

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 September 2020
Application Number	15/12351/OUT
Site Address	Land at Rawlings Farm, Cocklebury Lane, Chippenham Wiltshire, SN15 3LR
Proposal	Outline Permission for up to 650 Dwellings, Including 5ha Employment Generating Space and a 2 Form Entry Primary School. Up to 10ha New Public Open Space Including Country Park, Landscaping, Stormwater & Foul Drainage Works, Substation and Associated Infrastructure Works. Access Using Parsonage Way - Over New Railway Bridge, Darcy Close and from Cocklebury Lane (for Pedestrian/Emergency Works).
Applicant	KBC Developments LLP
Town/Parish Council	Chippenham Town Council/Langley Burrell Parish Council
Division	Chippenham Monkton/Kington
Grid Ref	393297 173929
Type of application	Outline
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called in for committee determination in the event of approval by both relevant ward members Cllr Greenman and Cllr Murry.

The application has been previously reported to Strategic Planning Committee on 14/09/2016 with a resolution agreed at that meeting to grant consent subject to signing of a Section 106 agreement/completion of a planning obligation. The scheme proposals have been significantly and substantively revised since that resolution and there have also been multiple changes in material circumstances of significance to determination. These have led to additional comments from interested parties. A further report to the Committee is therefore considered necessary to update the position and resolution.

1. Purpose of Report

To consider the issues raised as set out in the report including compliance with the development plan, and the landscape and visual impact of development, in the context of all material considerations and to recommend that permission be granted subject to conditions and the completion of a S106 agreement/planning obligation to deliver the necessary mitigation required to make the development acceptable within 6 months of the date of the resolution; or to refuse permission for the reason set out below in the event that the applicant declines to enter the agreement or it becomes clear that they have no intention of so doing.

2. Report Summary

Langley Burrell Parish Council objects to the scheme proposals.

Chippenham Town Council raises no objection but identifies multiple concerns for which it seeks resolution prior to consent being issued.

Bremhill Parish Council (multiple submissions) but raises concerns as to development plan policy compliance and objects to the transport route proposals.

Kington Langley raises no objection but identifies requirements to support the development.

51 representations received in respect of the revised scheme proposals and further information submissions objecting and/or raising concerns. This however includes multiple representations submitted from the same persons.

1 representation of support.

Key Issues raised by the application:

- Principle of Development / Development Plan Compliance
- Landscape and Visual Impact
- Highways Impact
- Ecological Impact
- Heritage Asset Impact
- Drainage Impact
- Impact on Residential Amenities
- Air and Noise Pollution
- Planning Obligation/S106 Contributions

3. Site Description

The development site is located on approximately 47ha of mixed farmland between the Great Western railway line and the River Avon to the north east of Chippenham. The eastern boundary of the site is defined by the former Calne - Chippenham railway line and is presently a Sustrans Cycle route set into a cutting. More apparent as a boundary to the western side of the site is the Monkton Park housing estate which sits adjacent to the cycle path. The eastern boundary is a mature hedgerow that runs roughly north-south close to an existing cattle bridge over the railway line. A High Tension (132KV) power line crosses the site towards the western side while a smaller branch of 32KV overhead lines provides power to an adjacent communications mast.

The site is largely square in shape. The only two means of access that presently exist are at Cocklebury Lane (with a narrow Victorian bridge over the railway) and a narrow footbridge at Eastern Avenue. The site generally slopes towards the River Avon but also falls away in the north western edge, towards Chippenham Town Centre. A distinctive valley exists towards the centre-west of the site, which is made more attractive by several mature trees including oaks. Part of the site is within the floodplain. A brick and concrete World War II (WWII) pillbox is located close to the river within the flood plain. Aside from the access boundaries, the remaining boundaries are easily defined and identified both from a map and on-the-ground. Rawlings Farmhouse and structures within its curtilage are included in the application site. An existing dwelling (Rawlings Farm Cottage) is enclosed by the site but does not fall with the application site.

4. Relevant Planning History

15/11886/FUL Construction of a Bridge Across the London to Bristol Railway Line, as an Extension to Parsonage Way so as to Serve the Proposed Housing Development at Rawlings Green – Approved but has now lapsed.

18/02037/FUL Construction of Bridge Over the Great Western Railway and Accommodation Works, Including Temporary Haul Road from Upper Peckingell Farm; Construction Compound; Bridge Beam Storage Compound; Cocklebury Link Road (Phase 1), and Associated Drainage Arrangements; Highway and Associated Landscaping – Approved and permission extant.

5. The Proposal

The application description of development is set out above. The application is in outline with all matters reserved except for access. The rail bridge access to the west leading to and from Parsonage Way is also the subject of a separate consent of full planning permission. The development is Environmental Impact Assessment qualifying development and is supported by the submission of an Environmental Statement (ES), which has been updated in respect of the revised scheme proposals and is the subject of Further Information submissions in respect of Landscape and Visual Impact (LVIA).

The proposed development is a major mixed use of residential, employment, retail and care home, with supporting ancillary development including a primary school, early years learning/nursery, country park and other open spaces, landscaping and infrastructure. In effect the proposal is an urban extension to the east of Chippenham. The proposals seek to deliver the development that is the subject of a strategic allocation within the Council's development plan (policy CH2 Chippenham Sites Allocation Plan).

The scheme proposals have been the subject of significant alteration during the life of the application. In particular the residential element of the scheme has been revised to reduce the number of dwellings proposed (now for up to 650 as opposed to up to 700). The red line boundary of the site has also been the subject of alteration with a significant area of land now excluded from that originally proposed.

6. Planning Policy

Wiltshire Core Strategy (Jan 2015) (WCS)

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3- Infrastructure Requirements

Core Policy 10- Spatial Strategy: Chippenham Community Area

Core Policy 34- Additional Employment Land

Core Policy 43- Providing Affordable Homes

Core Policy 51- Landscape

Core Policy 43- Providing affordable homes

Core Policy 45- Meeting Wiltshire's housing needs

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment

Core Policy 60- Sustainable Transport

Core Policy 61- Transport and Development

Core Policy 62- Development impacts on the transport network

Core Policy 63- Transport Strategies

Core Policy 64- Demand Management
Core Policy 67- Flood Risk
Appendix D
Appendix E
Appendix G

Saved Policies of the North Wiltshire Local Plan:
NE14- Trees and the control of New Development
NE18- Noise and Pollution
H4- Residential development in the open countryside
CF2- Leisure facilities and open space
CF3- Provisions of open space

Chippenham Sites Allocation Plan (May 2017) (CSAP)

CH2- Rawlings Green
CH3- Chippenham Riverside Country Parks

Langley Burrell Neighbourhood Plan (Oct 2017) (LBNP)

Parish Build Policy 1 (PB1) Development proposals at the urban fringe
Landscape Policy 1 (LP1) Protecting the rural landscape
Heritage Policy 1 (HP1) Preservation of heritage assets and their settings
Heritage Policy 2 (HP2) Maud's Heath Causeway
Heritage Policy 4 (HP4) Preservation of the heritage setting of hamlets and isolated listed buildings
Natural Environment Policy 1 (NE1) Encouraging nature conservation benefits
Natural Environment Policy 2 (NE2) Promoting the countryside amenity and the rural footpath network
Economy and Infrastructure Policy 2 (E12) Renewable energy developments

Bremhill Neighbourhood Plan (February 2018) – Site lies outside but adjacent the plan area

National Planning Policy Framework (July 2019) (NPPF/The Framework)

Paras 2, 7, 8, 10, 11, 12, 38, 47, 54, 56, 72, 74, 76, 80, 91, 92, 94, 96, 98, 108, 109, 110, 111, 112, 117, 118, 122, 127, 154, 162, 163, 165, 170, 175, 178, 181, 183, 189, 190, 192, 193, 194, 196, 197.

7. Consultations

The application has been the subject of three formal periods of consultation in accordance with the Environmental Impact Regulations 2017. The summary below sets out the final position of consultees following the outcome of all three consultation periods. It is a summary and does not purport to set out in detail all comments made. Key matters raised and how that has affected evolution of the scheme proposals, mitigation measures including use of conditions and planning obligation and determination of the application, including recommendation, is addressed in the body of the report under issue specific headings.

Wiltshire Council Spatial Planning Team – No objections, the proposals do not conflict with the development plan.

Wiltshire Council Landscape Officer – No objection subject to conditions

Wiltshire Council Trees Officer – No objection subject to conditions

Wiltshire Council Conservation Officer – Any harm identified is less than substantial and bearing in mind the balance to be applied as per Para 196 of the NPPF the scheme could be found acceptable if sufficient public benefits are secured to offset the degree of harm caused.

Wiltshire Council Highways – No objections subject to conditions and planning obligation to address financial contributions toward public transport, cycling and pedestrian enhancements, traffic regulation orders and the reservation of land for possible future highways links.

