

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	3 November 2021
<b>Application Number</b>	20/11382/FUL
<b>Site Address</b>	Land at Pavenhill, Purton, Swindon, SN5 4DA
<b>Proposal</b>	Demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access works, car parking, public open space and landscaping.
<b>Applicant</b>	Hills Homes Developments Ltd
<b>Town/Parish Council</b>	PURTON
<b>Division</b>	PURTON - Cllr Jacqui Lay
<b>Grid Ref</b>	407955 187702
<b>Type of application</b>	Full
<b>Case Officer</b>	Lee Burman

### Reason for the application being considered by Committee

The application has been called in by the Ward Member, Councillor Lay, in the event of a recommendation to approve given previous refusal and dismissal at appeal, and to consider the scale of development, visual impact, relationship to neighbouring properties, design, environmental and highways impact and adequacy of parking provision given site circumstances, inadequate services and facilities in the village and scale of local objection.

### 1. Purpose of Report

To consider the development proposed in relation to the policies of the development plan, provisions of national guidance and material circumstances and considerations and the recommendation to approve subject to conditions and the completion of a planning obligation/S106 agreement within 6 months of the date of the Committee meeting.

### 2. Report Summary

Key issues include:-

- Principle of Development/Development Plan Compliance
- Highways Impact
- Impact on the Character, Appearance and Visual Amenity of the Locality
- Impact on Residential Amenity
- Ecological Impact
- Drainage Impact

A total of 304 objections and 2 general comments have been received from all parties. Purton Parish Council objects to the proposals.

### 3. Site Description

The application is accompanied by a Design and Access statement published to the public record. This document provides a reasonable and accurate site description as follows:-

#### *Site Context -*

*The application site is located to the north of Purton in Wiltshire. This site is a private field of rough grassland with a single Public Right of Way which runs along the northern boundary of the site.*

*The site lies behind existing houses on Pavenhill, which provides a link directly to the High Street and the main part of the village.*

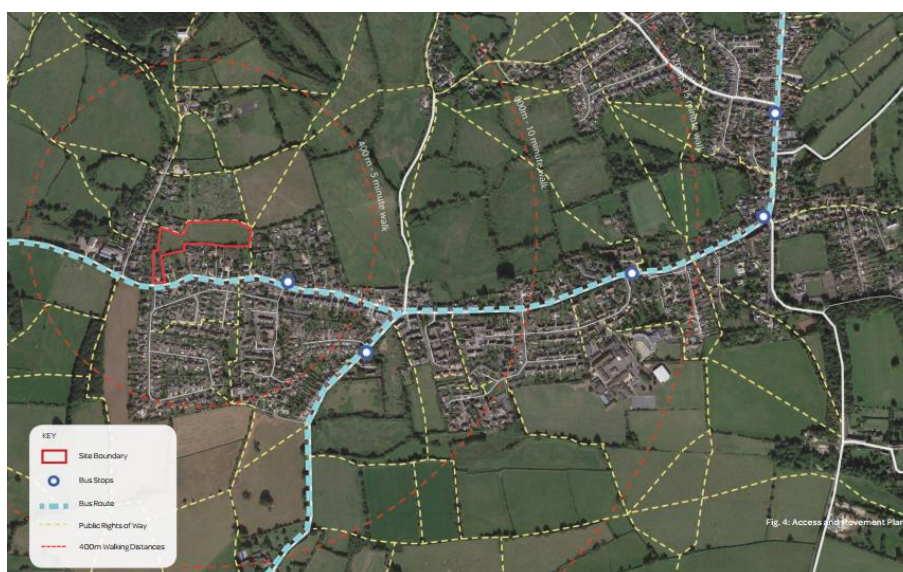
*Access is gained to Swindon, which lies approximately 6km to the south east, along Church Street or Restrop Road, via Lydiard Millicent. Easy access can be gained from the site to the M4, via Royal Wootton Bassett, with junction 16 being approximately 8km south east of the site. This provides a link to Bristol / Cardiff in the west, and Reading / London in the east.*

#### *Land Use Context –*

*To the south, west and east of the site lies residential development, with South Pavenhill Farm and agricultural buildings and fields lying beyond the dwellings along Upper Pavenhill to the west. To the north of the site lie allotments, with agricultural fields beyond.*

The site has been the subject of a previous application and appeal with all material documentation available in the public record. Full assessment of the site character and constraints is set out therein and this remains pertinent with no material changes in site circumstances since that time.

Known site constraints in the locality include rights of way, susceptibility to groundwater and surface water flooding, 30mph speed limit on Pavenhill, mineral safeguarding areas, Grade 3 agricultural land, MOD Low Flying Zone (Low risk), and is within the 8KM Clattinger Farm/North Meadow SAC buffer area.



**Design and Access Statement 'Access & Movement Plan' – showing site context**

## 44. Planning History

The site lies adjacent and adjoining existing residential properties many of which have been subject of applications. None are considered of direct relevance to the application site and proposals.

As noted above, the site has been the subject of a previous application and appeal, refused and dismissed respectively.

16/03625/FUL - Demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access, car parking and landscaping – refused; appeal dismissed (reference APP/Y3940/W/17/3166533)

The current applications proposals are materially very similar to the previously refused scheme.

