

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 11 May 2016
Time: 10.30 am

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

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

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Membership:

Cllr Andrew Davis (Chairman)	Cllr Charles Howard
Cllr Tony Trotman (Vice Chairman)	Cllr David Jenkins
Cllr Glenis Ansell	Cllr Bill Moss
Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Fred Westmoreland
Cllr Stewart Dobson	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway
Cllr Brian Dalton	Cllr James Sheppard
Cllr Bill Douglas	Cllr Ian West
Cllr Mary Douglas	Cllr Jerry Wickham
Cllr Dennis Drewett	Cllr Graham Wright
Cllr George Jeans	Cllr Magnus Macdonald

The membership is subject to confirmation at Annual Council on 10 May and any changes will be reported at the meeting'

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Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 54*)

To approve and sign as a correct record the minutes of the meeting held on 13 April 2016. (Copy attached)

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

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

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate Director) no later than 5pm on **Wednesday 4 May 2016**. Please contact the

officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

- 6 **15/10446/FUL - Whitehall Garden Centre, Corsham Road, Lacock, Wiltshire, SN15 2LZ - Redevelopment of Whitehall Garden Centre for New and Replacement Buildings to Facilitate the Re-ordering of the Site, Including Parking Areas and Landscaping. (Pages 55 - 76)**

A report by the Case Officer is attached.

- 7 **16/00497/OUT - Land east of Semington Road, Melksham - Outline application for the erection of up to 150 dwellings with access, new village hall and areas of open space (Resubmission of 14/07526/OUT) (Pages 77 - 106)**

A report by the Case Officer is attached.

- 8 **15/12551/OUT - Land at Westbury Sailing Lake, Station Road, Westbury, Wiltshire, BA13 3JS - Hybrid planning application seeking outline planning permission for the erection of up to 300 dwellings, public open space, highway infrastructure including bridge over avoiding railway line, and associated works (all matters reserved except access); and full planning permission for the erection of a sailing club and associated works. (Pages 107 - 140)**

A report by the Case Officer is attached.

- 9 **Date of the Next Meeting**

To note that the next scheduled meeting of this Committee is due to be held on Wednesday 15 June 2016, at County Hall, Trowbridge, starting at 10.30am.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 13 APRIL 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Fred Westmoreland and Cllr Graham Wright (Substitute)

Also Present:

Cllr Mark Connolly, Cllr Christopher Williams, Cllr Fleur de Rhé-Philippe, Cllr Pip Ridout and Cllr Toby Sturgis

12 Apologies for Absence

An apology for absence was received from Cllr Terry Chivers who was substituted by Cllr Graham Wright.

13 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 10 February 2016.

14 Declarations of Interest

Cllr Andrew Davis declared a non-pecuniary interest in West Warminster Urban Extension Masterplan (Minute No 20 below) as he was a member of Warminster Town Council and, as a member of the Town Council's Planning Advisory Committee, had taken no part in the Committee's consideration of the matter and had left the committee room during the debate.

15 Chairman's Announcements

The Chairman referred to the recent sad death of Cllr Jeff Osborn and informed the meeting that a condolences book was available and was being circulated to Members for them to sign.

16 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and procedure to be followed at the meeting.

Col Neil Page and Mr David Alderson from the Defence Infrastructure Organisation spoke in support of the three army basing applications in Minute Nos. 17 – 19 below.

17 **15/04006/FUL - Land south west of Bulford Road extending to Double Hedges, Bulford, Wiltshire - Erection of 227 no. dwellings to provide Service Families Accommodation (SFA), public open space, play areas, landscaping, internal roads and all associated infrastructure works**

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

Members then had the opportunity to ask technical questions after which they heard the views of Cllr Fred Westmorland who, whilst acknowledging the need for the additional housing, expressed the hope that the Defence Infrastructure Organisation would improve the egress from the site.

During discussion the following points were raised:

Reference being made to the provision of affordable housing within the Section 106 Heads of terms, and

The need for an additional informative relating to speed limits on roads surrounding the development site.

Resolved:

To grant planning permission, subject to:

All parties entering into a Section 106 legal agreement in respect of the following:

- **Off site road junction improvements**
- **Provision of sustainable transport measures**
- **Land and contributions for education provision**

- **Delivery of community facilities at Ludgershall and Larkhill**
- **Access to MoD sports and community facilities**
- **Provision and maintenance of on-site public open space and play facilities**
- **Contributions towards collection of waste**
- **Delivery of the Larkhill medical facility to be made available for NHS GP**
- **Provision for affordable housing contributions in the event of the dwellings being sold to the market**
- **Ecology provisions – including: terms of reference for the Salisbury Plain Environmental Steering Group and Hydrology Steering Group, provision of recreation pressure mitigation in respect of breeding Stone Curlew, detail and implementation of the Recreational Access Action Plan. (Note: the resolution requested seeks flexibility so as to make use of planning conditions in addition to, or instead of s106, so as to secure the ecological provisions).**

The following conditions:

- 01. 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.

- 02. No development of the school and community site shall take place until details of the following matters (in respect of which approval is expressly reserved) in relation to the school and community site have been submitted to, and approved in writing by, the Local Planning Authority:**

- a) **The scale of development**
- b) **The layout of development**
- c) **The external appearance of development**
- d) **The landscaping of development**

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

- 03. Within of three years from the date of this permission, a Reserved Matters application detailing the design of the 125 SFA dwellings not included within the detailed component of the application shall**

have been submitted to and agreed in writing by the Local Planning Authority. Development of those SFA dwellings shall be carried out in complete accordance with that Reserved Matters application (if approved), as informed by the masterplans listed within condition 46 to this planning permission.

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

04. 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.

Limits of permission

05. The residential element of the development hereby granted planning permission shall not exceed 227 SFA dwellings.

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

06. The SFA dwellings hereby granted planning permission shall be occupied solely by military service personnel and their dependents.

REASON: For the avoidance of doubt in order to define the limits of the planning permission and in recognition that planning permission has been granted for development on this site on the basis of the particular requirements of the military..

Landscaping and retained trees

07. All soft landscaping comprised in the approved as part of the detailed component of the planning application shall be carried out in the first planting and seeding season following the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the

approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

08. As part of the first Reserved Matters application, an Arboricultural Impact Assessment, a Tree Retention and Removal Plan as well as an Arboricultural Method Statement shall be provided for the entire site. Such documents shall show all retained trees with Root Protection Areas plotted so as to demonstrate the necessary alignment of utilities and drainage so as to retain and respect trees on the site. Development shall take place in complete accordance with the details so agreed.

REASON: In the interests of securing a form of development that retains and respects existing trees on the site.

09. No operations shall commence on site in connection with the development until a scheme showing the position of protective fencing to enclose all retained trees and hedgerows in accordance with British Standard 5837: '2005: Trees in Relation to Construction' has been submitted to and approved in writing by the Local Planning Authority. Protective fencing must be erected in accordance with the approved plans and shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority. In this condition "retained trees" means an existing tree which is to be retained in accordance with the approved plans and particulars; the paragraphs above shall have effect until the expiration of five years from the completion of the development.