Wiltshire Council Public Protection – No objections subject to conditions and section 106 agreement to address air quality contribution requirements

Wiltshire Council Ecology – No objections subject to conditions

Wiltshire Council Archaeology – No objections subject to conditions

Wiltshire Council Urban Design – No objections

Wiltshire Council Affordable Housing Team – No objections subject to S106 agreement – 40% policy compliant contribution

Wiltshire Council Education- No objections subject to section 106 agreement to secure 2 ha of land for a primary school and early years learning facility and financial contributions in respect of both. Secondary School requirements to be addressed through CIL.

Wiltshire Council Waste & Recycling Team – No objections subject to section 106 agreement to secure financial contributions for waste collection facilities.

Wiltshire Police – No objections but recommends detailed design incorporate gated access to any alleyways and at plot entrance, parking closely associated with the home it serves if not in-curtilage and rear courtyard parking to be restricted to flats.

Wiltshire Council Rights of Way Team – No objection but requirement for separate formal submissions to divert PROW identified as necessary.

Public Art Officer – Seeks financial contributions to arts provision as part of the development.

Network Rail - No objections in principle but identifies requirement to consider asset protection measures both during development and operational phases; and to liaise with the asset protection team of network rail in those respects prior to development.

Officer comment – this can be addressed by use of Informative.

Wessex Water – No objections subject to condition. No further comment to add to previous comments. Submissions reflect discussions between WW and the applicant.

Sport England – No objection but recommends CIL monies be used for sports provision with reference to Sport England strategies.

Historic England – No objection, considers that the latest revised landscaping proposals address previously identified concerns with respect to Kilvert's Parsonage and surrounding countryside setting. Defers to Council's Conservation Officers in respect of impacts of development on Rawlings Farmhouse.

Environment Agency – No objections subject to conditions and Informatives

Natural England – No objections

Highways England – No objections

Langley Burrell Parish Council (Multiple Submissions) - Strong Objection as key concerns raised previously have not been addressed. In particular: -

- CSAP provisions not met especially re: Country Park and Landscape Buffers
- Neighbourhood Plan policy provisions not addressed or met in particular PB1, LB1 & HP4 with development harming the rural character and setting of the village and heritage assets
- Lack of clarity as to the amended red line boundary and exclusion of important areas of land identified for country park and landscape buffer uses in the CSAP.

Chippenham Town Council – no formal objection in principle but raises concerns: -

- The LVIA is inadequate and does not fully represent the impact of the built form proposed
- Note that the Council's Strategic Planning Committee has previously resolved to grant consent and that the site is allocated in the CSAP.
- Concerns remain as to impact on ecology, flood risk, air pollution and traffic congestion
- Country park and landscaping proposals welcomed but should be conditioned for delivery as proposed adjacent the River corridor
- Recreation space proposals welcomed but future management queried
- Most concern centres on traffic congestion on Station Hill and the junction with New Road. Timing of implementation of the rail bridge is critical to minimise impacts, and this should be subject of condition. The congestion on Station Hill is however not satisfactorily addressed and further proposals to improve this part of the network required. Unclear how congestion in general will be minimised without the wider road network enhancements coming forward.
- Robust construction traffic management plan required by condition
- Concern over any reduction in affordable housing provision below 40% requirement.
- Disappointment as to reduction in Employment land proposals.

Bremhill Parish Council – Objection to the transport route plans and alternative transport solution should be sought. Particular reference to the extension of roads serving the development over the River Avon which will then traverse the floodplain in Bremhill north of the North Wiltshire Rivers Cycle Route was made. Bremhill Parish NP is a made plan and the recommendations of the examining inspector should be taken into account in development proposals affecting Bremhill. The new transport route as indicated would be contrary to BNP policy 3 and would detrimentally affect the natural environment and result in the coalescence of Chippenham and Tytherton Lucas. An alternative route and river crossing outside of the indicated location and area, with a crossing close to Black Dog Bridge, is proposed.

Kington Langley Parish Council – Comments that the additional traffic generated and its impact on the B4069 would be a hazard.

8. Publicity

As set out above the application has been the subject of 3 periods of formal consultation. The first period of consultation related to a significantly different scheme which was subject to reporting to a previous meeting of the Strategic Planning Committee. As such it is not considered appropriate or necessary to reiterate those representations in this report. The previous report to Committee plus supplemental report are attached at Appendix A with the minutes of the meeting attached at Appendix B for ease of reference and in order that the previous summary of representations can be reviewed. A number of the objections received in respect of the revised scheme proposals reference and restate previously submitted objections and wish them to be carried forward. The following is therefore a summary of representations received since the revised scheme proposals were submitted in 2018 and the two formal periods of consultation undertaken in that regard. Again, this is a summary and does not purport to be a detailed recitation of all comments made.

- Proposals do not confirm with the requirements of relevant DPDs and in particular the allocation in the CSAP.
- The application site area has been amended to exclude land along the northern boundary that was specifically required by the CSAP examining inspector to provide for the Country Park and act as a landscape buffer between the development/expansion of Chippenham and settlements to the north and east of Chippenham. This is contrary to the policies and objectives of the LBNP as well as the CSAP.
- The scheme revisions / additions stemming from the further LVIA submissions are minimal and do not address policy requirements or mitigate the impact of development on the open character of the locality, the visual amenity, character and appearance of which will be harmed.
- Proposals are in conflict with the CSAP Examining Inspector's report and recommendations.
- Huge volumes of documentation submitted over an extended period – difficult to assess and identify exactly what is presently proposed. Clear, concise summary document required.
- Council consultation and information publication, including consultation responses, unclear and unhelpful. Restricts meaningful public engagement.
- Proposals do not meet development plan requirements in a range of respects not just in terms of country park provision and landscape and visual impact requirements i.e. affordable housing provisions.
- Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise, including made neighbourhood plans – the LBNP.
- Amendments to the CSAP were recommended by the examining inspector in order for it to be found sound, the proposals as now submitted do not accord with the Inspector's recommendations or the CSAP provisions, particular reference is made to landscape and visual impact of development, areas of sensitivity to such impacts and necessary mitigation measures (country park and landscape buffers).
- The development plan is not out of date and there are no material considerations that justify a departure from the development plan.
- The only way to achieve a buffer between development at Chippenham and villages to the north is through the Examining Inspector's recommendation that the country park include elements to the northern site boundary to act as a physical buffer
- Consultation responses from key consultees have not been addressed, in particular Landscape and Spatial Planning Team Officers.
- The application has not been advertised as a departure from the development plan as required under relevant regulations.
- Loss of character of Chippenham by such large-scale development more suitable to an urban conurbation.

- Inadequate services and facilities to support the proposed scale of development, including loss of existing countryside which is used as a recreational resource by existing residents.
- Ecological assessments do not fully recognise and assess the impact of development on the species present on site – great crested newts, otters, kingfishers and herons in particular.
- Station Hill/Monkton Park area cannot accommodate the additional traffic, the first 200 dwellings cannot be accommodated solely by access from D'Arcy Close/Cocklebury Road/Station Hill. Simiallry the construction traffic cannot be accommodated on this route alone.
- The site has archaeological interest and is subject to drainage constraints/flooding risk.
- Development will constrain scope for future expansion of railway services.
- Traffic generation will result in harm to cyclists, pedestrian, dog walkers and horse riders.
- Traffic generation will result in a highways hazard and safety issues and air and noise pollution, particularly in Monkton Park.
- The development will result in offsite flooding.
- Does not make provision for high quality employment land and development. Retail facilities should not be considered as providing employment to meet identified plan requirements.
- The development proposed is out of scale with the town and is not required.
- No guarantee that the complete 650 dwellings will be erected after the first 200 or that the railway bridge will be provided as this may be prevented by land ownership dispute.
- Loss of grade 1 and 2 agricultural land.
- Harm to the setting of designated heritage assets not outweighed by public benefits contrary to the guidance of the NPPF.
- Loss of trees, hedgerows and footpaths.
- Harm to the river corridor environment – Rivers Avon and Marden including SSSIs.
- The rail bridge and haul road subject of a separate application upon which this application is dependent results in harm to heritage assets, landscape character and appearance of the locality residential amenity, highways safety, trees and hedgerows and ecology and is in conflict with the development plan.
- There should be no new buildings within the country park area and to the east of the 50m contour.
- The proposals will result in harm to residential amenities of existing properties within the site.
- Proposals affect land subject to contamination, which will increase risk of pollution.
- This is the wrong location for development in Chippenham.
- Inadequate employment in Chippenham to accommodate this residential/population growth.

CPRE - Object and their detailed reasons for so doing reflect the objector representations as summarised above but also considers that the inadequate provision in relation to the country park proposals are intended to facilitate reduced management requirements upon the developer and are related to HIF funding bid and longer term road link aspirations of the Council, which are yet to be the subject of any consultation and examination testing.

Langley Burrell Residents Association – Objects for the same reasons as summarised above in relation to the Country Park and lack of a buffer on the northern site boundary between new housing prosed and villages to the north.