## 5. The Proposal

The description of development is set out above. The application is supported by a Planning Statement published to the public record and this sets out the proposals as follows:-

*The proposals include:*

- *Development of 25 new homes, including affordable housing;*
- *A new vehicular and pedestrian access to Pavenhill, which involves the demolition of No. 59b;*
- *A new pedestrian crossing of Pavenhill, to the west of the site access;*
- *Diversion of the footpath PURT115 through the centre of the site, from the site's northern boundary, providing a more accessible and safer route;*
- *2.6 hectares of public open space, including a children's play area to the west of the site;*
- *Retention of existing trees and appropriate landscaping;*
- *Biodiversity mitigation and enhancements;*
- *Proposals to drain surface water sustainably;*
- *Creation of sufficient parking spaces to serve the new homes.*

Following consultation on the initial submissions, and in reply to consultation responses received, amended submissions were made which can be summarised as follows:-

- *Amended site access and pedestrian crossing at site entrance, replacing raised tables with rumble strips*
- *Remove virtual footway and propose pedestrian improvements to Restrop View*
- *Alteration to access road layout to avoid surface water sewer easement*
- *Block paving traffic calming feature within the site moved from outside plot 11 and sited closer to the play area.*
- *Insert boundary fence to separate gardens for plots 1-2 from plots 3-4 and insert low level planting in rear gardens of plots 1-4*
- *Alteration to the rear boundary of plots 18-25*
- *Alteration to public/private space boundary at front of plot 25*
- *Changes to planting near parking spaces for plots 1-3*
- *Changes to bird box locations*
- *Provision of designated bin collection points for plots 16-19*
- *Introduction of EV charging points*
- *The amendments result in a total of 3,311 sqm of public open space being provided on site.*



**Site Layout Plan**

## 6. Planning Policy

Wiltshire Core Strategy –

- Core Policy 1 – Settlement Strategy;
- Core Policy 2 – Delivery Strategy;
- Core Policy 3 – Infrastructure Requirements;
- Core Policy 19 – Spatial Strategy for the Royal Wotton Bassett and Cricklade Community Area;
- Core Policy 43 – Providing Affordable Homes;
- Core Policy 45 – Meeting Wiltshire’s Housing Needs;
- Core Policy 46 – Meeting the Needs of Wiltshire Vulnerable and Older People;
- Core Policy 50 – Biodiversity and Geodiversity;
- Core Policy 51 – Landscape;
- Core Policy 55 – Air Quality
- Core Policy 52 – Green Infrastructure
- Core Policy 57 - Ensuring High Quality Design and Place Shaping
- Core Policy 60 – Sustainable Transport
- Core Policy 61 – Transport and Development
- Core Policy 64 – Demand Management
- Core Policy 67 – Flood Risk

North Wiltshire Local Plan 2011(saved policies) -

- Saved Policy H4 - Residential development in the open countryside
- Save policy NE14 – Trees and Development the Control of Development

Saved Policy NE18 – Noise and Pollution  
Saved Policy CF3 – Provision of open space

Purton Neighbourhood Plan 2017- 2026 – ‘Made’ November 2018

Purton Policy 4 - Ecological Enhancements  
Purton policy 5: To Protect key local landscapes  
Purton Policy 6 - Settlement Identity  
Purton Policy 13 - Development Principles  
Purton Policy 14 - Development outside settlement boundary at Restrop Road

Wiltshire Housing Site Allocations Plan (HSAP) adopted February 2020 -

- Settlement Boundary Review
- Site allocations in the North and West HMA at Table 5.2 – sites H.2.1 – H.2.11 at Trowbridge, Warminster, Chippenham and Westbury - a total of 1250 dwellings

Supplementary Planning Guidance –

The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015)

Wiltshire Local Plan 2016-36 –

The Council agreed via Cabinet on 1 December 2020 the next steps for the Wiltshire Council Local Plan Review to set out the requirements for the level of growth that each area needs to accommodate up to 2036. Consultation on the Local Plan Review commenced in January 2021 to inform the details of the draft Plan, in line with the Local Development Scheme (July 2020) ('LDS').

The LDS anticipates adoption of the Local Plan in quarter 2 of 2022.

The following sections of the National Planning Policy Framework 2021 are relevant to the consideration of this application:

- Achieving sustainable development – paragraphs 2, 3, 7, 8 and 11, 12, 13, 14, 16, 29
- Decision-making – paragraphs 47, 55, 56, 57
- Delivering a sufficient supply of homes – paragraphs 74, 77
- Promoting sustainable transport – paragraphs 105, 110, 111, 112, 113
- Making effective use of land – paragraph 120
- Achieving well designed places – paragraph 126, 130, 134
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 159, 160, 161, 162, 167, 169
- Conserving and enhancing the natural environment – paragraphs 174, 180, 175, 177, 185, 186

## **7. Consultations**

The application has been the subject of two consultation exercises, and the following is a summary of the position reached following these. This is a summary and does not purport to be a full recitation of all comments made.

Purton Parish Council – Objection

The PC repeats and adds to its objections to the earlier planning application. Repeated objections -

*It is outside the Framework Boundary both existing and also the revisions stated in Boundary review 2015. Therefore can be classed as building in the open countryside this only being allowed for agricultural and forestry needs.*

*The access is extremely poor with no pavement between the proposed development and the Village Centre also very narrow roadways causing possible problems both for pedestrians and vehicles and the egress from the proposed area is onto a road with poor visibility; also causing potential problems for the Bungalow at 59A which currently has shared access with 59B which is due to be demolished to make way for this development. The volume of traffic is high at present and this will only exacerbate the problem.*

*The mix of houses is not what is required within the Village as we already have a predominance of large houses on new developments.*

*The Village has been working on a Neighbourhood Plan for some time in conjunction with Wiltshire Council and this would jeopardise the issues raised within this emerging document: The site was assessed by the Steering Group and dismissed as being unsuitable with regard to access, sustainability, and poor footpath facilities to the rest of the Village. Other sites are being brought forward to allow required organic growth for the Village in better locations and with better access. If this development is permitted any children would have to be taken to the local school by car as it is deemed unsafe with regard to a safe route to school travel plan.*

*Purton is classed as a Large Village and within the Core Strategy it states that a Large Village should have development of no more than 10 houses on one site, this can, of course, be altered by a Neighbourhood Plan, but, as previously stated this site is not within the emerging N.P. recommendations.*

Additional objections –

*Having studied this new planning application; we find that apart from some minor changes to the play area and some house styles; the application is substantially the same as the previous planning application 16/03625/FUL that the planning inspector dismissed at Appeal on the 10 May 2018. The Planning Inspector concluded:*

*25. Although I have found above that the proposal would not result in unacceptable levels of harm to the character and appearance of the surrounding area or the living conditions of occupiers of neighbouring properties, I have nevertheless found that it would fail to accord with the Council's adopted settlement strategy as set out in CP1 & CP2 of the CS. These policies are fundamental to the operation of the development plan and I do not consider that they should be set aside easily. As such, I find that the proposal would conflict with the development plan when taken as a whole.*