REASON: To prevent trees being retained from being damaged during the construction works, in the interest of visual amenity

Construction phase and protection of amenity

10. No development shall commence on site until a construction and environmental 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, dust and other pollution

during the demolition/construction phase of the development. It shall include details of the following:

- a) Loading and unloading of equipment and materials
- b) Storage of plant and materials used in constructing the development
- c) Wheel washing and vehicle wash down facilities
- d) Measures to prevent and control the emission of dust, dirt and other pollution (including that which may affect the water environment) during demolition and construction
- e) A scheme for recycling/disposing of waste resulting from demolition and construction works
- f) The movement of construction vehicles
- g) The cutting or other processing of building materials on site
- h) The location and use of generators and temporary site accommodation
- i) 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: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the water environment as well as the amenities of the locality, surrounding residents.

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.

REASON: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

12. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

13. No external lighting other than street lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning

Authority. The external lighting scheme shall build upon the details already submitted and shall be designed so as to also meet the criteria for Environmental E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: So as to ensure the living conditions of existing and future residents is secured through the appropriate design of any new lighting across the site and so as to also ensure adverse impacts upon the ecology of the locality are minimised.

Contamination

14. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

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

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

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

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

Water environment and drainage

15. Prior to the first occupation of any dwellings hereby granted planning permission, a Water Management Strategy that includes the following components shall have been submitted to, and approved in writing by, the local planning authority. The Strategy shall cover all Army Basing Project developments and the existing MoD water network. The Strategy shall be implemented as approved.

The Water Management Strategy will outline:

- a) Details of water abstraction volumes, specific abstraction sources, where water will be discharged and leakage rates for both existing MoD sites and proposed Army Basing developments. This should include detailing any abstraction conditions and how these conditions will be met, also identifying the link between abstractions and discharge to meet licence and permit conditions.
- b) An overall assessment of individual and combined environmental impacts relating to water resources and how any impacts will be mitigated.
- c) Details of any required mitigation or infrastructure improvements to the water abstraction/ supply or foul drainage network that have been identified in the overall assessment carried out as part of this Water Management Strategy, or that have been identified by other relevant studies.
- d) Any specific water management requirements/ mitigation for the development hereby permitted.

REASON: To ensure the development would be served by an appropriate water supply system and to protect the water environment.

16. No development shall commence on site until a scheme for the discharge of foul water from the site, to include approvals from the sewerage undertaker allowing diversion, abandonment or relocation of public drainage apparatus, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure the development would be served by an appropriate foul drainage system and to protect the water environment

17. 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

together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be informed by a risk assessment to establish the risk to groundwater and to advise on drainage options appropriate for the development, although infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained whilst protecting the quality of groundwater and preventing pollution. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Archaeology

18. No development shall commence within the proposed development site until:

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

The approved programme of archaeological work has been carried out in accordance with the approved details.

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

19. No development shall commence on site until such a time that a management plan to ensure the preservation in situ of the archaeological features/remains within any open space, to include the provision of archaeological information panels, and a timetable for the implementation of the management plan has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall thereafter be implemented in accordance with the approved plans.

REASON: To safeguard the identification and recording of features of very high archaeological interest with the planned open space.

Construction standards of buildings

20. Prior to the commencement of development, full details relating to the intended method of fire fighting water supply and hydrant facilities in respect of the building shall have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include measures to ensure the water supply is in place during the construction phase and that hydrants are connected at the right locations. The scheme shall also include a scheme for the maintenance of such water supply and hydrant facilities. Development shall be carried out in complete accordance with details agreed.

REASON: So as to secure a satisfactory water supply and hydrant facilities for fire fighting to meet the needs of the development during the construction and operational phase of development.

Refuse and recycling

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

REASON: In the interests of public health and safety as well as effective and efficient refuse collection.

Highways

22. The pedestrian/cycleway link shown on the submitted Masterplan between the new development and Churchill Avenue shall at no time be used for vehicular traffic.

REASON: So as to ensure the pedestrian/cycleway link to Churchill Avenue is only used as such and is not used by cars or other vehicular traffic as a through route.

23. Prior to the first occupation of the dwellings hereby granted planning permission, full details of the design and construction of the bollards to be installed at either end of the pedestrian/cycleway link between the new development and Churchill Avenue (so as to prevent its use for vehicular traffic) shall have been submitted to and approved in writing by the Local Planning Authority. The bollards shall be installed in accordance with the approved details prior to the first occupation of the dwellings hereby granted planning permission.

REASON: So as to ensure the pedestrian/cycleway link to Churchill Avenue is only used as such and is not used by cars or other vehicular

traffic as a through route.

24. Unless otherwise agreed in accordance with an alternative timescale beforehand, prior to the commencement of any other part of the development a priority junction on Bulford Road shall be completed in accordance with details which shall first have been approved in writing by the Local Planning Authority.

REASON: In order to secure a safe access to the site.

25. Prior to the commencement of the development a site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved phasing plan. The phasing plan shall include details of road construction, including the provision of a through route between Bulford Road and High Hedges.

REASON: In order to ensure development proceeds in an acceptable manner.

26. Notwithstanding the details submitted, no development other than works to create the site access onto Bulford Road shall commence on site until details of the site access junctions, estate roads, cycletracks, 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 development shall not be first occupied until the estate roads, cycletracks, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

27. 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 binder course level between the dwelling and existing adopted highway.

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

- 28. Car and cycle parking provision shall be made in accordance with the requirements of Wiltshire Council's LTP3 Car Parking Strategy and Cycling Strategy respectively. Garage internal floorspace shall be not less than 3m by 6m per car space if the garage is to be counted towards car parking provision. No dwelling shall be occupied until the car and cycle parking provision, together with access thereto, has been provided in accordance with plans which shall previously have been submitted to and approved by the local planning authority.**

REASON: In the interests of highway safety and the amenity of future occupants and, through provision of satisfactory facilities for cycle parking, to help encourage travel by means other than the private car.

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

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

- 30. 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: To ensure that the development and its associated roads can be adequately drained.

- 31. Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the LPA, and the site developed in accordance with the approved CTMP. The CTMP shall include, inter alia, proposals for the phasing of the development, and how this might influence construction traffic routing, and proposals to ensure that the adjacent highway is kept clear of site detritus.**

REASON: In order to ensure that the amenity of the local highway network is adequately protected.

- 32. Prior to the first occupation of any dwelling on the site, the 3m cycletrack between the site (plots 31 and 32) and Churchill Avenue**

shall be completed to binder course level.

REASON: In order to encourage sustainable transport, and to provide part of a safe route from the site to the local primary school (St Leonards).