Tytherton Lucas Residents Association – Objects for many of the same reasons as summarised above

9. Planning Considerations

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

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The application scheme proposals have been screened as EIA development and are supported and informed by an ES which has been updated to address the revised scheme proposals. Further information has been sought and provided in respect of Landscape & Visual Impact matters.

9.1 Principle of Development / Development Plan Compliance

The site is allocated for the development proposed within an adopted development plan document – CSAP. The application is made in outline with all matters except access reserved for future determination and proposes development of up to 650 dwellings as a maximum. Sufficient information is submitted with the application and in support of and informing the revised proposals now before the Council to demonstrate that the site is capable of accommodating the development proposed. Detailed site-specific considerations are considered further below under issue specific headings. The application with the previously proposed form and scale of development has been the subject of a report to the Council's Strategic Planning Committee (plus supplemental report) as is set out at Appendix A with minutes of the meeting and resolution at appendix B. The Cttee resolved to grant consent subject to completion of a planning obligation/S106 agreement and this is a material consideration of some weight. On this basis it is considered that the principle of development in this location is established.

As is summarised above many of those persons and organisations submitting representations on the revised scheme proposals consider that the proposals conflict with the development plan and some indeed consider them to be a departure from the plan. Furthermore, that there are no material planning considerations that would indicate that a decision otherwise than in accord with plan is appropriate and necessary. Particular reference in this respect is made to the country park requirements as set out in the plan and the proposals as now tabled but other conflict aspects are also raised.

The full planning balance exercise of weighing the benefits of development against any identified harms, including any conflict with the plan, is set out in the conclusion below. As part of that balancing exercise it is necessary to consider the plan as a whole and how the proposals comply or conflict with the plan. It is established through case law that development plans will incorporate aims objectives and policies that to some degree pull in different directions. In this context it can be the case that a development proposal will not be considered to fully meet all provisions of a plan in full as to do so is not possible. It is then

necessary to weigh compliance with other elements against any potential conflicts and determine if on balance the development is supported under the plan's provisions to a greater extent than any apparent conflict. Any potential conflict in such cases is not considered to render a proposal a complete departure from the plan as this would be the case with a great many development proposals should such an approach or conclusion be taken to arise. In this respect it is fundamental to note that the site is the subject of an allocation for the development proposed. As noted already this planning balance exercise is undertaken in full below whilst site specific matters are considered under separate headings below.

However, the particular matter of objection relating to the form and extent of the country park proposals and their compliance or conflict with the development plan can be addressed here. Similarly, the related issue raised as to the amended red line boundary excluding land to the north of the site. In this respect policies CH2 and CH3 of the CSAP are of direct relevance as is the LBNP. CH2 and CH3 CSAP requires that a country park of approximately 10 ha along the northern and eastern boundaries of the site be provided and ensuring no built development other than that linked to the country park within that area be a part of the proposals. Furthermore that there be no development east of the 50 m contour line. The policy provision refers to inset plan fig 5.2 which shows an indicative area for the country park and this includes the land area now excluded from the red line boundary of the site under the revised proposals.

The LBNP also includes various aims, objectives and policies, including PB1 and LB1, that seek to ensure that the land in question i.e. the fields at the northern boundary of the Rawlings Green site including those now excluded from the red line application site boundary are retained as open land free of development in order to maintain separation between Chippenham and Langley Burrell Village and related hamlets; and the pastoral and countryside setting of the locality and settlements in the Parish.

The concept framework masterplan and related documents including the LVIA supplemental further information submissions do not propose a country park layout that is the same as that shown-on Fig 5.2 and in this context could be said to not fully accord with the provisions of the policy. The plan does however show an area of 10 ha for provision of a country park along the eastern boundary of the site up to and along a part of the northern boundary. The applicant has stated that they have excluded the areas of land to the north west of the site on this basis i.e. that 10ha of land is now shown as proposed for country park provision as part of the development. The proposals in excluding the land to the north west from the site ensure that no development is proposed in this location or would be permitted by consenting the application proposals. No built development is shown east of the 50m contour line. Policy CH2 Fig 5.2 makes clear that the layout therein is indicative. The concept illustrative framework plan submitted with the scheme proposals accurately shows 10 ha of land for a country park and this is along the eastern boundary and part of the northern boundary. Other areas of land on the northern boundary are excluded from the proposals and not subject of any built development and so are retained as open land providing the landscape buffer between the development proposed and the village and hamlets to the north and east. In this context it is considered that the policy aims and objectives of the development plan are to a large degree met albeit not in full in terms of the method envisaged.

It is therefore necessary to assess and identify what if any material considerations may indicate that a grant of permission otherwise than in full accord with the development plan is justified. Here it is important to note that the site is allocated for development. Delivery of the site is critical to meet the identified housing requirement set out in CP1, CP2 and CP10 of the WCS. The framework requires that LPAs be able to demonstrate a deliverable and available supply of land for housing and significantly boost the supply of land including buffers to provide some degree of flexibility. The CSAP CH2 policy allocation is fundamental

to meeting these policy requirements and imperatives, which must be given significant weight in any balancing exercise of harms versus benefits.

It has been established through a recent appeal at inquiry in respect of Purton Road applications (PINs and LPA refs APP/Y3940/W/18/3202551 & 17/08188/OUT apply) that the Council cannot currently demonstrate the requisite framework compliant supply of land for housing and so the tilted balance applies. In such a situation full weight cannot be given to the policies of the plan most relevant to determination of the application and the development plan is out of date under the provisions of the framework. Weight can still be attached to these policies, but that is a matter of judgement for the decision maker in each individual case. It is also material to note here that the LBNP is now more than 2 years old and as such the provisions of para 14 of the framework and the ministerial statement in respect of a 3-year housing land supply requirement where a made NP exists are not engaged and so the requirement remains at 5 yrs.

The Council's action plan for addressing this shortfall in the required supply of land for housing includes bringing forward strategic site allocations in the adopted plans such as CH2 CSAP Rawlings Green. Their lack of delivery to date is a major factor in the assessed shortfall in housing land supply in Wiltshire. The consequence of this shortfall is unallocated sites coming forward elsewhere in Wiltshire as unplanned development. This is a material consideration that must be weighed in the balance and this is set out below.

However, it is considered that the requirement to bring forward this site allocation to contribute toward meeting the Council's identified housing requirement established in CP1 CP2 CP10 and help to address the identified shortfall outweighs the limited harm identified as arising from the country park layout not extending fully along the northern site boundary. Further for the reasons set out above the country park not extending along the full length of the northern site boundary is not considered to be a fundamental departure from the plan. This is reflected in the consultation response of the Council's Spatial Planning Team and Landscape Officers who having considered and assessed the further information submissions conclude that the proposals do not conflict with the provisions of the development plan.

Similarly, it has also been subject of objection that the scheme proposals do not fully address requirements with respect to employment land provisions as part of a mixed-use development and as required under CH2 CSAP. In particular that some of the proposed land uses included in the Concept illustrative Masterplan are not principally employment uses. The revised submitted scheme includes approx. 3.5 hectares for B1 employment uses and a further 0.7 ha for employment and retailing uses which provide employment opportunities, whilst approximately 1ha is identified for a care home which will also provide employment opportunities.

Whilst not all of the proposed uses within these areas are exclusively B1/B2/B8 employment uses they do provide a range of employment opportunities that are a part of the UK's employment sector mix. Indeed in some aspects the employment opportunities are what is sought in terms of flexibility from various persons within the local population in order to provide for an appropriate work / life balance. However, it must be noted that policy CH2 CSAP makes it expressly clear that the 5-ha employment land requirement includes a range of employment generating types of land use and these are listed in brackets in the upper-case policy wording as - B1, B2, C2, D1 and D2 of the Use Classes Order. As such it is considered that the proposals accord with the development plan in this respect also.

9.2 Landscape and Visual Impact

It is important to note that the scheme proposals are submitted in outline with all matters reserved except access. Specifically, the scale and form of the development proposals will be the subject of reserved matters approval.

Similarly, it is also important to note that the scheme proposals as now submitted have been the subject of a full EIA including LVIA, the latter of which has been updated and revisited to fully address issues raised during consultation on the revised scheme submissions and to reflect changes in circumstances with the LBNP having been made. The additional submissions including additional structural planting proposals in key locations including along the high point within the site which forms a ridge through the norther sector of the site in broadly east west direction. The aim being here to minimise the visual impact of the core development area and 2.5 – 3 storeys (up to 14m) buildings proposed in that location in key views from the north and north east that are the subject of identified sensitivity and relevant policies including PB1 LB1 of the LBNP, but also the design objectives and principles of CH2 of the CSAP. In the latter respect it is important to note that the proposals exclude built development from the country park area and east of the 50m contour line as required.