*26. However, the appellant has suggested that there are material considerations present which indicate that a departure from the development plan would be justified. While I note the various benefits identified by the appellant regarding the provision of 10 new affordable homes for which there is an identified need, provision is already made to accommodate such need in the exemptions set out in CP2 of the CS. As such, I afford this benefit only moderate weight.*

*27. Furthermore, while I agree that the traffic calming measures proposed would improve pedestrian safety along Pavenhill, they are limited in both scope and extent. Any benefits to the wider community are modest and I afford them only limited weight. Likewise, while I*



*recognise the proposal would result in number of other benefits including economic benefits both during and after construction, the contribution to housing supply generally and the improvements to nearby public footpaths, even cumulatively these benefits are limited. As such, I afford them only a moderate amount of weight.*

*28. Overall, while I acknowledge the development would result in a number of benefits, on balance, I am not persuaded that they would be sufficiently great that they would justify a departure from the settlement strategy set out in the Core Strategy.*

*As this new application for 25 Dwellings off Pavenhill is materially the same as the previous application in April 2016 it will have precisely the same impact on the community, and so our objections remain the same: • The proposed development is in the open countryside and outside the Settlement Boundary and therefore, contrary to Core Policy 1 in the Wiltshire Development Plan. • It is a large development and does not comply with Core Policy 1 that stipulates development at large villages should involve less than ten dwellings unless identified in a Neighbourhood Plan. • The Neighbourhood Plan, made in November 2018, did not allocate this site for development as there were more suitable sites to meet Purton's local housing needs. • The Transport Statement surveys were taken during the pandemic, specifically during the second lockdown, when all were required to stay home, resulting in lower-traffic volumes. This Statement should be ignored or re-commissioned. • Since the original application in April 2016, Ridgeway Farm and Tadpole Village developments have significantly increased traffic volumes and disruption at peak hours through the village which the Transport Statement has not considered.*

*Purton now has a made Neighbourhood Plan and this site was considered and rejected during this process, there is no safe route to school and it is not considered feasible to suggest pedestrians cross the main road and use a footpath on an adjacent route.*

*There are minimal changes to the original application, and it is our opinion that refusal is the only option once again, it is acknowledged the Parish will need further housing to cater for need but this site is not suitable as other locations are better placed to provide the requirements. The traffic volumes and speeds would render any "ghost pavement" unsafe, the road width is not suitable for a pedestrian route and cannot have a footpath installed.*

Wiltshire Council Spatial Planning – Consider that the proposals conflict with the provisions of the development plan and therefore do not constitute sustainable development. Officers therefore conclude that the proposal does not accord with core policies 1, 2 and 19 in the adopted Wiltshire Core Strategy, and saved policy H4 in the North Wiltshire District Local Plan. It is also contrary to the Purton Neighbourhood Plan.

Wiltshire Council Highways – No objections subject to conditions.

Wiltshire Council Rights of Way – No objections subject to provision for maintenance of PROW.

Wiltshire Council Urban Design – No objections. Recommendations for amendments made.

Wiltshire Council Landscape – No objections raised

Wiltshire Council Trees Officer – Support subject to condition

Wiltshire Council Drainage - Objection on the basis of inadequate information. (On the basis of the original submissions)

Wiltshire Council Archaeology – No objections

Wiltshire Council Ecology – No objections raised

Wiltshire Council Public Protection – No Objections subject to conditions.

Wiltshire Council Waste & Recycling Team – Support subject to contributions toward waste and recycling facilities

Wiltshire Council Public Open Spaces Team – No objections raised.

Wiltshire Council Affordable Housing Team – No objection to the revised proposals:-

4 x 1 bed flats  
4 x 2 bed houses  
2 x 3 bed houses

Recommend the following (*Officer note: can be addressed through use of condition and planning obligation*)

One of the Ground Floor Flats be adapted to meet M4(2) requirements and that flat should be provided with a Level Access Shower/to be wheelchair accessible in order to meet CP46 requirements.

In order not to mix tenures in semi-detached pairs (as this makes sales of the Shared ownership units easier) we would suggest the following:

Plots 5 and 6 = 2 x 2 bed houses (Affordable Rent)  
Plots 7 and 8 = 2 x 2 bed houses (Shared Ownership)  
Plots 9 and 10 = 2 x 3 bed houses (Shared Ownership)

Wiltshire Council Education – No objections subject to financial contributions to Early Years/Nursery Education provision.

Thames Water No objection

Wiltshire Police Crime Prevention Design Advisor – No objections but concerns raised in respect of specific design / layout details.

## **8. Publicity**

The application was advertised by press notice, site notice, publication to the Council's website, neighbour notifications, and notification of interested local organisations and parties. The application has been the subject of two consultation exercises and the following is a summary of the position reached following these exercises. This is a summary and does not purport to be a full recitation of all comments made.

James Gray MP writes in objection. North Wiltshire Swifts comment that the plans could be clearer as to the location and extent of the proposed use of swift bricks referenced in the ecological appraisal.

c. 300 representations from members of the public have been submitted raising objections. This include multiple submissions by the same persons and multiple instances of this occurring reflecting the multiple periods of consultations. The following is a summary of the objections raised.



- Previous application at this site for the same development refused; appeal dismissed identifying conflict with the WCS CP1 and CP2.
- Inadequate services and facilities in Purton to serve the development.
- New homes should be built with sustainability and energy saving measures.
- Increased risk of flooding.
- Outside defined settlement for the village which has already accommodated required development.
- No safe pedestrian access to and from the site.
- Inaccessible by public transport/poorly related to public transport services.
- Harm to Public Rights of Way.
- Increased traffic and inadequate road network, traffic congestion and hazards created. HGVs cannot access the site easily, records of traffic hazards, conflicts from such movements in the past.
- Conflicts with and contrary to the Neighbourhood Plan.
- Harm to residential amenity of neighbouring properties, loss of privacy.
- Harm to residential amenity and the local environment through noise, disturbance and air pollution from the additional traffic.
- Harm to ecological habitat and wildlife.
- Incorrect information on submitted plans – house numbering.
- Playspace not required as has been provided elsewhere.
- Loss of greenspace and visual amenity.
- The benefits of affordable housing provision don't outweigh the harm arising.