35. Prior to the first occupation of the 151st dwelling on the site, a survey shall be undertaken by the developer to assess the crossing pattern of pedestrians and cyclists on Bulford Road between the Canadian Estate area and the site access. The form of survey to be used shall first have been submitted to and approved in writing by the Local Planning Authority. As informed by the results of the approved survey, the crossing facilities, comprising either a single controlled or up to two uncontrolled crossings on Bulford Road, together with local traffic calming facilities as appropriate to the design of the crossing(s), as well as any requisite modifications to the existing highway facilities and furniture, shall be provided prior to the occupation of the 200th dwelling, at locations agreed in writing by the Local Planning Authority. The design and layout of such crossing facilities shall have been submitted to and agreed in writing by the Local Planning Authority prior to its installation.

REASON: In the interests of highway safety.

- 36 Prior to the occupation of the 200th dwelling the surface of PROW Bulford 5, including a connecting path to existing footway at the access to The Sidings shall have been surfaced between Bulford Road and High Hedges to a paved width of 3m in accordance with details which shall first have been submitted to and agreed by the Local planning Authority.

REASON: In order to promote sustainable transport.

37. No part of the development shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority and implemented. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

Air Quality

38. Prior to the first occupation of any dwelling on the site hereby granted planning permission, a low emission strategy shall have been submitted to and approved by the Local Planning Authority.

Development to be carried out in accordance with the approved strategy.

REASON: To build upon the Overarching Travel Plan, in the interests of minimising nitrogen dioxide and fine particulates generated by the development in accordance with CP55 of the Wiltshire Core Strategy.

Ecology

39. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- Description and evaluation of landscape and ecological features to be managed; including location shown on a site map
- Constraints on site that might influence management
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring and remedial measures;
- Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

40. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating the following:

- Pollution prevention measures,**
- Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance to protect habitats of ecological value including woodland, grassland and the location of recorded Rough Poppy plants**

has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: to prevent pollution of the water environment and protect habitats and species of ecological value during the construction period.

41. Prior to the first occupation of any dwelling hereby permitted, details of the provision of 10-15 bat roosting features and 10-15 nesting opportunities for birds to be incorporated into building structures shall have been submitted to the local planning authority for approval, including a plan showing the locations and types of features. The approved details shall be incorporated into the development before occupation of the relevant buildings.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement.

42. Prior to the commencement of development, a Biodiversity Offsetting Strategy shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: to ensure that loss of calcareous habitat is appropriately mitigated.

43. Prior to the commencement of development, a Recreational Access Action Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to mitigate impacts associated with increased recreational pressure resulting from the development upon the Salisbury Plan SPA.

44. Prior to the commencement of development, a Phosphate Offsetting Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to mitigate impacts upon the River Avon SAC associated with development taking place.

45. Prior to the commencement of development, a Nine Mile River Habitat Management Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to compensate for impacts on great crested newts within the River Avon SSSI and SAC.

Approved plans

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

Approved plans

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

SPTA Bulford Design & Access Statement 20.04.2015FINAL.pdf

BU[3]S01 Site Location Plan.pdf

A089116-10 BU[LP] Landscape Proposals LP01-1.pdf

A089116-10 BU[LP] Landscape Proposals LP01-2.pdf

A089116-10 BU[LP]02 to BU[LP]06.pdf

BU[LP]07 Hard landscape details.pdf

BU[3]S04 Finishes Layout.pdf (received 21/03/16)

BU[3]S03 Detailed Site Layout.pdf (received 21/03/16)

BU[3]S02 Outline Site Layout.pdf (received 21/03/16)

BU[3] POS designations.pdf

BU[3]E02 Street scenes.pdf
BU[3]E01 Street scenes.pdf
BU[3]E05 Proposed site sections.pdf
BU[3]E04 Existing site sections.pdf
BU[3]E03 Existing site sections.pdf
BU[LA]01 Site Location_Bulford.pdf
BU[LA]02 Topography_Bulford.pdf
BU[LA]03-01 Designations_Bulford.pdf
BU[LA]03-2 Landscape Character_Bulford.pdf
BU[LA]04 Public Access_Bulford.pdf
BU[LA]05 Zone of Theoretical Visibility.pdf
BU[LA]06 Assessment Photographs.pdf
BU[LA]07 Appraisal Photographs.pdf
BU[LA]08 Site Photographs.pdf
BU [LA]09 Cumulative Site Locations

All date stamped 22nd April 2015 unless otherwise stated.

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

INFORMATIVE TO APPLICANT:

The applicant should note that, under the appropriate legislation, the Council may in the future seek to vary speed limits on the roads surrounding the development site. It is asked that the applicant work with the Council to ensure appropriate measures and speed limits are put in place on the surrounding roads to assist in securing a safe form of development.

- 18 **15/02770/FUL - Land at Tidworth Road, (Corruna Barracks), Tidworth Road, Ludgershall, SP11 9RP - Erection of 246 no. dwellings to provide Service Families Accommodation (SFA), land for a new primary school and community facilities, public open space, play areas, landscaping, internal roads and associated infrastructure**

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

Members then had the opportunity to ask technical questions after which they heard the views of Cllr Christopher Williams, the local Member, in support of the application.

Cllr Mark Connolly, an adjoining local Member, expressed the view that the proposed pedestrian crossing at Perham Down Camp between the Officers' mess and the main camp entrance may not be necessary.

During discussion the following points were raised:

- Reference being made to the provision of affordable housing within the Section 106 Heads of terms,
- The need for an additional informative relating to speed limits on roads surrounding the development site, and
- The need for an additional informative relating to the proposed pedestrian crossing at Perham Down Camp requesting that the parties work together to remove the crossing should a future decision be taken that the crossing was no longer required.

Resolved:

To grant planning permission, subject to:

(1) All parties entering into a Section 106 legal agreement in respect of the following:

- **Off site road junction improvements**
- **Provision of sustainable transport measures**
- **Land and contributions for education provision**
- **Delivery of community facilities at Ludgershall and Larkhill**
- **Access to MoD sports and community facilities**
- **Provision and maintenance of on-site public open space and play facilities**
- **Contributions towards collection of waste**
- **Delivery of the Larkhill medical facility to be made available for NHS GP**
- **Provision for affordable housing contributions in the event of the dwellings being sold to the market**
- **Ecology provisions – including: terms of reference for the Salisbury Plain Environmental Steering Group and Hydrology Steering Group, provision of recreation pressure mitigation in respect of breeding Stone Curlew, detail and implementation of the Recreational Access Action Plan. (Note: the resolution seeks flexibility so as to make use of planning conditions in addition to, or instead of s106, so as to secure the ecological provisions).**

(2) The following conditions:

01. 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.

02. No development of the school and community site shall take place until details of the following matters (in respect of which approval is expressly reserved) in relation to the school and community site have been submitted to, and approved in writing by, the Local Planning Authority:

- a) The scale of development**
- b) The layout of development**
- c) The external appearance of development**
- d) The landscaping of development**

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

03. Within of three years from the date of this permission, a Reserved Matters application detailing the design of the 246 SFA dwellings not included within the detailed component of the application shall have been submitted to and agreed in writing by the Local Planning Authority. Development of those SFA dwellings shall be carried out in complete accordance with that Reserved Matters application (if approved), as informed by the masterplans listed within condition 42 to this planning permission.