It is also important to note that this is an allocated site for the development proposed. As such it has been accepted that development will take place in this location. That development will result in irrevocable change to the locality as the site is currently predominantly undeveloped open agricultural land. It is not possible to render such development invisible from all viewpoints and some level of impact is therefore inevitable and accepted by the allocation of the site. The key issues are therefore whether the current proposals sufficiently mitigate this level of impact to accord with the aims, objectives and policies of the development plan including using conditions and if necessary planning obligations.

It is recognised that many representations and indeed some consultees maintain objections and concerns in this respect, considering the development to result in harm. However, the majority of consultees including the Council's Landscape Officers, Spatial Planning Officers, Urban Design Officers, Trees officers, Environment Agency and Natural England do not raise objections and do consider the proposals to be development plan compliant subject to use of conditions, based on the assessment work undertaken and the design parameters established in submitted documentation, including the D&AS statement, ES and Concept Illustrative masterplan. In this context the Council Landscape officers recommend the use of condition to require submission and approval of an Urban Design and Framework Plan. This condition and the related requirements would sit alongside the reserved matters conditions and requirements plus other landscape and tree related conditions. This approach has been adopted at appeal on other major sites/development, including Ridgeway Farm, Purton Road, by Planning Inspectors and the Secretary of State. It is considered to provide sufficiently robust methodology for ensuring that development proposals come forward in accord with the design principles and parameters established at the outline application phase in accord with development plan policy requirements. Use of this condition is recommended in the list of conditions below (numbered 5).

It is also noted that objections are raised with respect to provision for a bridge over the River Avon and the future impacts of development on the character, appearance visual amenity of the area and coalescence of settlements. The current proposals do not include provision for a bridge over the River Avon and/or further highway and residential development to the east, south east and south of the application site. The proposals seek to ensure that the development proposed does not prejudice and prevent delivery of such a proposal should one come forward and that is all. It would be inappropriate and indefensible to determine the current scheme proposals based on possible future development proposals and their potential impacts.

On this basis it is considered that the development proposed can be accommodated on the site with suitable mitigation of visual and landscape impact through strategic and structural planting and landscaping, including country park provision, such that significant harm does not arise and development plan provisions are met. It is not considered that the development will result in harm to key viewpoints from the north, north east and east such that conflict with the provisions of the plan would arise and development ought to be refused on this basis. The reserved matters application approach, alongside discharge of conditions, in the context of the approved scheme of development being “up to” 650 dwellings allows enough flexibility and control to ensure that design aims and objectives, including landscape and visual impact protection and mitigation, can be successfully achieved and development integrated into the existing built form and the wider landscape and the separation of settlements is maintained with encroachment into the River Valley corridors avoided.

As such it is considered the proposals do not conflict with the relevant policies of the plan and provision of the framework such that consent ought to be reused on this basis.

9.3 Highways Impact

It is important to note that the impact of development of the scale proposed in highways terms and in particular within central areas of Chippenham, including Monkton Park and Station Hill, has been the subject of detailed consideration during the CSAP preparation and adoption process. Extensive modelling was undertaken to assess impacts and requirements and that was subject of examination and testing following objections at the public examination into the plan. It is not intended to revisit those matters at length as part of this application. The site has been allocated for development following assessment of this matter. The CH2 CSAP policy allocation includes a phasing requirement limiting development to no more than 200 dwellings until the Rail bridge has been provided and secures the alternate site access from Darcy Close / Cocklebury link road. This is a matter that can be controlled by condition and same is recommended below following advice received from the Council’s Highways Team.

It is also important to note that the ES submitted with the application and which informed the proposals incorporates a further full and comprehensive Transport Assessment with recommendations for impact mitigation. This submission has been considered and assessed by the Council’s Highways Team and a comprehensive set of conditions and S106 planning obligations recommended to secure the necessary mitigation measures and requirements arising from the development proposals. Attention is drawn to the conditions below which identify mitigation requirements in respect of enhancements to the local highway network within Chippenham, including to Station Hill and its junction with New Road.

The rail bridge is the subject of a separate full planning permission as referenced above and so does not require further detailed consideration and assessment here other than to note that the application proposals include provision for the rail bridge. The application proposals do also make provision for use of the existing Cocklebury Lane and bridge as it leads to the site, but this is restricted to emergency vehicle and pedestrian use given the limited scale and capacity of that existing facility.

Similarly, Highway officers recommended conditions relating to the future road network and parking requirement provisions within the site itself which will inform formulation of the reserved matters detailed proposals and the development that takes place.

On this basis it is not considered that the development raises concerns and objections on highways safety and hazard grounds with related development plan policy and national guidance conflict, such that consent ought to be refused on this basis. The impacts of

development are capable of mitigation and this is addressed through condition and planning obligation. The site is allocated for the development proposed and highways impacts have been assessed as part of that allocation process.

As above it is noted that a number of objections and representations received raise concern as to the impact of possible further highways development beyond the site in relation to the potential for a bridge over the River Avon and future eastern link road. As noted above that highway proposal – eastern link road including a bridge over the River Avon – is not a part of the current scheme proposals. The current scheme includes the rail bridge and Cocklebury link road to Darcy close and consent is sought for that access provision. The layout of the development proposed is submitted in outline and is therefore illustrative and intended to demonstrate that the site could accommodate the development proposed. It does not receive full consent at this stage and reserved matters details are required for submission and approval by condition. What is sought at this stage is provision to ensure that a future bridge over the River Avon and related link through the site, should proposals for an eastern link road come forward at a future date, is not frustrated and prevented by the development that is being approved in principle. Consent is not being sought for that river crossing or highways development beyond the site and so determination of this application on that basis, including potential conflict with the Bremhill Neighbourhood Plan in that respect, would not be sound.

9.4 Ecological Impact

The application, including the revised scheme proposals, has been the subject of full environmental impact assessment and is supported by a comprehensive Environmental Statement. This incorporated a full and comprehensive Ecological Assessment of the site based upon a desk study and a series of ecological investigations undertaken at the site, including a general habitat walkover, Badger survey, daytime bat inspection of trees and buildings, nocturnal bat activity survey, breeding bird survey, wintering bird survey, Hazel Dormouse survey, hedgerow survey, macro-invertebrate survey, Otter survey, reptile survey and Water Vole survey.

The ES identifies that: - *the site consists largely of improved or semi-improved grazing land, most used for cattle, but some for silage. There are two small blocks of broadleaved woodland alongside the railway line which forms the north-western boundary, a variety of native species hedgerows with trees separating the various fields, and a small watercourse, in addition, there is a complex of farm buildings (excluding the farmhouse), whilst the River Avon forms the south-eastern boundary.*

The results of the assessment are summarised in the ES as follows: -

The surveys revealed an occupied Badger sett in one of the woodlands, and a disused sett in the other. Badgers also foraged widely across the whole site and commuted into the open countryside beyond. No bats were found to be roosting on the site, and none of the trees or farm buildings were identified as bat roosts. However, the footpath which crosses the western corner of the site is used by commuting Soprano Pipistrelle Bats, these originating from the residential area to the south. These bats then fly northeast alongside the railway line, with some heading southeast towards the river, where they join Common Pipistrelles, Daubenton's Bats and Whiskered/Brandt's Bats foraging along the river corridor. Also noted were Brown Long-eared and Noctule Bats. No rare or notable breeding or wintering birds were observed, although a Barn Owl was roosting intermittently in the farm buildings. This is a Schedule 1 Species and specially protected. Also noted were four Species of High Conservation Concern (RSPB Red list); Skylark, Song Thrush (b), Starling and House Sparrow, and ten Species of Medium Conservation Concern (RSPB Amber list); Herring Gull, Lesser Black-backed Gull, Green Woodpecker, Swift, Grey Wagtail, Swallow (b),

Dunnock (b), Mistle Thrush (b), Whitethroat (b), and Bullfinch (b). Some of these were thought to be breeding (b) on the site.

A large population of Slow-worms was discovered along the railway line, with some animals venturing onto the north-western edge of the site. No reptiles were found away from the railway. There were no signs of the presence of Hazel Dormice along the hedgerows, with no evidence of Otters or Water Voles on the site. A variety of common butterflies, dragonflies and damselflies were noted, including Marbled White and Ringlet butterflies. Although no moth or beetle surveys were carried out, the fields were not thought to be suitable for notable communities of invertebrates, and such surveys were considered unnecessary. The hedgerows included several sections which were classed as 'Important' under the Hedgerow Regulations.

The ES identifies that: - Construction of the development will result in permanent and temporary disturbance to some of the site's flora and fauna, in particular the active Badger sett which will be lost when the new bridge over the railway is constructed. The position of the bridge will also impact on reptiles, whilst the removal of some hedgerows will cause the loss of bird nesting sites and may affect bat commuting and foraging routes around the site. The operation of the development will result in an increase in vehicular traffic, pedestrians and domestic animals, all of which could lead to disturbance of some wildlife, including Badger, bird and reptiles. The lighting from streets and houses will also impact on bat activity, potentially causing a change in feeding patterns.