## 9. Planning Considerations

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

In accordance with the provisions of the EIA Regulations 2017 there is a requirement to assess whether the proposal would have significant environmental effects. The proposal would fall into category 10b of schedule 2 in that it is an urban development project. The site would not exceed the applicable thresholds and criteria set out in column 2 of Schedule 2 of the Regulations as it relates to the provision of dwellings, so the 1 Ha site area does not apply, the proposal would not exceed 150 dwellings and the overall site area would not exceed 5 Ha. Therefore, in accordance with paragraph: 017 Reference ID: 4-017-20170728 of the Planning Practice Guidance (projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area) the proposal is not Schedule 2 development.

The site is not within a SSSI, National Park, World Heritage Site, SAM, AONB or any other European Designated site. Nonetheless by virtue of its limited scale, known site constraints and the likely assessed impacts of development individually and cumulatively at this site it is not considered to constitute EIA development for the purposes of Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so no Environmental Statement is required to be submitted with the application.

### Principle of Development

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, 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 (NWLTP) 2011 (adopted June 2006), The Wiltshire Housing Sites Allocation Plan and the Purton Neighbourhood Plan (Made November 2018)

The application site is outside the defined settlement of Purton and the defined limits of development and so is in the open countryside for planning purposes. The site is not allocated for the development proposed or for any form of development in the development plan. The Core Strategy defines a settlement hierarchy for Wiltshire throughout which the assessed development requirements are distributed. The nearest settlement recognised in the strategy is Purton. Purton is defined as a Large Village in the WCS.

Core Policy 1 states that large villages have a limited range of employment, services and facilities. The policy goes on to state that development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026. This policy sets out how development will be considered both inside and outside the defined limited of development. This policy advises that development will not be permitted outside the limits of development as defined on the proposals maps other than in the circumstances set out in paragraph 4.25 which defines exceptions to this restriction. This clearly demonstrates that Core Policy 2 is not a bar on all development outside the settlement boundary but that there are exceptions where such development will be permitted. The development proposed does not meet any of the exceptions to the development strategy of the plan as set out at para 4.25 of the WCS or under the provisions of saved policy H4.

Core Policy 19 deals specifically with the strategy for the Royal Wootton Bassett and Cricklade Community Area. Purton falls into the remainder of the community area. Pertinent to the proposal, the supporting text to Core Policy 19 at para 5.102 bullet 6 notes that the long-established policy of protecting the distinct character and identity of the villages and settlements remains a priority for local communities.

The settlement boundaries for Purton were reviewed through both the Purton NP and more recently the Wiltshire Housing Site Allocations Plan, adopted in February 2020 and the site remains outside the settlement boundary of Purton.

The Neighbourhood Plan allocates land for development and allows for development within the defined settlement of Purton in accordance with the strategy of the plan as defined by WCS core policies CP1, CP2 and CP19. The housing requirement for the Royal Wootton Bassett and Cricklade Community area as set out in WCS CP19 has been met and exceeded. As such the proposal is in conflict with the development strategy of the plan as defined in this locality by CP1, CP2 & CP19, which must be read together alongside the relevant provisions of the PNP.

It is however necessary to consider what if any material considerations would justify a decision otherwise that in accord with the strategy of the plan. In this context there are several matters that must be taken in account. Firstly, the Council cannot currently demonstrate an NPPF compliant available and deliverable supply of land of housing for the requisite 5-year period plus buffer. The latest HLS statement identified that the shortfall is 4.56 years. As such the policies of the plan most relevant to the determination of the application are considered to be out of date and para 11(d) of the framework is engaged. In this context the PNP is over two years old so the relevant period for HLS provision remains 5 years and not 3 and para 14 of the framework is not engaged.

As set out in Supreme Court of Appeal decision *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37 even where paragraph 11(d) of The Framework is triggered through a lack of five-year housing land supply, the weight to be given to the relevant development plan policies and the NPPF remain questions of planning judgement for the decision-maker. The weighting of those will vary according to the particular circumstances of each case. This can include consideration of the extent of the shortfall of housing supply, as

confirmed most recently by *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808); the actions being taken by the local planning authority to address any shortfall, and/or the particular circumstances of the restrictive policy. In these respects it must be noted that the shortfall is relatively limited as was confirmed by the Planning Inspector considering the Purton Road, Swindon appeal (Ref. 17/08188/OUT) which was tested through the courts and found to be sound by multiple justices. It is also material to note that the Council has an action plan in place for addressing the shortfall and is taking steps to do so. Importantly this has included granting permission for development on sites where no significant site-specific harm arises; there is reasonable access to services, facilities and employment opportunities by virtue of good connectivity by a range of modes of transport and proximity to major settlements; and the scale of development proposed is proportionate to adjacent settlements. Indeed, this plan of action has already resulted in the grant of consent on other sites in this community area and elsewhere in this Housing Market area as set out in the latest HLS. These permissions include:-

Site reference	Site Address	HMA	Number of units (net)	Status	Status date
18/07128/FUL	Manor Farm The Street Grittleton SN14 6AN	North & West	14	Full permission	01/04/2019
18/10554/FUL	Former Margaret Stancomb Infant School British Row Trowbridge BA14 8PB	North & West	21	Full permission	06/06/2019
18/03338/FUL	The United Church & Community Buildings Church Street Trowbridge Wiltshire BA14 8DZ	North & West	23	Full permission	28/06/2019
18/04202/FUL	Woodlands Social Club Woodland Park Calne SN11 0JX	North & West	18	Full permission	10/10/2019
19/00537/FUL	Land to the East of A345 and West of Old Sarum Salisbury Wiltshire SP4 6BW	South	65	Outline permission	12/11/2019
18/02346/FUL	Timber Yard Real World Studios Mill Lane Box Corsham Wiltshire SN13 8PD	North & West	20	Full permission	06/12/2019
18/12068/FUL	141 Castle Street Salisbury SP1 3TB	South	66	Full permission	20/12/2019
19/06378/FUL	Marden Court Quarr Barton Calne Wiltshire SN11 0EE	North & West	16	Full permission	06/03/2020
19/11569/OUT	Land south of Filands, Malmesbury	North & West	71	Resolution to grant	27/05/2020
20/02387/OUT	Land at Pound Farm, South View, Lyneham	North & West	50	Resolution to grant	27/05/2020

A team of officers meets regularly to keep under review other potential sites. Other actions include dedicating additional resource and priority to unlocking stalled strategic allocated sites such as Rawlings Green, Chippenham with its decision to approve imminent. The Wiltshire Housing Sites Allocation Plan has also been adopted since the Purton Road appeal decision identified the shortfall in housing and this will deliver additional sites in this housing market area.