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

04. 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.

Limits of permission

05. The residential element of the development hereby granted planning permission shall not exceed 246 SFA dwellings.

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

- 06.** The SFA dwellings hereby granted planning permission shall be occupied solely by military service personnel and their dependents.

REASON: For the avoidance of doubt in order to define the limits of the planning permission and in recognition that planning permission has been granted for development on this site on the basis of the particular requirements of the military.

Landscaping and retained trees

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

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

- 08.** As part of the first Reserved Matters application, an Arboricultural Impact Assessment, a Tree Retention and Removal Plan as well as an Arboricultural Method Statement shall be provided for the entire site. Such documents shall show all retained trees with Root Protection Areas plotted so as to demonstrate the necessary alignment of utilities and drainage so as to retain and respect trees on the site. Development shall take place in complete accordance with the details so agreed.

REASON: In the interests of securing a form of development that retains and respects existing trees on the site.

- 09. No operations shall commence on site in connection with the development until a scheme showing the position of protective fencing to enclose all retained trees and hedgerows in accordance with British Standard 5837: '2005: Trees in Relation to Construction' has been submitted to and approved in writing by the Local Planning Authority. Protective fencing must be erected in accordance with the approved plans and shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority. In this condition "retained trees" means an existing tree which is to be retained in accordance with the approved plans and particulars; the paragraphs above shall have effect until the expiration of five years from the completion of the development.**

REASON: To prevent trees being retained from being damaged during the construction works, in the interest of visual amenity

Construction phase and protection amenity

- 10. No development shall commence on 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/construction phase of the development. It shall include details of the following:**
- a) Loading and unloading of equipment and materials**
 - b) Storage of plant and materials used in constructing the development**
 - c) Wheel washing and vehicle wash down facilities**
 - d) Measures to control the emission of dust and dirt during demolition and construction**
 - e) A scheme for recycling/disposing of waste resulting from demolition and construction works**
 - f) The movement of construction vehicles**
 - g) The cutting or other processing of building materials on site**
 - h) The location and use of generators and temporary site accommodation**
 - i) 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: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

- 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.**

REASON: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

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

REASON: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

- 13. No development shall commence on site until a scheme to protect future residents from road traffic noise on the A3026, Tidworth Road and noise from operations and activities at Ludgershall Business Park has been submitted to and approved in writing by the Local Planning Authority. Measures included in the scheme should include site layout, internal dwelling layout, acoustic insulation measures such as acoustic glazing, trickle ventilation, wall and roof construction, and noise mitigation and screening to be provided for external amenity areas. The approved scheme shall be implemented prior to the dwellings being first occupied and maintained at all times thereafter in accordance with the approved details.**

REASON: So as to ensure the living conditions of future residents are secured through the appropriate design of new dwellings.

- 14. No development of the new school shall commence on site until a scheme for protecting the school against noise from road traffic has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the use commences and maintained at all times thereafter.**

REASON: So as to ensure the performance and use of the new school buildings are not compromised by unreasonably noise from the adjoining road.

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

REASON: To prevent pollution of the water environment.

Contamination

16. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

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

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

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

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

Water environment and drainage

17. Prior to the first occupation of any dwelling hereby granted planning permission, a Water Management Strategy that includes the following components shall have been submitted to, and approved in writing by, the local planning authority. The Strategy shall cover all Army Basing Project developments and the existing MoD water network. The Strategy shall be implemented as approved.

The Water Management Strategy will outline:

- a) Details of water abstraction volumes, specific abstraction sources, where water will be discharged and leakage rates for both existing MoD sites and proposed Army Basing developments. This should include detailing any abstraction conditions and how these conditions will be met, also identifying the link between abstractions and discharge to meet licence and permit conditions.
- b) An overall assessment of individual and combined environmental impacts relating to water resources and how any impacts will be mitigated.
- c) Details of any required mitigation or infrastructure improvements to the water abstraction/ supply or foul drainage network that have been identified in the overall assessment carried out as part of this Water Management Strategy, or that have been identified by other relevant studies.
- d) Any specific water management requirements/ mitigation for the development hereby permitted.

REASON: To ensure the development would be served by an appropriate water supply system and to protect the water environment.

18. No development shall commence on site until a scheme for the discharge of foul water from the site, to include approvals from the sewerage undertaker allowing diversion, abandonment or relocation of public drainage apparatus, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure the development would be served by an appropriate foul drainage system and to protect the water environment

19. 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 together with permeability test results to BRE365, 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: To ensure that the development can be adequately drained and to protect the water environment.

Archaeology

20. No development shall commence within the area indicated (proposed development site) until:

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

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

Construction standards of buildings

21. Prior to the commencement of development, full details relating to the intended method of fire fighting water supply and hydrant facilities in respect of the building shall have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include measures to ensure the water supply is in place during the construction phase and that hydrants are connected at the right locations. The scheme shall also include a scheme for the maintenance of such water supply and hydrant facilities. Development shall be carried out in complete accordance with details agreed.

REASON: So as to secure a satisfactory water supply and hydrant facilities for fire fighting to meet the needs of the development during the construction and operational phase of development.

Refuse and recycling

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

REASON: In the interests of public health and safety as well as effective and efficient refuse collection.

Ecology conditions

23. Ecological mitigation will be provided in complete accordance with the following documents: Ecological Mitigation Strategy, Land at Tidworth Road (Corunna Barracks) Lagershall (DIO March 2015); a statement from WYG headed "Applicant's response to Louisa Kilgallen comments and queries" dated 16 April 2015, received from Chris Meddins, WYG, 11 June 2015), and; Landscape Proposals Drawing number A089116-10 LU[LP]03 Rev A.

REASON: to ensure appropriate and adequate mitigation is provided for ecological impacts.

24. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of landscape and ecological features to be managed; including location shown on a site map
- b) Constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

25. No external lighting other than street lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall build upon details set out within DIO drawing LU[3]S10 “Ludgershall Lighting Buffer” dated 2 June 2015 and shall be designed so as to also meet the criteria for Environmental E3 as defined by the Institute of Lighting Professionals ‘Guidance Notes for the Reduction of Obtrusive Light’ 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: So as to ensure the living conditions of existing and future residents is secured through the appropriate design of any new lighting across the site and so as to also ensure adverse impacts upon the ecology of the locality are minimised.

26. Prior to the commencement of development, a Biodiversity Offsetting Strategy shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: to ensure that loss of calcareous habitat is appropriately mitigated.

27. Prior to the commencement of development, a Recreational Access Action Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to mitigate impacts associated with increased recreational pressure resulting from the development upon the Salisbury Plan SPA.

28. Prior to the commencement of development, a Phosphate Offsetting Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to mitigate impacts upon the River Avon SAC associated with development taking place.

Highway conditions

29. None of the SFA houses shall be occupied until the proposed junction improvement at the A303/A338 junction has been completed and opened to traffic as shown on drawing reference *Figure 11 (Transport Assessment) Possible Junction Improvement for J19A* dated 12 May 2014, unless any variation in the design of the proposals is otherwise agreed in writing by the local Planning Authority in consultation with Highways England.