Mitigation measures are therefore proposed and these are summarised in the ES as follows:

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Mitigation measures in construction include the closure of the Badger sett under licence from Natural England, with the relocation of the animals to the disused sett in the adjacent woodland.

The latter will be protected to prevent future disturbance of the Badgers. The bridge construction zone and the north-western side of the site will be fenced off with an exclusion barrier, and all Slow-worms will be trapped and captured prior to the start of any ground clearance works. Construction activities will be restricted to daylight hours during the bat roosting season, whilst any hedge and tree removal will take place outside the bird breeding season. Care will be taken at all times during vegetation removal and topsoil stripping, with open excavations covered over at the end of the working day. Where possible features of wildlife interest will be retained and protected.

Mitigation measures in operation of the development include a lighting strategy that will be sympathetic to bats, the provision of bird and bat boxes around the site to offset the loss of bird nesting and potential future bat roosting sites, the creation of a riverside park with new tree, shrub and wildflower meadow planting, the provision of surface water attenuation ponds which will be planted with native species to attract invertebrates, amphibians, small mammals, bats and birds, and the establishment of green infrastructure to maintain and enhance connectivity for wildlife across the site.

On this basis the impacts of development are not considered significantly detrimental to identified ecological interests. The Council's Ecologist, Natural England and the Environment Agency have all reviewed the ES submissions in full and raise no objection to the development subject to conditions to secure the proposed mitigation measures identified. These conditions are proposed below. On this basis it is not considered that the proposals result in such harm to ecological interest that conflict with the relevant provisions of the development plan or the framework arise such that consent ought to be refused on this basis.

9.5 Heritage Asset Impact

Relevant statutory provisions, development plan policies and the guidance of the framework are summarised above. These and recent case law establish that great weight must be given to the preservation of designated heritage assets and any harm arising will require clear and convincing justification with the benefits of development clearly and demonstrably outweighing that harm.

It is necessary in this context to note several material considerations. Firstly, the application including revised scheme proposals has been the subject of comprehensive environmental impact assessment and is supported and informed by an Environmental Statement. That statement includes Heritage Impact Assessment and Archaeological Assessment. Further the application has been the subject of previous committee reporting and determination and the report and minutes in that respect are appended. The previous report and the submitted ES provided a comprehensive assessment of the heritage features of the site, their significance and value and the impact of development on the significance and value of those assets both designated and undesignated. Whilst the development proposals have been revised since the previous report and its assessment were prepared and considered, the design and development parameters as they relate to and impact upon designated and undesignated heritage assets are similar, especially in the context of an outline application. As such the previous report assessment remains valid.

It is important to note that the LBNP has been made since that assessment and reporting and the plan includes a specific policy HP1 aimed at protecting several identified designated heritage assets, including a number within and adjacent /near to the application site. Policy HP4 of the LBNP also seeks to preserve and protect the setting of settlements and isolated heritage assets in the plan area. The identified assets in these policies have been previously identified and assessed in the earlier report to Cttee and the submitted ES. Policies HP1 and HP4 reflect and accords with both CP57 and CP58 of the WCS as they relate to heritage assets and similarly the provisions of the framework. Consequently, it is not considered that policies HP1 and HP4 result in a differing assessment now or indeed altered conclusions.

The Council's Senior Conservation Officer has reviewed the revised scheme proposals and submitted Heritage Impact Assessment whilst the Council's Archaeologist and Historic England have also reviewed and considered submissions. Broadly similar conclusions have been reached with none identifying fundamental objections subject to use of conditions, which are proposed below.

The previous report to committee identified less than substantial harm to designated heritage assets at the site, the harm is considered to be to the upper range of the scale of harm. In particular, although not exclusively, the setting to various designated heritage assets is irrevocably changed by large scale development proposals with open pastoral/agricultural land related to those assets built upon. As a consequence, conflict with the relevant policies of the plan including WCS CP57 & CP58 plus LBNP HP1 HP4 is identified. CP58 includes no balancing exercise provisions of harm versus benefits and so if harm is identified it results in direct policy and plan conflict arising from the development proposed and allocated elsewhere in the plan. As set out above such plan conflict is not necessarily fatal to determination nor results in a full departure from the plan. It is necessary to consider what if any material considerations would support a decision otherwise than in accord with CP57, CP58 WCS and HP1 & HP4 LBNP. In this respect we again have the incidence of different provisions of the plan pulling in different directions. There is conflict CP57 CP58 and HP1 HP4 but the plan at CSAP CH2 allocates this land for development including identifying areas that must be kept free of development within the site, which has the consequence of

directing built form of significant scale to be situated in close proximity to designated heritage assets e.g. Rawlings Farm. Similarly, the proposals will impact on archaeological interests.

Furthermore, the development will result in a significant range of public benefits of substantial scale. These include the boost to the supply of land for housing, affordable housing provision, contributing to addressing the current shortfall in housing in Wiltshire and minimising unplanned development, employment opportunities, Country park provision and related recreational benefits; elderly persons care and the economic benefits arising from construction, alongside new homes bonus and additional spending in the locality from the additional population.

The full planning balance exercise is carried out in the conclusion below and this refers to and includes the separate balancing exercise required in respect of impact to heritage assets. It is considered that the public benefits of development do clearly and demonstrably outweigh the harm arising to heritage assets and as such the relevant provisions of the framework are addressed.

9.6 Drainage Impact

The application is supported and informed by an Environmental Impact Assessment and related Environmental Statement, including full Flood Risk Assessment (FRA). The submissions are based on Environment Agency mapping relevant at the point of preparation and submission, updates have been provided based on updated Environment Agency information in respect of flood plain limits and submissions are considered to be accurate and consistent with EA data.

The ES in respect of drainage, water quality and flood risk identifies that the effect of development during construction and operational phases was subject of FRA. The FRA concluded that the proposed development would be safe from flooding for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reduces flood risk overall. The ES identifies that desk study and site walkover was undertaken to establish the existing drainage regime (groundwater and surface waters), flood risk conditions and the environmental quality of watercourses near the site. This identified site characteristics including that the River Avon's floodplain extends into the application site. No development is proposed in the floodplain and the Country park and open spaces and planting are proposed in this area. The River Marden forms a confluence with the River Avon at the midpoint of the application site's eastern boundary. There are a number of drainage ditches which flow east across the site and drain into the rivers. The ES states that the area of the site outside the floodplain is considered to be at low risk of flooding and no historic flood incidences have been recorded on the site. It goes on to say that with respect to groundwater the site is underlain by a minor aquifer and within the outer (sub surface) zone of a Groundwater Source Protection Zone and identifies that none of the on-site drainage or surface water features in the vicinity of the site are 'protected' sites.

The ES identifies the impacts of development as follows. In respect of construction, the development will result in on going disruption to the site's drainage regime affecting overland flow routes. Furthermore, a number of substances used in the construction process could affect local water quality. In respect of the operation, the development is assessed as resulting in the permanent change of the surface water drainage regime with a limited risk that the normal operation of the development could result in a local effect on water quality.

Mitigation measures to address the identified impacts at construction and operational phase are identified as follows: -

Mitigation measures in construction include compliance with safe working practices, pollution

prevention guidance and emergency planning and excluding works from the floodplain. These measures ensure disruption of the surface water drainage regime and risk of water pollution are kept to a minimum.

Mitigation measures in operation of the development include a surface water drainage system which contains detention basins, ponds and swales. These measures ensure the site will not flood and not cause flooding elsewhere up to the 1 in 100-year event, including an allowance for climate change. These features provide a degree of water quality treatment and increase the amount of wetland habitat within the development site.

The applicant has also confirmed in correspondence with the Council that the provisions of CH2 CSAP will be met in that the surface water drainage strategy will restrict run off to greenfield run off rates.

The Council's Drainage Engineers and the Environment Agency have reviewed and considered the submissions and neither raises objection on flood risk or water quality grounds subject to the use of conditions and Informatives. These are recommended below.

Similarly, Wessex Water has reviewed the submissions and confirmed no objection and no further comments to make in addition to those previously submitted in respect of earlier scheme proposals. Wessex Water identify that the current submissions including FRA and ES reflect their discussions with the applicant team to date. Previous comments submitted identified limited sewer and water supply capacity in the locality with consequent need for future upsizing dependent upon total development to take place east of Chippenham. In this context Wessex Water were cognisant of draft proposals informing the CSAP at the time and of planning application reference 15/12363/OUT, which remains live and undetermined at the time of writing. As such a condition for submission of foul drainage provisions is proposed.

It is also material to note that the earlier scheme proposals envisaged a large scale of development and this was reported to Cttee resulting in a positive resolution subject to signing of a section 106 planning obligation. It is similarly material to note that the site is the subject of an allocation for development in the development plan and that plan was the subject of a Sustainability Appraisal and Strategic Flood Risk Assessment.

On this basis it is not considered that the development proposed will result in increased on site or off-site flood risk, harm to water quality or inadequate foul drainage and water supply provision with related conflict with the relevant policies of the plan and provisions of the framework such that consent ought to be refused on this basis.