### Housing Supply

Through the determination of the appeal at Purton Road the Council's Housing Land Supply position was considered and tested. At that time it was agreed that the five-year housing supply figure was between 4.42 and 4.62 years - see Inspector's decision letter paragraph 21, where he considered that even at the lower end of the agreed range there is a relatively modest

shortfall in housing land in the Wiltshire Council area. The Council has since then published the Housing Land Supply Statement December 2020 (base date April 2019) which states that the Council can demonstrate 4.56 years of supply of housing at the unitary level. This is at the midway point in the range of supply considered by the Inspector and higher than the lowest end of the range, which the Inspector considered and yet still attached significant weight to the conflict with the development plan policies 1, 2, 19, and moderate weight to saved policy H4.

It should be noted that the Wiltshire administrative area is one of the largest in the country in terms of geographical area. Therefore, in accordance with the spatial strategy in the CS there is also a need to consider both the housing market area and community areas to fully comprehend the spatial distribution of homes in the administrative boundary. Although there is a deficit in housing provision within this HMA this is due to the under-provision in other community areas namely Corsham, Trowbridge and Warminster, all of which are substantial distances from the application site.

The latest Housing Land Supply Statement published December 2020 (base date April 2019) shows that in the remainder of the Royal Wootton Bassett Community Area, 428 dwellings have been completed, with a further 254 units identified as being developable by 2026. This means that the indicative requirement has been exceeded by 297 dwellings (when the indicative requirement is 385 dwellings). There is also a surplus in Royal Wootton Bassett itself. This clearly demonstrates that the spatial strategy is delivering the required housing requirement to meet the housing needs in a sustainable manner in this Community Area.

It is also material to note that the Council cannot demonstrate that affordable housing needs in Wiltshire and in this locality are being met.

#### Tilted balance

As such the Council cannot demonstrate the available and deliverable supply of land for housing that is required by the NPPF and the 'tilted balance' under para 11d is engaged. The site whilst in the open countryside lies directly adjacent the large village of Purton and so cannot be considered remote or isolated. The scale of development is limited at 24 dwellings (net increase) and this is not considered reasonably well related to the scale of the settlement itself. The neighbourhood plan is now more than 2 years old and as such the provisions of para 14 are not engaged. That is not to say that the plan does not carry weight, it still does, but reduced in the context of the tilted balance.

The previous appeal decision (ref. 16/03625/FUL) at this site and the Inspector's conclusions regarding conflict with the strategy of the plan outweighing the benefits of development were reached in the context of the Council being able to demonstrate a 5-year supply of land for housing plus necessary buffers. That decision was reached over 3 years ago and material circumstances have changed significantly since then. The tilted balance was not engaged at that time therefore, and so those policies of the plan CP1, CP2 & CP19 that were the most relevant for determination of the appeal attracted full weight. That is not now the case. These are considerations that must be weighed in the balance alongside any site specific harms which are addressed under issue specific headings below. The applicant has also submitted a housing delivery statement confirming that the site layout is designed to address all constraints and there are no exceptional constraints to delivery, and that the site is deliverable with the identified planning obligations and no issues of viability arise. That they have exclusive options on the land and as a local developer have a track record of delivering development of this scale in this locality. They anticipate delivery within a 12-month construction period. The overall planning balance is considered in the conclusion to this report. In summary though the proposals do conflict with the development plan in terms of the principle of development in this location.

## Highways & Parking

It is noted that substantial and significant local concerns are raised as to the adequacy of the road network service providing access and egress to the site and pedestrian accessibility and safety. The vast majority of representations submitted in respect of the application proposals raise very serious concerns as to the road conditions, conflicting vehicular movements and implications for construction traffic and future servicing of the development, lack of parking in the locality, lack of public transport access but most significantly in terms of the lack of safe pedestrian accessibility.

Whilst the scale and force of concern is recognised and clearly strongly held these were all matters that were considered during the determination of the previous appeal by the Inspector. The current scale of development proposed is the same as previously. The site circumstances in respect of access are the same as previously. The proposals are to a large extent similar to those previously considered albeit with some revisions now proposed and following the initial consultation. Amendments in respect of retention of rights of way, treatment of and proposals for pedestrian access/arrangements in the surrounding locality and site access have been submitted in revised plans.

The Inspector previously concluded on these matters as follows:-

*22. I heard from a number of resident's during the hearing, the majority of whom were concerned with highway safety conditions along Pavenhill. Furthermore, I note the considerable number of objections that have been made both as part of the original application and as part of this appeal which raise similar concerns. However, while I acknowledge that Pavenhill is a narrow road and poses a number of challenges to pedestrians, not least in view of the lack of suitable footway, the appellant has provided a detailed Transport Statement (TS) which indicates that the number of additional trips generated would have no discernible impact on the operation of the local highway network. Furthermore, it indicates that a safe appropriate access arrangement can be provided off Pavenhill that can suitably accommodate pedestrians, cyclists and vehicular traffic.*

*23. In addition, it recommends a number of traffic calming measures along Pavenhill itself including the installation of speed tables and a virtual footway, all of which would improve safety along this stretch of highway. While I note that the conclusions of the appellant's TS have been challenged by a number of interested parties, no robust evidence has been submitted to demonstrate that the methodology employed or conclusions reached are materially flawed.*

*24. On balance, I am satisfied that there would be no diminution in safety conditions along this stretch of highway and the measures proposed would provide sufficient mitigation for the transport impacts of the proposed development. Accordingly, I concur with the Council that any resultant impacts on the local highway network can be suitably mitigated. However, an absence of harm in this respect does not weigh positively in favour of the proposal.*

The Council's Highways Officers, Public Rights of Way Team and Waste and Recycling officers have all been consulted in respect of the current proposals as revised. As is set out in the summary sections above, none raise objections subject to the use of conditions and planning obligation, all agreed by the applicant team.