REASON: To ensure the safety and free flow of traffic on the Strategic Road Network.

30. Prior to the commencement of the development a site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved phasing plan. The phasing plan shall include details of road construction, including the provision of a through route between the two accesses to Tidworth Road

REASON: In order to ensure development proceeds in an acceptable manner.

31. Notwithstanding the details submitted, with the exception of the site access works, no development shall commence on site until details of the site access junctions, estate roads, cycletracks, 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 development shall not be first occupied until the estate roads, cycletracks, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

32. 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 binder course level between the dwelling and existing adopted highway.

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

- 33. Car and cycle parking provision shall be made in accordance with the requirements of Wiltshire Council's LTP3 Car Parking Strategy and Cycling Strategy respectively. Garage internal floorspace shall be not less than 3m by 6m per car space if the garage is to be counted towards car parking provision. No dwelling shall be occupied until the car and cycle parking provision, together with access thereto, has been provided in accordance with plans which shall previously have been submitted to and approved by the local planning authority.**

REASON: In the interests of highway safety and the amenity of future occupants and, through provision of satisfactory facilities for cycle parking, to help encourage travel by means other than the private car.

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

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

- 35. Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the LPA, and the site developed in accordance with the approved CTMP. The CTMP shall include, inter alia, proposals for the phasing of the development, and how this might influence construction traffic routeing, and proposals to ensure that the adjacent highway is kept clear of site detritus.**

REASON: In order to ensure that the amenity of the local highway network is adequately protected.

- 36. Prior to the occupation of the first dwelling on the site, full and complete details of a shared footway and cycletrack on the south side of the A3026 between the Eastern site access and the Somme Road junction together with a formal crossing facility on the A3026 in the vicinity of the eastern access to the Wellington Academy shall have been submitted to agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved details prior to the occupation of no more than 130 dwellings on the site.**

REASON: In the interests of sustainable transport and highway safety, especially in respect of providing a safe crossing outside Wellington Academy.

37. Prior to the commencement of the development the existing site access traffic signal controlled junction on the A3026 shall be modified in complete accordance with details which shall first have been submitted to and approved by the Local planning Authority. The details shall include for the provision of a footway link between the existing footway to the east of the site access and the proposed western site access.

REASON: In order to secure safe facilities for pedestrian movement associated with the site.

38. Notwithstanding the details shown on Drg No. LU[3]S02, and prior to the occupation of the first dwelling on the site, full and complete details of a footpath/cycletrack link shall be completed between the site and Johnson Way shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

REASON: In order to promote sustainable transport links between the site and adjacent community.

39. No part of the development shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority and implemented. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

Community facilities

40. The community land and building, as identified on the submitted masterplans shall be only used for purposes falling into the B and D use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) Order 2015.

REASON: For the avoidance of doubt and so as to protect the amenities of existing and future residents.

Air Quality

41. Prior to the first occupation of any dwellings hereby granted planning permission, a low emission strategy shall have been submitted to and approved by the Local Planning Authority. Development to be carried out in accordance with the approved strategy.

REASON: To build upon the Overarching Travel Plan, in the interests of minimising nitrogen dioxide and fine particulates generated by the development in accordance with CP55 of the Wiltshire Core Strategy.

Approved plans

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

LU[3]S10 Lighting Buffer.pdf
SPTA SFA LVIA Ludgershall v4.pdf
LU[LA]09 Cumulative Site Locations.pdf
LU[LA]08 Site Photographs.pdf
LU[LA]07 Appraisal Photographs.pdf
LU[LA]06 Assessment Photographs.pdf
LU[LA]05 Zone of Theoretical Visibility.pdf
LU[LA]04 Public Access.pdf
LU[LA]03-2 Landscape Character.pdf
LU[LA]03-01 Designations.pdf
LU[LA]02 Topography.pdf
LU[LA]01 Site Location.pdf
Ludgershall-LU3S06 Topographical
survey.pdf
Ludgershall-LU[3]S05 Advanced demolition
plan.pdf
Ludgershall-LU[3]HT issue 15.03.13.pdf
Ludgershall-LU[2]S30 rev C Framework.pdf
Ludgershall-LU[2]S20 rev C Concept.pdf
Ludgershall-LU[2]S12 rev C Sketch Layout
SK03.pdf
Ludgershall-LU[2]S07rev A Pedestrian_cycle
links.pdf
Ludgershall-LU[2]S06rev A Wider analysis
plan.pdf
Ludgershall-LU[2]S05rev A Constraints and
Opportunities.pdf
Ludgershall-LU[2]S02 Wider context plan.pdf
Ludgershall-LU[2]S01 Site Location plan.pdf
LU[3]Sch.pdf
LU[3]S04 Finishes Layout.pdf
LU[3]S03 Detailed Site Layout.pdf
LU[3]S02 Outline Site Layout.pdf
LU[3]E04 Proposed site sections.pdf

LU[3]E03 Existing site sections.pdf
 LU[3]E02 Proposed street elevations.pdf
 LU[3]E01 Proposed street elevations.pdf
 LU[3] POS designations.pdf
 A089116-10 LU[LP]08 Landscape Details.pdf
 A089116-10 LU[LP]07 Surfaces and
 boundary treatments.pdf
 A089116-10 LU[LP]06 Landscape
 Proposals.pdf
 A089116-10 LU[LP]05 Landscape
 Proposals.pdf
 A089116-10 LU[LP]04 Landscape
 Proposals.pdf
 A089116-10 LU[LP]03 Landscape
 Proposals.pdf
 A089116-10 LU[LP]02 Landscape
 Proposals.pdf
 A089116-10 LU[LP]01-2 Green
 Infrastructure.pdf
 A089116-10 LU[LP]01-1 Landscape
 Proposals Layout.pdf
 Drg No: LU[3]Boundary Treatments Rev A
 (dated July 2015)
 Drg No: A089116-10 LU[LP]07 Surfaces and
 Boundary Treatments (dated August 2015)
 Drg No: A089116-10 LU[LP]01-2 Green
 Infrastructure (dated 11th August 2015)

All date stamped 20th March 2015.

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

INFORMATIVE TO APPLICANT:

The applicant should note that, under the appropriate legislation, the Council may in the future seek to vary speed limits on the roads surrounding the development site. It is asked that the applicant work with the Council to ensure appropriate measures and speed limits are put in place on the surrounding roads to assist in securing a safe form of development.

INFORMATIVE TO APPLICANT:

The applicant is asked to note that the proposed pedestrian crossing at Perham Down Camp between the Officer's mess/SLA and the main camp entrance may not be necessary. Should it be determined that the new

crossing is not needed, either before or after its creation, it is requested that discussion takes place with the Council to ensure appropriate steps are taken.