9.7 Impact on Residential Amenities

The development site includes a limited number of existing residential properties and lies adjacent to existing residential areas through which traffic generated by the development during construction and operation/use will travel. The proposed development is substantial in scale and will irrevocably change the character and appearance of the locality in views from residential properties in and adjacent the site and from users of rights of way and local road network and rail lines. As a consequence, the development has the potential to result in harm to existing residential amenity in a range of respects including overbearing impact/loss of outlook, loss of privacy and overlooking, disturbance through noise and vehicular movement and air pollution, loss of daylighting and overshadowing.

It is however essential to note that the application is made in outline at this stage with all matters except access reserved. Also, that the site is the subject of a plan allocation and

development of a larger scale on a broadly similar layout has been previously considered by Cttee and found to be acceptable.

The impacts of proposed access and traffic generation are assessed above in terms of impact to the highway network and are considered capable of mitigation including limiting the scale of development until the rail bridge is completed and operational; along with other highway network enhancements, including travel plan and public transport, pedestrian and cycle provision. It is considered that these mitigation measures including use of condition and planning obligations also secure enough provisions to mitigate the impact of development with respect to existing residential amenity also.

Furthermore, it is considered that the submitted details including concept masterplan framework, parameters plan, and design and access statement provide sufficient information alongside the Environmental Statement to ensure that the development proposed can be acceptably accommodated on site without substantial harm to existing residential amenity such that consent ought to be refused on that basis subject to use of conditions. The reserved matters application determination process will also allow sufficient scope for the full consideration and assessment of such matters. Subject to proposals according with defined design parameters as part of this application it is considered that sufficient protection of existing residential amenities can be secured such that conflict with the relevant provisions of the plan and the framework would not arise.

9.8 Air and Noise Pollution

As set out previously in various respects it is important to note that the application is made in outline, with all matters except access reserved; that the site is the subject of an allocation in the development plan for the development proposed; that proposals for a larger scale of development at the same site have previously been reported to Cttee and are the subject of a resolution to grant consent subject to signing of a Section 106 planning obligation; that the rail bridge benefits from a separate full planning permission; and that the application proposals are supported and informed by an Environmental Impact Assessment and related Environmental Statement which assesses impacts to air quality and noise and vibration arising from the development proposed and has done so in accordance with relevant British standards.

With respect to noise and vibration during construction the ES identifies that the revised scheme proposals will not have significant impacts to existing receptors in and adjacent the site including residential properties given their proximity to existing noise sources, subject to mitigation through the submission approval and implementation of a construction environmental management plan. With respect to the operational phase of development the situation is similar in that the position is not significantly altered by the revised scheme proposals given the existing noise sources in the locality and subject to mitigation measures such as appropriate glazing and ventilation specifications for dwellings and units adjacent road / rail network appropriate noise levels can be achieved.

With respect to air quality the ES identifies that consideration has been given to construction dust/fine particles impacts during construction and the increase in vehicle movements and traffic emissions including oxides of nitrogen during future occupation. The ES assessed existing conditions as good being well below air quality objectives set for protection of human health. During construction phase construction activities including use of the southern access road were identified as of medium risk of causing annoyance and health risks at existing and future sensitive receptors such as residential properties. Mitigation measures have been proposed that are recommended to be incorporated in a Dust Management Plan with construction traffic avoiding use of the southern access road. These matters can be controlled by condition.

With respect to air quality the ES states that a numerical dispersion model was used to predict the impact of additional traffic associated with the development on local air quality. The assessment represented worst-case conditions with respect to the assumptions adopted (e.g. traffic flows, vehicle emissions and background pollutant concentrations). At two receptor locations on Darcy Close, the impact was assessed as 'slight adverse', for the remaining receptors the impact was assessed as negligible. No mitigation measures were considered necessary to minimise impacts associated with the development traffic.

The application proposals and supporting submission have been reviewed and considered by the Council's Public Protection Officers and Environment Agency. No objections are raised subject to the use of conditions and planning obligations in respect of air quality. The conditions are recommended below.

On this basis it is not considered that the revised scheme proposals result in harm to air quality, human health and residential amenity such that conflict with the relevant policies of the plan and provisions of the framework arise and development ought to be refused on this basis.

9.9 Planning Obligation/S106 Contributions

As set out in the summary of consultation responses and the main body of the report a range of consultees has identified the need for S106 Planning Obligations. The identified requirements are based upon and stem from both development plan policy requirements and as a consequence of the development proposed and material site circumstances. As such the identified requirements are considered to be necessary and compliant with CiL regulations.

The application proposals as revised were subject of a viability appraisal process. Following confirmation that identified Secondary School requirements would be met via CiL contributions it has been confirmed that all other identified service infrastructure requirements, including a 40% policy compliant affordable housing contribution, can be met and the applicant has confirmed agreement to identified heads of terms in these respects. The applicant has confirmed agreement to triggers for payment of identified financial contributions. As such work is underway and progressing on the drafting of the S106 agreement/planning obligation.

The identified requirements can be summarised as follows:

40% Affordable Housing – 60% Affordable Rent 40% Shared Ownership
2Ha of land for a Primary School and Early Years Learning
£3,035,285 (index linked) Primary School Places provision
£1,314,150 (Index linked) Early Years Learning Places provision
£59,150 Waste and Recycling Facility provision
£20,000 pedestrian / Cycleway Improvements
£372,456 Public Transport Provision
Traffic Regulation Orders – Sums to be agreed with Council
£3,692 Air Quality Monitoring Project provision
Open Spaces play Areas (4250m2 & 3840m2 respectively) and Country Park (10ha)
provision and maintenance and management provisions including SuDs
Retention of land for future potential access requirements and submission and approval of
details

Triggers are tied to housing delivery phases and have been discussed with relevant service area lead officers and the applicant and are agreed.

10. Conclusion and the Planning Balance

The application site is allocated for the development proposed within an adopted development plan document – the CSAP under policy CH2. The development proposals as described, assessed and shown on indicative layout plans to a large degree meet the identified policy requirements and prescriptions of the allocation and related policy CH3 and other policies of the development plan.

The application is made in outline with all matters reserved except access and development proposed as “up to 650” dwellings. Reserved matters application(s) will allow matters of detail in the context of site-specific impacts such as visual amenity; character and appearance; the locality and landscape; heritage assets; residential amenities etc to be assessed and addressed in detail at a later date. The application proposals as revised have however been the subject of EIA and are supported by a robust and comprehensive environmental statement alongside further information submissions. The submissions have been the subject of full consultation, review and assessment by consultees and the public. Statutory Consultees (excluding local organisations such as parish/town councils) and expert officers from the relevant service areas within the Council (Highways, Ecology, Landscape, Public Protection, Education, Spatial Planning etc) raise no objections subject to the use of conditions and planning obligations. It is considered that the impacts of development can be satisfactorily and appropriately mitigated in this way and that the development proposed can be accommodated on the allocated site.

To this extent it is considered that the proposals are acceptable in principle and are broadly in accord with the development plan and the policies most relevant for the determination of the application. There are however matters where the proposals do not fully accord with the provisions of the plan, including in respect of the layout of the country park and impact to designated heritage assets.

With respect to the Country park the proposed layout does not extend the full length of the northern boundary of the site as is indicated as appropriate in figure 5 of the CSAP supporting policies CH2 and CH3 of that plan. The country park as proposed does however provide for the 10-ha site area as required by the policy. It does extend the full length of the eastern site boundary adjacent the River Avon/Marden corridor and ensures development east of the 50m contour line does not occur. It extends over a part of the northern boundary of the site. The remaining area referenced in figure 5 on the northern boundary but not included in the proposed Country Park area as proposed is now excluded from the application site boundary and is not the subject of any development proposals. It therefore remains as open land and provides the landscape buffer function that was one of the key objectives of the country park designation and the policy objectives of the CSAP and LBNP. In this context the requirements of the plan are largely considered to be addressed albeit by partially different means than envisaged. There are also relevant material considerations that would indicate that a decision to approve despite this conflict would be appropriate and these are set out further below, but in summary it is the current shortage in housing land supply in Wiltshire, partially resulting from the failure to deliver the Rawlings Green development as allocated to date.