In this context and whilst the sale and force of concern and objection is recognised it is not considered that a refusal on the basis of inadequate site access/egress, including pedestrian accessibility; creation of a highways hazard; harm to highway safety; harm to PROW; or increased traffic congestion can be identified such that the proposals could be defensibly refused on this basis.

As such the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

### Residential Amenity

It is also noted that many representations of objection which have been submitted considered that the scheme proposals will result in harm to residential amenity including through loss of privacy / overlooking and disruption through noise and disturbance. These were objections and a specific basis for refusal of the previous application at this site (16/03625/FUL) and so were tested and considered during the determination of the previous appeal by the Inspector.

The proposals are materially very similar to those previously considered with no substantive changes to the proposed site layout and scale, form bulk and mass of the dwellings proposed. Some revisions have been submitted in response to consultation advice and responses received but these large focus on matters of detail and improve the relationship of proposed dwellings to existing neighbouring properties.

The Inspector in assessing these matters previously concluded as follows:-

*19. Consequently, for the reasons set out above, I do not consider there would be any material impact on the living conditions of the occupiers of No 4 Gleed Close or Nos 70b & 70c Pavenhill in respect of privacy or on the living conditions of the occupiers of No 3 Gleed Close in respect of outlook. As such, I find no conflict with Policy CS57 which, amongst other things, requires new development to have regard to the impact on the amenities of existing occupants, including in terms of privacy and outlook.*

It is considered that these findings remain relevant and that a sound and defensible basis for refusal in respect of harm to existing residential amenity cannot be advanced. It is considered that the future residential amenity of the occupants of the proposed development will be acceptable.

As such the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

### Character, appearance & Visual Amenity of the Locality

As noted previously the scheme proposals are very similar in form, scale and layout to those previously considered under application reference 16/03625/FUL and the subsequent appeal into the refusal of that application. The circumstances in terms of character appearance and visual amenity remain similar to the previous situation.

The proposals will result in the irrevocable built development of a current open greenfield site and land, resulting in urbanisation of the site and this immediate locality. This results in some degree of harm and conflict with the relevant policies of the plan, including CP51 and CP57 of the WCS and Purton Policy 5, as well as the relevant provisions of the framework including para 174(b).



This position resulted in one of the previous reasons for refusal of application 16/03625/FUL RfR3 and was one of the main issues considered by the Inspector in his determination of the appeal. The inspector concluded on this matter as follows:-

*12. Turning then to the Council's concerns regarding the effect of the proposal on the landscape character of the area, I note that the site is well screened and not particularly visible within the landscape. Furthermore, the appellant has provided a Landscape and Visual Impact Assessment which indicates that there would be no undue harm to the wider landscape and concludes that any impacts on users of the nearby rights of way would be localised and minimal. I agree with that assessment. While I recognise that the impact on the site itself and on localised views would be greater, particularly those from properties surrounding the site, the overall impact on landscape character would be localised and I do not consider the character of the wider area would be materially affected.*

*13. Consequently, I do not consider the proposal would be harmful to the character and appearance of the surrounding area or the wider landscape. As such, I find no conflict with CP51 or CP57 of the CS which, taken together, seek to guard against such harm.*

The Council's Landscape Officers were consulted in respect of the scheme proposals and supporting submissions but have not raised any comment, objections or made any recommendations.

It is considered that the Inspector's previous findings remain relevant and that a sound and defensible basis for refusal in respect of harm to the character, appearance and visual amenity of the locality cannot be advanced.

### Drainage

Submitted representations from interested parties raise drainage impacts and flood risk as a concern. The site is one with some limited records of flood risk. The Council's Drainage Team has raised objection on the basis of inadequate information provision in support of the proposals

Drainage provisions in the context of known site constraints, localised records of flood risk and the detail of the traffic calming proposals were previously identified as an issue in the determination of the previous application at the site 16/03625/FUL following submission of a FRA and revisions and additions. However, it was accepted and agreed that the matters of concern that remained following those previous further drainage submissions were capable of being addressed through the use of condition. As such no reason for refusal was raised in this regard and the matter was not considered in detail through determination of the appeal.

As noted previously the proposals and site circumstance remain largely the same as previously considered. The drainage strategy and proposals remain broadly consistent with previous submissions but have been reviewed and updated to address previous concerns. The information which drainage officers are seeking is detailed but is not considered to be so fundamental given context such that it would prevent development being acceptable or result in an assessment of on or off site flood risk that was wholly incapable of mitigation. It is considered that this information can safely be secured through use of condition.

### Design

The Council's Urban Design Officer has reviewed and assessed the proposals and has made several recommendations for improvements. However, the Officer in so doing recognises that the scheme proposals are the same as those submitted previously and tested at appeal. Furthermore, that the Inspector assessed the proposals to be acceptable and did not find that harm arose or the design weighed against the grant of permission. Indeed the Inspector considered these matters on the basis of the RfRs advanced and concluded as follows:-

*11. Overall, I am not persuaded that the design or layout of the proposed dwellings would be poor or that the absence of dwellings along the site access would result in any material harm to the character and appearance of Pavenhill itself or the village of Purton more widely.*

It is considered that these findings remain relevant and that a sound and defensible basis for refusal in respect of poor-quality design cannot be advanced.

It should also be noted that the applicant team has sought to address the issues of concern raised by the Urban Design Officer in the revised submissions. The revisions are considered to further improve on design quality and overcome many of the identified concerns further reinforcing the conclusion that a sound and defensible reason for refusal on design grounds cannot be sustained.

It is considered that the future residential amenity of the occupants of the proposed development will be acceptable.