- 19 **15/05540/FUL - Land north of The Packway and east of Larkhill, Larkhill, Wiltshire, SP4 8PY - Erection of 444 no, dwellings to provide Service Family Accommodation (SFA), land for a new primary school and community facility, public open space, play areas, landscaping, internal roads and all associated infrastructure works**

The following person spoke against the application:

Mr David Matthews, owner of Stonehenge Golf Centre

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

Members then had the opportunity to ask technical questions after which they heard the views of Mr David Matthews, owner of Stonehenge Golf Centre, expressing his views regarding the planning application.

Members then heard the views of Cllr Graham Wright, as the local Member, who, whilst supporting the proposal, expressed some concern about the design of the new roundabout access and questioned the need for a four legged roundabout. He also questioned how public access to the MOD sports and community facilities would be managed.

During discussion, the following points were raised:

- Reference being made to the provision of affordable housing within the Section 106 Heads of terms,
- The need to consider the risk of stray golf balls being struck into the application site,
- The need for an additional informative relating to speed limits on roads surrounding the development site, and
- The need for further consideration being given to the design of the new roundabout access.

Resolved:

To grant planning permission, subject to:

- (1) Prior to the determination of the application, Officers be delegated to investigate, consider and assess the relative merits of a 3-legged or 4-legged design for the roundabout access to the site and, if necessary, incorporate changes to that access into the proposed development. Such considerations and assessment shall include where necessary, the carrying out of junction counts at Wood Road and Tombs Road.**
- (2) The receipt of the comments of Historic England in respect of the assessment of visual impacts associated with the new roundabout access, including dark skies assessment, to demonstrate the outstanding universal value of the Stonehenge WHS is protected, including any necessary mitigation and imposition of necessary planning conditions.**
- (3) All parties entering into a legal agreement under s106 of The Act in respect of the following:**
 - **Off site road junction improvements**
 - **Provision of sustainable transport measures**
 - **Land and contributions for education provision**
 - **Delivery of community facilities at Ludgershall and Larkhill**
 - **Access to MoD sports and community facilities**
 - **Provision and maintenance of on-site public open space and play facilities**
 - **Contributions towards collection of waste**
 - **Delivery of the Larkhill medical facility to be made available for NHS GP**
 - **Provision for affordable housing contributions in the event of the dwellings being sold to the market**
 - **Ecology provisions – including: terms of reference for the Salisbury Plain Environmental Steering Group and Hydrology Steering Group, provision of recreation pressure mitigation in respect of breeding Stone Curlew, detail and implementation of the Recreational Access Action Plan. (Note: the resolution seeks flexibility so as to make use of planning conditions in addition to, or instead of s106, so as to secure the ecological provisions).**

(4) The following conditions:

01. 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.

02. No development of the school and community site shall take place until details of the following matters (in respect of which approval is

expressly reserved) in relation to the school and community site have been submitted to, and approved in writing by, the Local Planning Authority:

- a) The scale of development
- b) The layout of development
- c) The external appearance of development
- d) The landscaping of development

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

03. Within of three years from the date of this permission, a Reserved Matters application detailing the design of the 355 SFA dwellings not included within the detailed component of the application shall have been submitted to and agreed in writing by the Local Planning Authority. Development of those SFA dwellings shall be carried out in complete accordance with that Reserved Matters application (if approved), as informed by the masterplans listed within condition 40 to this planning permission.

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

04. 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.

Limits of permission

05. The residential element of the development hereby granted planning permission shall not exceed 444 SFA dwellings.

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

06. The SFA dwellings hereby granted planning permission shall be occupied solely by military service personnel and their dependents.

REASON: For the avoidance of doubt in order to define the limits of the planning permission and in recognition that planning permission has been granted for development on this site on the basis of the particular requirements of the military..

Landscaping and retained trees

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

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

08. As part of the first Reserved Matters application, an Arboricultural Impact Assessment, a Tree Retention and Removal Plan as well as an Arboricultural Method Statement shall be provided for the entire site. Such documents shall show all retained trees with Root Protection Areas plotted so as to demonstrate the necessary alignment of utilities and drainage so as to retain and respect trees on the site. Development shall take place in complete accordance with the details so agreed.

REASON: In the interests of securing a form of development that retains and respects existing trees on the site.

09. No operations shall commence on site in connection with the development until a scheme showing the position of protective fencing to enclose all retained trees and hedgerows in accordance with British Standard 5837: 2005: 'Trees in Relation to Construction' has been submitted to and approved in writing by the Local Planning Authority. Protective fencing must be erected in accordance with the approved plans and shall remain in place for the entire development

phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority. In this condition “retained trees” means an existing tree which is to be retained in accordance with the approved plans and particulars; the paragraphs above shall have effect until the expiration of five years from the completion of the development.

REASON: To prevent trees being retained from being damaged during the construction works, in the interest of visual amenity

10. Prior to the occupation of the Officer housing (as identified on the approved masterplans), full and complete details of the proposed buffer strip and buffer planting to be created along the common boundary of the site with the adjoining Stonehenge Golf Club shall have been submitted to and agreed in writing with the Local Planning Authority. The buffer strip and planting shall be created in accordance with the agreed details prior to the occupation of the officer housing.

REASON: So as to secure a suitable boundary treatment to the application site that will comprise appropriate planting and associated measures to mitigate against potential impacts upon the living conditions of future residents from the floodlighting and activities at the Stonehenge Golf Club.

Construction phase and protection amenity

11. No development shall commence on 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/construction phase of the development. It shall include details of the following:
 - a) Loading and unloading of equipment and materials
 - b) Storage of plant and materials used in constructing the development
 - c) Wheel washing and vehicle wash down facilities
 - d) Measures to control the emission of dust and dirt during demolition and construction
 - e) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - f) The movement of construction vehicles
 - g) The cutting or other processing of building materials on site

- h) The location and use of generators and temporary site accommodation**
- i) 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: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

- 12. 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.**

REASON: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

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

REASON: So as to ensure the construction phase of development is undertaken in a considerate and appropriate manner so as to protect the amenities of the locality and surrounding residents.

- 14. No external lighting other than street lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. Such lighting shall be designed so as to also meet the criteria for Environmental E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. Information submitted should also include lux plots to show how bat flightlines will be retained at less than 1 lux through the development. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.**

REASON: So as to ensure the living conditions of existing and future residents is secured through the appropriate design of any new lighting across the site and so as to also ensure adverse impacts upon the ecology of the locality are minimised.

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

REASON: To prevent pollution of the water environment.

Contamination

16. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

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

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

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

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

Water environment and drainage

17. Prior to the first occupation of any dwelling hereby granted planning permission, a Water Management Strategy that includes the following components shall have been submitted to, and approved in writing by, the local planning authority. The Strategy shall cover all Army Basing Project developments and the existing MoD water network. The Strategy shall be implemented as approved.