Harm is identified with respect to heritage assets including archaeological interest, and in particular but not exclusively the setting of Rawlings Farm. This harm is in the parlance of the framework less than substantial but is at the upper end of the scale in this respect. As such there is conflict with the provisions of the development plan including CP57 CP58 WCS and HP1 & HP4 of the LBNP. It is therefore necessary to assess what if any material considerations would support a decision otherwise than in accord with the development plan. As is established in case law the framework is a material consideration of substantial weight

and its provisions are capable of being one such material consideration that would justify a decision otherwise than in accord with a development plan. Para 196 of the framework requires LPAs to balance harms to heritage assets, where the harm is less than substantial, against any public benefits of development. The benefits of development must clearly and demonstrably outweigh any harms and the harms identified must be given substantial weight in the balance. In this instance the public benefits are substantial and are considered to outweigh the harm identified. These include the boost to the supply of land for housing. This boost to supply is of significance in the balance given that the Council cannot currently demonstrate a framework compliant supply of land for housing as is required. The proposal also provides a plan compliant level of affordable housing to meet local needs. Land is provided for employment and elderly persons care. There will also be a boost to economic activity in the locality from construction and the expenditure of the additional population. There will be extensive open space provision for the community. Finally, there will also be benefits arising from new homes bonus, council tax and CIL receipts. It is also considered that given the site circumstances and the identified plan requirements the development proposed cannot be undertaken in a different manner than is indicated on the Concept illustrative masterplan and parameters plan that would result in less harm than identified but still achieve the same level of benefits whilst meeting other identified policy requirements e.g. country park provision and excluding development east of the 50m contour. On this basis it is considered that a decision otherwise than in full accord with the plan is appropriate.

It is also important to note at this point that case law has established that development plans will include policies and provisions that pull in different directions. This is considered to be the case with respect to the identified housing requirement and allocation at Rawlings Farm and the requirements in respect of landscape and heritage asset protection and preservation. The scale and location of development envisaged will result in some harm arising but the identified need for development and the allocation of this land support the development taking place and identify that harm is assessed to be not so significant as to outweigh the benefits of development. Taken as a whole it is not considered that the conflict with the provisions of the plan are such that development ought to be refused, the development proposed accords with many of the plan's provisions, especially the allocation of the site and the identified housing land requirements. In this context it is also material to note that the development proposal in this location has been the subject of public examination and testing through the plan preparation process and so to a certain extent these tensions have been considered already and the development found to be appropriate despite some harms arising. It meets a range of aims, objectives and policies of the plan and on balance is therefore in accord with the plan.

Additionally, it is also important to bear in mind at this juncture that the Council cannot currently identify a framework compliant supply of land for housing. The tilted balance set out in para 11 of the framework is engaged and the plan is not considered to be fully up to date. Case law confirms that significant weight can still be afforded to the relevant provisions of the plan and that is a matter of judgement for the decision maker. Part of the reason why the Council cannot currently identify the required housing land supply is the failure to deliver several strategic site allocations, which includes Rawlings Green at Chippenham. The consequence of this is that unplanned development is coming forward throughout Wiltshire. The Council has an action plan in place for addressing the shortfall and that includes delivery of the strategic allocated sites that have so far failed to come forward. In short to determine current applications relating to these sites at the earliest opportunity. This is a further material consideration of significant weight in the planning balance indicating that a decision otherwise than in full accord with all the provisions of the development plan is appropriate.

In this context it is therefore considered appropriate to set out what are considered to be the benefits and harms arising from the development proposed.

With respect to harms these are: -

- Less than substantial harm to heritage assets
- Failure to provide a country park across the full extent of the northern site boundary
- Some harm to the character, appearance and visual amenity of the locality through urbanisation
- Related conflicts with the relevant policies of the development plan
- Related conflicts with the provisions of the framework and statute

The harms in respect of conflict with the plan and to heritage assets must be given substantial weight, other matters are considered to be attract moderate weight.

The benefits of development are considered to be as follows:-

- The boost to the supply of land for housing
- Addressing the shortfall in the supply of land for housing and reducing the potential for unplanned development
- Provision of affordable housing
- Provision of employment opportunities
- Boost to the local economy through construction and additional expenditure by the new population
- Country Park and Open Space provision
- New homes bonus
- Council tax receipts

The delivery of housing development to meet housing needs including through implementation of the allocations of the development plan; contributing to addressing the identified shortfall in housing; reducing the potential for planned development; and affordable housing provision can all be given substantial weight in the balance. Other matters can be given moderate weight.

Additionally, some of the harm identified is capable of mitigation to a large degree by use of condition and planning obligations as recommended below and by consultees. Taken together the benefits identified are considered to clearly and demonstrably outweigh the harms.

On this basis it is considered that in accordance with the provisions of paras 11 and 12 of the framework permission should be granted and is so recommended.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant outline planning permission subject to the conditions listed below and the prior completion of a section 106 agreement within six months of the date of the Committee resolution; or in the event that the applicant declines to enter the agreement and/or it becomes clear that they will not do so then to refuse permission for the following reason:

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management; Highways; Education and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 11, 12 & 54 of the National Planning Policy Framework July 2019.

Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the first 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 a phase or sub-phase within the site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

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

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

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

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

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

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

Reports
Revised Design and Access Statement

Drawings
24248-9600 Rev K
Land use and access parameters plan
24248-9612 Rev K
Building heights parameter plan
24248-9614 Rev F
Green infrastructure parameter plan
24248-9629 Rev G
Concept plan amendment
K125/02 Rev C
Preliminary surface water drainage strategy plan

All received August 2020

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

5. No residential, employment, retail, care home or educational development shall take place until an urban design and framework plan for the development of the site has been submitted to and approved in writing by the local planning authority. The plan shall be

substantially in accordance with Illustrative Masterplan C11112.09.SK803 Rev P and shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall include:

- the arrangement of street blocks;
- the overall level and location of car parking at the site;
- surfacing materials of the spine roads;
- the density and mix of dwellings;
- the general location of affordable housing;
- building heights and massing;
- Frontages of plots along the Spine Road (as shown on dwg nos WSP0268/LE/05 revision B and WSP0268/LE/06 Revision B)

The plan shall be in accordance with the Flood Risk Assessment (PFA Consulting, December 2017, Ref: K125, dated 12.12.17) to include details to demonstrate that all built development (all houses as shown on the illustrative masterplan) is positioned on land above a level of 48.5 metres AOD, and all development including drainage infrastructure is positioned on land outside the 1 in 1000-year modelled flood extent. The development shall be implemented in accordance with the approved masterplan.

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

REASON: In the interest of the visual amenity, character and appearance of the area, residential amenity, achieving high quality and in the interest of proper planning.

6. No development shall commence until a phasing plan for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the phasing plan an updated phasing plan is approved as part of a subsequent Reserved Matters application(s) pursuant to conditions 2 and 3.

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

7. Prior to the commencement of a phase or sub phase of the development, a scheme of hard and soft landscaping for that phase (as shown on the illustrative masterplan required in connection with condition 3 above) and including Tree Protection Plan; Arboricultural Impact Assessment; Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) Indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) 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;
- (d) finished levels and contours of buildings and land;
- (e) means of enclosure;
- (f) car park, layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artifacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, governing equipment (gas, electricity and other services), pipelines etc indicating lines, manholes, supports etc);
- (k) bin storage and recycling facilities, where relevant;

- (l) retained historic landscape features and proposed restoration, where relevant.

The development shall be carried out in accordance with the details approved unless otherwise agreed in writing by the local planning authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. Prior to the commencement of development of a Phase or Sub Phase a detailed landscape plan shall be submitted to and approved in writing by the local planning authority. All soft landscaping comprised in the approved plan and details of landscaping shall be carried out in accordance with timescales agreed by the local planning authority; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from planting, 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 within a phase or sub-phase shall also be carried out in accordance with the approved details 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.

9. No development shall commence on a phase or sub phase within the 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 within that phase or sub phase 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 within that phase or sub phase of the site and any adjoining sites which Council records or existing uses of which indicate a potential for contamination, for at least the last 100 years and a description of the current condition 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 phase or sub phase within 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 phase or sub phase of development within the 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 pertinent at the time from these organisations and representing industry standard best practice; 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 that phase or sub phase 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. In the event of unexpected contamination being identified, all development on that phase or sub phase of the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out.

Construction shall not recommence on that phase or sub phase until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

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

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays except for the period of British summer time between April and October 2021 when no construction or demolition work shall take place outside the hours of 07.30 to 21.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interest of Residential Amenity

12. No development shall commence on a phase or sub phase of the site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development.

It shall include details of the following:

- i. The movement of construction vehicles including details as to routeing and signing arrangements for lorries delivering to the site during the identified phases of the development, details of wheel cleaning facilities for lorries leaving the site, details of parking and manoeuvring space within the site for lorries and construction workers vehicles, measures to prevent site construction traffic parking on nearby residential streets, the sheeting of laden lorries leaving the site, dust suppression measures throughout the build period. A specific section of the plan shall address the construction traffic arrangements in relation to the construction of the proposed GWR mainline railway bridge;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Pile driving (If it is to be within 200m of residential properties)

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

REASON: In the interest of Residential Amenity

13. No external lighting shall be installed on a phase or sub phase of the site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted in respect of that phase or sub phase to and approved in

writing by the Local Planning Authority. The lighting scheme 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. This will include a lux plot, demonstrating that lux levels of 0.5 or less can be achieved at the edges of all ecologically sensitive features within the site and immediately adjacent.