As such the proposals are considered to accord with the relevant policies of the plan and provisions of the framework.

### Ecology

As noted above, the site is not subject of any specific known direct ecological value but is within the Clattinger Farm buffer zone area. Representations made by interested parties in this respect are noted but available records do not indicate any constraints or value in this regard. However, the application and the previous application were both supported by ecological assessment and appraisal. Some limited Ecological interest (bats) was previously identified at the bungalow with some reptiles on site and garden area to the rear of the bungalow. Updated surveys have been undertaken to inform the latest application.

The findings of the updated surveys are summarised in the submitted appraisal as follows:-

*1.4.1 The area of grassland on the site was species poor and of low ecological significance.*

*1.4.3 The native species hedge on the northern boundary was of local ecological significance.*

*1.4.5 Habitat with potential to support slow worms was found in the rear garden of 59b Pavenhill.*

*1.4.6 No evidence of badgers was found on survey.*

*1.4.7 The exterior of the bungalow at 59b Pavenhill was found to be as previously surveyed with no potential bat roost features. No evidence of bats was found on survey on the area from which a single Common pipistrelle emerged on 4 October 2016.*

*1.5 Conclusions -*

*1.5.1 No habitat of ecological significance will be lost as a result of the proposed work.*

*1.5.2 There is a low risk of negative impact on widespread reptiles such as slow worms.*

*1.5.3 The proposed work will not result in disturbance or damage to a badger sett, loss of a badger feeding area or obstruction of a badger commuting route.*

*1.5.4 The proposed native species planting scheme will compensate for loss in area of the improved grassland and enhance biodiversity by strengthening connectivity within and around the site and increasing the area of woodland and scrub habitat present.*

*1.5.5 The proposed pond will enhance biodiversity by creating aquatic habitat on the site where none is currently present.*

*1.5.6 The native species hedges create connectivity with a network of similar habitat in the surrounding area.*

*1.5.7 There is a low risk of disturbance to nesting birds.*

*1.5.8 Demolition of 59b Pavenhill may result in the destruction of a bat roost.*

*1.5.9 There will be net biodiversity gain if provision is made for bats to roost and for swifts to breed on the site.*

#### *1.6 Recommendations -*

*1.6.1 New lighting on the site should be designed in accordance with Bat Conservation Trust/Institute of Lighting Engineers Guidance note 8 Bats and Artificial Lighting in the UK <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. This is necessary to avoid disrupting commuting routes and feeding areas used by bats and other nocturnal wildlife.*

*1.6.2 The proposed planting scheme should be composed of native species of trees and shrubs of local provenance and known to grow well in the area.*

*1.6.3 The areas of public open space should be sown with a native species wildflower mix suitable for local soil conditions.*

*1.6.4 Integrated bat boxes and swift boxes should be built into suitable elevations of the buildings to be constructed on the site.*

*1.6.5 Precautionary guidance aimed at reducing the risk of harm to widespread reptile species such as slow worms should be followed during the proposed work.*

*1.6.6 Removal of shrubby vegetation and trees should not be done during the breeding season for birds.*

*1.6.7 The bat survey of 59b Pavenhill should be repeated in the active season for bats immediately prior to the demolition of the building. The results of this survey will determine the need for any type of mitigation licence.*

These recommendations can all be controlled by use of conditions and these are proposed and agreed with the applicant. This reflects the conclusion reached in the determination of the previous application where no refusal reason on the grounds of harm to ecological interest was

identified. This was not a matter tested at appeal and the Inspector raised no concerns with the submissions made under that application and the conclusions reached by officers.

The application proposals and supporting submissions have been the subject of consultation with the Council's Ecologist but they have not responded to raise objections and/or request further information to recommend use of conditions. The concern regarding swift bricks has been addressed in further revised plans submissions.

On this basis it is not considered that significant harm arises from the proposal that is incapable of mitigation such that conflict with the relevant policies of the plan or provisions of the framework arises and the application could defensibly be refused on this basis.

#### Other Matters -

##### S106/Planning Obligations

- Waste & Recycling – £2,275
- Early Years / Nursery education provision – 3 places = £56,566
- Submission and approval of playspace details
- Open Space SUDS Management & Maintenance Provisions
- PROW Maintenance as part of the general site (open spaces/SUDS) maintenance
- Affordable Housing Provisions

Triggers – all prior to the commencement of development.

All agreed by the applicant team.

#### Air Quality

Whilst the application site is not located within an air quality management area the proposal will generate additional vehicular movements that have the potential to impact on routes to and from such areas in the locality. The Council's Public Protection Officer have been consulted in respect of the proposals and have recommended that a scheme of electric vehicle charging be approved for the development in order to mitigate potential impacts. Since that recommendation the applicant has submitted further details proposing EV charging points and these are considered to address requirements.

### **10. Conclusion**

The application site is not allocated in the adopted development plan. The site lies outside the defined limit of development for the village of Purton. The development proposed is not one of the exceptions to the strategy of the plan that would be supported in this location. The identified requirement for housing in this community area envisaged under the strategy of the plan has been met and exceeded. As such, the proposals are not acceptable in principle being in conflict with the plan when taken as a whole.

The site has been the subject of a similar application which was refused and subject of an appeal in that regard. The appeal was dismissed on the basis that the benefits of development did not outweigh the harm arising from the conflict with the Plan, and in particular the strategy for the location of residential development in relation to the material circumstances pertinent at that time. The Inspector in determining that appeal did not identify any significant site-specific impact that weighed against the proposal, and in so doing did assess reasons for refusal that addressed harm impacts that were considered to arise. That decision is a material

consideration in the determination of this application and of significant weight given the similarity of the site circumstances and development proposed.

Since that decision was issued there have been changes in material considerations of significant importance and substantial weight. Namely the position that the Council is not able to demonstrate an available and deliverable supply of land for housing so that the 'tilted balance' at para 11d of the framework is engaged; the WCS has passed 5 yrs in age and has not yet been reviewed, and so housing requirements are assessed on a Wiltshire wide basis; and the Purton Neighbourhood Plan has also passed 2 years in age and has not yet been reviewed, and as such the provisions of para 14 of the framework are not engaged.

