Plan	WYG	A094281	7 th October 2016

8. Copies of the above documents were submitted by the site promoter Mr S H Crook in support of representations to the draft Wiltshire Housing Site Allocations Plan Regulation 19 consultation in September 2017.
9. This technical work also underpinned the submission of the Outline Planning Application 16/10907/OUT referred to above.
10. All parties agree that the decision confirms there would appear to be no technical reasons why the allocation is not deliverable, achievable and viable. The fundamental matter for the decision related to the consideration of the overriding need for the development, at that time, and the primacy of the plan-led system. It was raised during the appeal process that development of the site would result in the loss of best and

most versatile agricultural land, a matter that weighed against the proposals in the planning balance. The matter of loss of agricultural land was also assessed through the WHSAP site selection process, and it was similarly concluded that there would be adverse effects as a result of this loss. However, the benefits of development through a plan led approach were considered to outweigh the loss. Furthermore, the site developers have since sought to minimise the potential for loss of agricultural land by preparing a layout plan which shows land reserved for a 2 FE primary school on the edge of the development area, which could potentially be released back into agricultural use should there be no need for a primary school.

11. Both Mr S H Crook and Foreman Homes confirm that there are no significant availability constraints, which would affect the deliverability of allocation H1.1 under their respective control. All parties agree that the site has the capacity to deliver 270 homes, land for a 2 form entry (FE) primary school and other policy requirements in accordance with the aims of the draft Plan.
12. Two illustrative masterplans have been prepared for allocation H1.1 showing the effect of the land reserved, or otherwise, for the school.
 - a. 270 homes, land reserved for a 2FE primary school, a connecting highways link between Empress Way and Simonds Road via Granby Gardens with public open space, landscape framework and retention and enhancement of PROWs – see Appendix A
 - b. 270 homes, a connecting highways link between Empress Way and Simonds Road via Granby Gardens with public open space, landscape framework and retention and enhancement of PROWs – see Appendix B
13. Wiltshire Council as Local Education Authority confirms that the 2FE primary school is deliverable, in principle, in the illustrative position as shown on the masterplan should it be required.
14. All parties agree that the location of the 2FE primary school at the south east corner of the allocation enables the land to remain available for agricultural use, or to revert to agricultural use (consistent with Proposed Change 42) should it not be required within the period. The Inspector is advised that previous versions of the masterplan, including that supporting the Section 78 Appeal showed the school centrally within the site meaning Proposed Change 42 would not have been feasible.
15. The work and information provided by the promoter, together with the work undertaken by the Council, demonstrates that the land proposed for allocation at Empress Way, Ludgershall is available, suitable and developable in accordance with the requirements of paragraph 47 of the NPPF (2012). All parties therefore consider that the site can be viably developed at the point envisaged, as set out below.

Draft Policy H1.1

16. Draft Policy H1.1, including Proposed Changes 40, 41, 42, 43 and 44, is supported by the parties. However, due to an incorrect reference to Public Right of Way LUDG34, it is agreed that Proposed Change 43 should be amended to:
 5. *"the retention and enhancement of public rights of way LUDG1 **and**, LUDG2 **and** ~~LUDG34~~ through the development of the site."*
17. With regard to the proposed wording amendment set out at Proposed Change 41, all parties agree that the operation of the triggers for transport, including the provision of a connecting highways link, is an appropriate matter to be assessed in detail as part of the planning application. The determination of 16/10907/OUT demonstrated that the Transport Assessment (TA) provided a clear and effective basis for the assessment of the planning application with appropriate mitigation by planning conditions and obligations, including the effective triggers for delivery of the infrastructure – see Section 78 Appeal decision paragraphs 26 and 27.
18. All parties agree that the need for the 1.8 hectare site for a 2FE primary school should be reassessed at the time of a planning application in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Mr S H Crook and Foreman Homes have proposed to reserve the primary school land for that purpose for a period of 25 years.
19. In respect of Proposed Change 40, the site promoter has commissioned Air Quality Assessments to undertake an Odour Assessment to advise of the likely impacts on delivery. The Assessment concludes that the risk of odour effects at the application site is negligible and that the effect would be insignificant. There should be no constraints to development at the site with regard to odour as the proposed development is consistent with the relevant parts of the Framework and Core Policy 57. Following receipt of the Odour Assessment, the Council consulted with Southern Water and all parties note that this evidence does not remove the requirement for an Odour Assessment to be a requirement of Policy H1.1.
20. All parties agree that the criteria provided in draft Policy H1.1 (as proposed to be amended by Proposed Change 43) together with the supporting text is fully justified.

Delivery Timetable

21. Following allocation of the Land at Empress Way, Foreman Homes are to proceed to submit a Hybrid Planning Application seeking full approval for the residential element and outline planning permission for the 2FE primary school (if required). This will be based on a comprehensive masterplan for the whole site.

22. On the basis of adoption of the Plan in Q3 2019, the planning application would be made at this time. Allowing for a 4-6 month window for approval and discharge of the planning conditions, Foreman Homes envisage commencement (of the allocation area not subject to the extant consent) on-site in late Q1 2020.
23. In terms of anticipated build-out, Foreman Homes normally allow 26 weeks for the completion of the first house, with the subsequent completion of one per week thereafter.

Development Trajectory

Year	No of completions
2021	40
2022	52
2023	52
2024	52
2025	52
2026	22

Signed:

Name: Aaron Smith BA(Hons) DipTP MRTPI

For and on behalf of Mr S H Crook and Foreman Homes Ltd.

Date: 3rd April 2019

Signed:

Name: Georgina Clampitt-Dix (Head of Service, Spatial Planning)

For and on behalf of Wiltshire Council

Date: 1st April 2019

KEY

- Site Area - 1, 6, 6 hectares
- Indicative buildings
- Primary school
- Primary school land
- Locally Employed Area for Play (LEAP)
- Casual Play Space
- Local open sports/recreation areas
- Retained/proposed trees
- Retained/proposed hedgerow
- Woodland edge
- Proposed extension to Empress Way (detailed layout)
- Proposed lift road
- Lane/drives/courtyards
- Existing rights of way
- Illustrative route of part diverted LUDG2
- Recreational footpaths
- Affordable housing (illustrative positions)
- Casual Open Space

revisions

no.	initial	date

Contractors, Sub-Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any site drainage or building work.

It is the responsibility of the contractor to ensure that all work is carried out in accordance with the approved drawings and specifications.

Product: LAND AT EMPRESS WAY, LUDGERSHALL

illustrative layout

scale: 1:1250 @A1
 drawn by: DB
 date: March 2019
 drawing no: 140405-02
 rev:

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KEY

- Site Area - 13.94 hectares
- Indicative buildings
- Locally Designated Area for Play (LDAP)
- Casual Play Space
- Local open sports/recreational areas
- Retained/proposed trees
- Retained/proposed hedgerow
- Woodland edge
- Proposed extension to Empress Way (detailed layout)
- Proposed link road
- Lanes/ drives / compounds
- Existing rights of way
- Illustrative route of part-averaged LUDG2
- Recreational footpaths
- Allowable housing (illustrative positions)
- Casual Open Space

revisions

no.	description	initial	date

Contractors, Sub-Contractors and Suppliers are to check all relevant dimensions and levels of site and buildings before commencing any site drainage or building work.

From viewing as complete and final, the client is to be responsible for any errors or omissions in the drawings and for any consequences arising therefrom.

Project: **LAND AT EMPRESS WAY LUDGERSHALL**

drawing: **illustrative layout**

scale: 1:1250 @A1

drawn by: db

date: Sept 16

140405-02

drawing no. rev

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