REASON: In the interests of Residential Amenity and the visual amenity of the locality

14. Prior to the commencement of building works above ground of part of the development requiring mechanical ventilation and extraction plant, full details of any internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting / ventilation, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the manufacturer's instructions.

REASON: In the interest of Residential Amenity

15. Prior to commencement of construction of any building to be used for commercial purposes an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014 in respect of such phase or sub phase of the site. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: In the interest of Residential Amenity

16. Prior to the commencement of a phase or sub phase of development a scheme of noise and vibration attenuation from noise generating sources including the Great Western Rail line and commercial buildings with mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standard as detailed in BS8233:2014 with no relaxation for exceptional circumstances unless agreed in writing with the Local Planning Authority and must include details of post construction validation. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

REASON: In the interest of Residential Amenity

17. Prior to the commencement of a phase or sub phase of development a scheme of measures to ensure noise levels in all amenity spaces do not exceed 55dB LAEQ(16 hour) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of post construction validation. Thereafter the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

REASON: In the interest of Residential Amenity

18. The development hereby permitted shall be for up to a maximum of 650 C3 dwellings.

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

19. No development shall commence on a phase or sub phase of the site until a scheme for the discharge of surface water from that phase or sub phase (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 and new FRA using EA model information current at the time of scheme submission with buildings and attenuation located in FZ1 areas and away from surface water flood risk areas for the 1 in 30 and 100 events plus climate change, has been submitted to and approved in writing by the Local Planning Authority.

The development of a phase or sub phase shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme for that phase or sub phase.

REASON: To ensure that the development can be adequately drained.

20. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing 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

22. Prior to the start of construction of a phase or sub phase of development at the site an Ecological Construction Method Statement will be submitted to and approved in writing by the Local Planning Authority. This must take account of all elements of the works and provide precautionary practices to ensure that wildlife individuals and populations are appropriately protected throughout the construction process.

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

23. Prior to the start of construction an Ecological Mitigation and Enhancement Strategy will be submitted to and approved in writing by the Local Planning Authority. This will give details of specific mitigation provision within the site as well as areas to be enhanced for the benefit of biodiversity. Such areas should be enhanced with particular reference to the Wiltshire Biodiversity Action Plan and state the benefit for named habitats and species listed therein.

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

24. Prior to the start of construction a Landscape and Ecological Management Plan will be submitted, showing how Landscape and Ecological features will be integrated for joint benefit of human and wildlife communities. It must state responsibilities for management and contain a mechanism of monitoring and review.

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

26. No development shall commence until a site phasing plan has been submitted to and approved by the local planning authority. The phasing plan shall include, inter alia, the timing of the delivery of: -

- (a) a junction improvement at Station Hill and New Road in accordance with WSP drawing no 5609/SK/006/B,
- (b) a new road link into the site through an alteration and extension of Darcy Close in accordance with WSP drawing no 5609/SK/006/B, and including a junction alteration on Cocklebury Road in accordance with WSP drawing no 5609/SK/005/A,
- (c) the delivery of a new road over railway bridge to connect the site to Parsonage Way, and to include a completed link road between Cocklebury Road and Parsonage Way via the site,
- (d) the completion of an internal distributor road with the identification of a potential route for its future expansion via a river bridge, and
- (e) provision of footpath and cycletrack links between the site and existing local pedestrian/cycle routes.

For the avoidance of doubt, the phasing plan shall include provision for: -

(a) the second road connection serving the site to be completed, linking Parsonage Way to Cocklebury Road (the Cocklebury Link), and its availability for public use prior to the occupation of more than 200 dwellings on the site, and

(b) no more than 200 dwellings being served solely from Parsonage Way before the North Chippenham distributor road (connecting B4069 and A350) has been opened for use by public traffic or before a set of comprehensive transport improvement measures of equivalent benefit, and to be agreed by the local planning authority, is in place .
Development shall be carried out in accordance with the approved plan.

REASON: To ensure that adequate transport infrastructure is provided at appropriate stages of the development and to mitigate severe impacts on traffic conditions in the town centre.

28. No development shall commence on a phase or sub phase of the 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. The carriageway width of the connecting road through the site between Parsonage Way and the east side of the site shall be not less than 7.3 m; the link to Cocklebury Road from this road shall not be less than 6.2m carriageway width, with appropriate widening at bends. Phases of the development shall not be first brought into use or occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the details approved and in accordance with the provisions of the approved site phasing plan.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner, and to allow for adequate width for large goods vehicles and buses.

29. No development on a phase or sub phase of the site shall commence on site until a scheme of safe pedestrian and cycle routes has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to any part of the development being first occupied and maintained thereafter. Prior to the commencement of any individual phase of the development, details of cycle parking facilities, in accordance with Wiltshire Council's cycle parking standards, shall be submitted to and approved by the local planning authority, and the approved facilities

shall be provided in accordance with the approved development prior to the occupation of the building(s) to which they relate.

REASON: In order to encourage sustainable travel to and from the site and in pursuit of sustainable transport objectives.

32. prior to the occupation of development on a phase or sub phase of site Travel Plans for the various land uses (residential, employment and education) permitted within the phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation, establishment of mode share targets and monitoring, and shall be implemented in accordance with the approved details. The results of the implementation and monitoring and review of targets shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

33. With the exception of a haul route to enable bridge construction, and onsite earthworks, no construction traffic for infrastructure on the site shall take access to the site other than by way of the completed and operational railway bridge, unless alternative arrangements for access to the first phase of the development can be achieved by way of a completed and operational link to Darcy Close.

REASON: To minimise the potential for construction traffic using other, inappropriate, routes to access the site.

34. No development on a phase or sub phase of the site shall take place until a scheme for the provision and management of a 10-metre-wide buffer zone alongside watercourse channels located within that phase or sub phase shall be submitted to and agreed in writing by the local planning authority. Thereafter the development of that phase or sub phase shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The submitted scheme shall include:

1. plans to show the extent and layout of the buffer zone
2. details of any proposed planting scheme (for example, native species)
3. details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
4. details of any proposed footpaths, fencing, lighting etc.

REASON: To prevent any deterioration of the river environment, and if possible to enable enhancement, under the Water Framework Directive 2000, and the National Planning Policy Framework (NPPF), paragraph 109 and paragraph 118.

35. No development of a phase or sub phase of the site shall take place until a scheme for enhancements to routes providing recreation channel linkages between the site and adjoining locations is submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate what safeguards will be put in place to ensure that no long-term deterioration in the ecology of the channel will occur as a result of the recreational enhancements. The scheme shall be fully implemented as approved.

REASON: To deliver recreation benefits for the users of the development site, whilst protecting the water environment from damage.

36. No development of a phase or sub phase of the site shall commence until a scheme for water efficiency appropriate to the land use/development involved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

37. No development shall commence within the area indicated in the approved archaeological mitigation strategy and approved heritage addendum until the measures identified in that strategy have been completed in full and approved by the Local Planning Authority Those measures to include: -

- full excavation of the Roman farmstead and two areas of strip, map and record excavation.

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

38. No development shall commence within the area indicated in the approved archaeological mitigation strategy until the measures identified in the approved heritage addendum for the protection of the World War Two Pillbox present on the eastern part of the site near to the River Avon have been completed in full and approved by the Council's Archaeologist. Those measures to include: -

- submission and approval of a management plan for the long-term management of the Pillbox.

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

Informatives:

- Any works to or within 8m of a main river will require a separate application to and approval from the EA – obtaining of this separate approval may require alteration and resubmission of planning application
- Any proposed discharge to a main river will require a separate application to and approval from the LLFA – obtaining of this separate approval may require alteration and resubmission of planning application
- Any proposed work to or within 8m or discharge to an ordinary water course will require a separate application to and approval from the LLFA – obtaining of this separate approval may require alteration and resubmission of planning application
- Where there is a need for capacity improvements to public sewerage systems to serve the site (or phase) the applicant will need to allow sufficient time within his development programme to allow the sewerage undertaker to appraise, design, fund and construct the capacity improvements before the development or phase is occupied to ensure no increase in flood risk from the sewer system

INFORMATIVE: 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.

INFORMATIVE: 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 River Avon, 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.

INFORMATIVE: 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 from Wiltshire Council (as the Lead Local Flood Authority) will be required. Please contact the Drainage Team to discuss their requirements: <http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

INFORMATIVE: 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
- 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: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

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

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

INFORMATIVE: 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
- 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: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: 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.

INFORMATIVE: 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 River Avon, 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.

INFORMATIVE: The applicant's attention is brought to the consultation response of Network rail dated 16.04.2018 and the requirements in respect of Asset Management. These

requirements will be taken into account in the determination of reserved matters applications at this site. It is recommended that they inform proposals in this regard.

INFORMATIVE: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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

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

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

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

INFORMATIVE: Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on [INSERT]

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

INFORMATIVE: Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim

exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Appendices:

Background Documents Used in the Preparation of this Report:

Application documentation

Report to Committee, Supplemental report and Minutes 14.9.16