The consequence of this change in circumstances is that the policies of the development plan most relevant to the determination of the application proposals cannot now be given full weight. Those are the policies that were referenced by the Inspector in the previous decision, and which were given full weight at the time. The balancing exercise that the Inspector undertook at that time is now tilted with lesser weight given to the harm arising from the conflict with the plan and its most relevant policies.

The benefits of development still include the boost to the supply of land for housing; and the provision of affordable housing both of which can be afforded substantial weight given the submitted housing delivery statement. In addition, the proposals result in some economic benefits through construction and the additional spending of the new population supporting services and facilities in the locality and these can be afforded limited weight. The harm arising for the proposals remains the conflict with the strategy of the plan as to the location of new residential development. This can still be afforded substantial weight as the plan represents the local expression of sustainable development, is considered to remain in accord with the framework, and the shortfall in the housing land supply is limited with requirements in this community area met and exceeded.

However, on balance the harm is limited to this one matter and the benefits arising exceed this in weight and number.

Therefore, in accord with the provision of paras 11 and 12 of the framework permission is recommended.

## **RECOMMENDATION**

**It is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a Planning Obligation/Section 106 legal agreement covering the areas outlined below, within six months of the date of the resolution of this Committee.**

**In the event that the applicant makes clear that they will not complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the reason set out below. This alternate provision to be subject to consideration of any other factors outside the control of the applicant and the Council that may result in unavoidable delay. If such circumstances are assessed by officers to arise then to allow for completion of the agreement after the 6 month period under delegated authority:-**

**The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing and landscape and drainage maintenance and management) required to mitigate the direct impacts of the development and thereby fails to comply with CP3 CP43 & CP52 of the Wiltshire Core Strategy, Saved policy CF3 NWLP, Regulation 122 of**

**the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework.**

Heads of Terms for Section 106 legal agreement to secure the following:

- Waste & Recycling Facilities – £2,275
- Early Years / Nursery education provision – 3 places = £56,566
- Open Space SUDS Management & Maintenance Provisions
- PROW Maintenance as part of the general site maintenance
- Affordable Housing Provisions:-

4 x 1 bed flats  
4 x 2 bed houses  
2 x 3 bed houses

One of the Ground Floor Flats be adapted to meet M4(2) requirements and that flat should be provided with a Level Access Shower/to be wheelchair accessible.

In order not to mix tenures in semi-detached pairs (as this makes sales of the Shared ownership units easier) the following tenure is proposed:

Plots 5 and 6 = 2 x 2 bed houses (Affordable Rent)  
Plots 7 and 8 = 2 x 2 bed houses (Shared Ownership)  
Plots 9 and 10 = 2 x 3 bed houses (Shared Ownership)

Conditions

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

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

2. No part of the development shall be constructed until the existing building on site to be replaced has been permanently demolished and all of the demolition materials and debris resulting here from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

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

3854/SK/210 (Received 29.04.2021)  
2763\_150\_REV G (Received 14.07.2021)  
2763\_320\_REV E (Received 14.07.2021)  
2763\_301\_Rev D, 2763\_302\_Rev F, and 2763\_303\_Rev E (Received 14.07.2021)  
3854/SK/207 REV H (Received 23.06.2021)  
2763\_520\_Rev D (Received 14.07.2021)  
2763\_510 (Received 16.06.21)

2763\_100  
2763\_101  
2763\_102

2763\_250

2763\_251

Houestypes 200 – 206 & 210 – 215 & 220 Garages

All Received 14/01/2021

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

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

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, in the interests of visual amenity and the character and appearance of the area.

No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

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

- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);

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.

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



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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site other than in accordance with the approved plans.

REASON: To safeguard the character and appearance of the area.

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The 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 that the development can be adequately drained.

9. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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

10. The mitigation measures Sections 8 and 9 detailed in the approved Ecological Assessment [27/11/2020 / Q772/ Chalkhill Environmental Consultants] shall be carried out in full and in

accordance with a timetable to be submitted to and approved by the Council prior to works being undertaken in respect of the ecological interests identified in the assessment and related structures..

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

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

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. A named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
- x. Wheel washing facilities;
- xi. construction vehicle routeing.

12. There shall be no burning undertaken on site at any time during the demolition and construction phases.

REASON: In the interests of Residential Amenity

13. No construction or demolition work shall take place on Sundays and Bank/Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interest of Residential Amenity and Highways accessibility

14. No development shall commence on site until full technical details of a scheme of footway upgrades, widening, lowered kerbs and crossing points within Restrop/Dogridge in accordance with Proposed pedestrian route improvements 3854/SK/210 dated April 2021 have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented prior to the development hereby permitted being first occupied or in accordance with a programme to be agreed in writing the Local Planning Authority.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

15. A detailed traffic calming scheme (site access/ Pavenhill) in accordance with Proposed Access Off Pavenhill 3854/SK/207 rev H dated 2015 consisting of full engineering drawings shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The approved scheme shall be fully implemented prior to the development hereby permitted being first occupied or in accordance with a programme to be agreed in writing the Local Planning Authority.

REASON: In the interests of highway safety

16. No part of the development shall be first occupied, until the visibility splays shown on the approved plans (drawing 3854/SK/207 – Rev H dated 2015) have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

17. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

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

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

19. The development shall be carried out as specified in the approved Arboricultural Impact Assessment which incorporates Tree Survey, Tree Protection Plan and Arboricultural Method Statement prepared by SJ Stephens Associates dated 1st December 2020 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

20. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

INFORMATIVES TO APPLICANT:

21. Please note that a S278 highway agreement will be required to implement the highway works at Restrop/Dogridge and Pavenhill (conditions 14 and 15 above).

22. 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.

23. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

24. 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.

25. 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.

26. 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].

27. 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.

28. 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.

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.

### **Background Documents Used in the Preparation of this Report:**

Application Submissions  
Appeal Decision APP/Y3940/W/17/3166533  
Wiltshire Core Strategy  
Purton Neighbourhood Plan  
NPPF 2021  
HLS Statement 2019