The Water Management Strategy will outline:

- a) Details of water abstraction volumes, specific abstraction sources, where water will be discharged and leakage rates for both existing MoD sites and proposed Army Basing developments. This should include detailing any abstraction conditions and how these conditions will be met, also identifying the link between abstractions and discharge to meet licence and permit conditions.
- b) An overall assessment of individual and combined environmental impacts relating to water resources and how any impacts will be mitigated.
- c) Details of any required mitigation or infrastructure improvements to the water abstraction/ supply or foul drainage network that have been identified in the overall assessment carried out as part of this Water Management Strategy, or that have been identified by other relevant studies.
- d) Any specific water management requirements/ mitigation for the development hereby permitted.

REASON: To ensure the development would be served by an appropriate water supply system and to protect the water environment.

18. No development shall commence on site until a scheme for the discharge of foul water from the site, to include approvals from the sewerage undertaker allowing diversion, abandonment or relocation of public drainage apparatus, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure the development would be served by an appropriate foul drainage system and to protect the water environment

19. 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 together with permeability test results to BRE365, 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: To ensure that the development can be adequately drained and to protect the water environment.

Archaeology

20. No development shall commence within the area indicated (proposed development site) until:

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

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

Construction standards of buildings

21. Prior to the commencement of development, full details relating to the intended method of fire fighting water supply and hydrant facilities in respect of the buildings shall have been submitted to and agreed in writing by the Local Planning Authority. Such details shall include measures to ensure the water supply is in place during the construction phase and that hydrants are connected at the right locations. The scheme shall also include a scheme for the maintenance of such water supply and hydrant facilities. Development shall be carried out in complete accordance with details agreed.

REASON: So as to secure a satisfactory water supply and hydrant facilities for fire fighting to meet the needs of the development during the construction and operational phase of development.

Refuse and recycling

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

REASON: In the interests of public health and safety as well as effective and efficient refuse collection.

Highways

- 23.** Unless otherwise agreed with an alternative timescale beforehand, prior to the commencement of any other part of the development a roundabout access on The Packway shall be completed in accordance with details which shall first have been approved in writing by the Local Planning Authority. The submitted details shall include provision of a turning area at the closed end of Tombs Road.

REASON: In order to secure a safe access to the site.

- 24.** Prior to the commencement of the development a site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved phasing plan. The phasing plan shall include details of road construction, including the provision of a route to ensure that traffic associated with the school does not have to perform reversing manoeuvres.

REASON: In order to ensure development proceeds in an acceptable manner.

- 25.** Notwithstanding the details submitted, no development other than the access from The Packway shall commence on site until details of the site access junctions, estate roads, cycletracks, 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 development shall not be first occupied until the estate roads, cycletracks, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

- 26.** 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 binder course level between the dwelling and existing adopted highway.

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

27. Car and cycle parking provision shall be made in accordance with the requirements of Wiltshire Council's LTP3 Car Parking Strategy and Cycling Strategy respectively. Garage internal floorspace shall be not less than 3m by 6m per car space if the garage is to be counted towards car parking provision. No dwelling shall be occupied until the car and cycle parking provision, together with access thereto, has been provided in accordance with plans which shall previously have been submitted to and approved by the local planning authority.

REASON: In the interests of highway safety and the amenity of future occupants and, through provision of satisfactory facilities for cycle parking, to help encourage travel by means other than the private car.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), any garages permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

29. Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the LPA, and the site developed in accordance with the approved CTMP. The CTMP shall include, inter alia, proposals for the phasing of the development, and how this might influence construction traffic routeing, and proposals to ensure that the adjacent highway is kept clear of site detritus.

REASON: In order to ensure that the amenity of the local highway network is adequately protected.

30. Prior to the first occupation of any dwellings on the site, full and complete details of the design, construction and alignment of the shared use pedestrian/cycleway between the A345, the site access and Whinyates Road shall have been submitted to and approved in writing by the Local Planning Authority. In particular, such details shall include measures to improve pedestrian crossing facilities on the Northern arm of the A345 Stonehenge Inn roundabout and precise alignment in front of "Stonehaven" and Larkhill garage,

existing properties which front the The Packway. The shared use pedestrian/cycleway and pedestrian crossing improvements shall be installed in complete accordance with the approved details prior to the first occupation of no more than 130 dwellings on the site.

REASON: So as to ensure the pedestrian/cycleway link between the site, Durrington, Larkhill and the camp is in place at the appropriate time so as to promote sustainable forms of transport.

31. Prior to the occupation of the first dwelling on the site, the shared use pedestrian/cycleway between the site access and Larkhill Camp Gate B along the route as defined on submitted drawing number **S106_003**, shall be completed to binder course level, and surfaced within six months of binder course.

REASON: In order to encourage sustainable transport, and to provide part of a safe route from the site to the Larkhill Camp, pending provision of other infrastructure.

32. No part of the development shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority and implemented. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

Community facility

33. The community land, as identified on the submitted masterplans shall be only used for purposes falling into the B and D use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) Order 2015.

REASON: For the avoidance of doubt and so as to protect the amenities of existing and future residents.

Air Quality

34. Prior to the first occupation of any dwelling hereby granted planning permission, a low emission strategy shall have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved strategy.

REASON: To build upon the Overarching Travel Plan, in the interests of minimising nitrogen dioxide and fine particulates generated by the development in accordance with CP55 of the Wiltshire Core Strategy.

Ecology

35. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- **Description and evaluation of landscape and ecological features to be managed; including location shown on a site map**
- **Constraints on site that might influence management**
- **Aims and objectives of management**
- **Appropriate management options for achieving aims and objectives;**
- **Prescriptions for management actions;**
- **Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period**
- **Details of the body or organisation responsible for implementation of the plan;**
- **Ongoing monitoring and remedial measures;**
- **Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.**

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

36. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP),

incorporating the following has been submitted to and approved by the Local Planning Authority:

- **Pollution prevention measures,**
- **Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance to protect habitats of ecological value including woodland, grassland and the location of recorded tree mallow**
- **Measures to ensure protected species are not harmed during vegetation clearance prior to construction works commencing**
- **Measures to ensure that giant hogweed and any other invasive non-native species are removed from the construction site prior to works commencing**

The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: to prevent pollution of the water environment and protect habitats and species of ecological value during the construction period.

37. Prior to the commencement of development, a Biodiversity Offsetting Strategy shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: to ensure that loss of calcareous habitat is appropriately mitigated.

38. Prior to the commencement of development, a Recreational Access Action Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to mitigate impacts associated with increased recreational pressure resulting from the development upon the Salisbury Plan SPA.

39. Prior to the commencement of development, a Phosphate Offsetting Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in complete accordance with the details so agreed.

REASON: So as to ensure the development incorporates measures to mitigate impacts upon the River Avon SAC associated with development taking place.

Approved plans

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

Larkhill- LA[LP]01 Landscape Proposals.pdf
Larkhill-LA[LP]02 Planting details
Larkhill-LA[3]S02 Outline layout.pdf
Larkhill-LA[3]S03 Detailed layout.pdf
Larkhill-LA[3]S04 Finishes Layout.pdf
Larkhill-LA[3]E04 Proposed site sections.pdf
Larkhill-LA[3]E03 Existing site sections.pdf
SPTA Larkhill D&A_Final 02.06.2015.pdf
A089116-10 SPTA SFA LVIA Larkhill v3 Draft.pdf
Larkhill LA [LA] Larkhill LVApp Figures Appendix C.pdf
A089116-10 LA[LA]09 Cumulative Site Locations.pdf
A089116-10 LA[LP]06 Hard landscape details 06 (.pdf
Larkhill-LA[3] Materials Schedule.pdf
Larkhill LA[3] POS Designations.pdf
Larkhill-LA[3]S01 Site Location Plan.pdf
Larkhill-LA[3]S05 Topo survey .pdf
Larkhill-LA[3]E01 Street Elevations.pdf
Larkhill-LA[3]E02 Street elevations.pdf
Larkhill-LA[3]HT issue 15.05.08.pdf

All date stamped 5th June 2015.

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

INFORMATIVES:

- (1)** The applicant should note that this planning permission implies no rights to build upon or otherwise make use of third party land for the development that is not part of the public highway. In particular it should be made clear that the permission requires the formation of the shared use cycle/footpath between the A345 Stonehenge Inn roundabout and the camp entrance to take place either on the public highway or on land controlled by the applicant.

- (2) **The applicant should note that, under the appropriate legislation, the Council may in the future seek to vary speed limits on the roads surrounding the development site. It is asked that the applicant work with the Council to ensure appropriate measures and speed limits are put in place on the surrounding roads to assist in securing a safe form of development.**

20 **West Warminster Urban Extension Masterplan**

The following people spoke against the proposal

Mr Tony Nicklin, Chairman, Neighbourhood Plan Working Group
Mr Len Turner, Chairman, Warminster & Villages Partnership
Mr Jeremy Stadward, a local resident
Mrs Tracy Clifford, representing ABC Action Group & a local resident

The following people spoke in support of the proposal

Mr Dennis Barry of GL Hearn – Property Consultants, representing Persimmon Homes.
Ms Jenny Mitter of Nathaniel Lichfield & Partners, representing Redrow Homes.

Consideration was given to a report by the Associate Director, Economic Development & Planning requesting the Committee to endorse the draft West Warminster Urban Extension masterplan (WWUE) and to authorise the Associate Director for Economic Development & Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property & Waste, to make any further necessary minor changes in the interest of clarity and accuracy.

It was explained that the masterplan would guide the future development of the WWUE, which would deliver a significant portion of the town's housing and employment needs over the Core Strategy plan period to 2026. The delivery of the WWUE would deliver much needed housing (including affordable), boost employment opportunities, and infrastructure to support this growth.

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

Members then heard the views of Cllr Pip Ridout, a local Member, who spoke against the proposal in its current form. In particular she questioned the number of houses (1,550) as set out in the WWUE as against 900 dwellings for this area of Warminster included in the Wiltshire Core Strategy for the period up to 2016.

During the ensuing discussion, Members considered that there appeared to be some confusion on the number of houses which should be included in this masterplan and they also requested further detailed information about potential flooding, landscaping, traffic management particularly of West Street and the sighting of the proposed new primary school.

Resolved:

To defer consideration of the draft West Warminster Urban Extension masterplan and to request the officers:

(1) to look into how this could be brought into greater conformity with the Wiltshire Core Strategy, and

(2) to examine further the issues regarding potential flooding, landscaping, traffic management particularly affecting West Street and the position of the new primary school.

21 **Date of the Next Meeting**

Resolved:

To note that the next scheduled meeting of the Committee is due to be held on Wednesday 11 May 2016, at County Hall, Trowbridge, starting at 10.30am.

(Duration of meeting: 10.30 am - 2.15 pm)

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

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

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 May 2016
Application Number	15/10446/FUL
Site Address	Whitehall Garden Centre, Corsham Road, Lacock, Wiltshire, SN15 2LZ
Proposal	Redevelopment of Whitehall Garden Centre for New and Replacement Buildings to Facilitate the Re-ordering of the Site, Including Parking Areas and Landscaping.
Applicant	Mr P Self
Town/Parish Council	LACOCK
Electoral Division	CORSHAM WITHOUT AND BOX HILL – Cllr Dick Tonge
Grid Ref	391171 169053
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been brought to the Strategic Planning Committee in accordance with the Planning Scheme of Delegation, as the proposal amounts to 'large scale major' development comprising over 10,000m² of floor space.

1. Purpose of Report

To consider the above application and recommend that planning permission is GRANTED subject to a legal agreement and conditions.

Lacock Parish Council has confirmed that no objection is raised in respect of the application.

Nine letters of objection have been received from local residents and the local branch of CPRE.

2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on local retail and town centres
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety and parking
- Impact on site drainage
- Impact on ecology

3. Site Description

Whitehall Garden Centre is a substantial enterprise located to the immediate West of the A350 junction at Lacock. It is located outside of the village's Conservation Area in undesignated open countryside, and is flanked by sparsely-distributed series' of properties along the neighbouring Corsham Road and Notton Lane. The garden centre has developed over around 40 years from the original nursery to become a substantial enterprise now including a farm shop, restaurant, pet section and various other seasonal, wearable and home ware products. The current site reflects this incremental growth of the business with a number of buildings of various styles and conditions, including those benefiting from temporary planning permission.

Whilst the site is in a prominent location on the main Chippenham/Melksham Road the existing buildings are largely screened from view by trees and landscaping that surround the site. A similar arrangement screens the site from the neighbouring properties along the Corsham Road, although noise and, in particular, light emissions from the site are detectable from the immediate environs within this characteristically quiet and dark area.

4. Planning History

There is a substantial planning history to the site, including a number of temporary permissions. However the key applications for the permanent refurbishment and extension of the garden centre are as follows:

- | | |
|----------------|--|
| N/07/02255/FUL | Erection of Replacement Buildings and New Buildings, Alterations of Vehicular Access, Parking & Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenity Areas - Withdrawn |
| N/08/00826/FUL | Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Revised Application following Withdrawal of 07/02255/FUL) – Approved with conditions |
| N/12/00542/S73 | Erection of Replacement and New Buildings; Alterations to Vehicular Access, Parking and Servicing Areas; Re-ordering of Outside Display Areas, Circulation Areas & Amenity Areas (Renewal of 08/00826/FUL) – Approved with conditions |

5. The Proposal

Having already obtained and subsequently renewed planning permission for the consolidation and extension of the whole complex under the 2008 and 2012 applications respectively, the current scheme represents a considerable further re-working and expansion of the site. From the current 10,617m² of retail space, the current proposals seek to increase this to 22,578m² (including outdoor sales), together with associated landscaping, car parking and other engineering works. This exceeds the previously consented increase in floorspace to a total of 21,760m², permission for which remains extant. It is proposed to re-level the site through a process of cut-and-fill to achieve a consistent height of +55 above

ordnance datum, with a view to reducing the visual impact of the scheme and enabling more inclusive and consistent circulation.

In terms of design and layout, the existing main building is to be retained and refurbished, together with the adjacent large temporary barn to the northeast, in which an indoor play area is to be created. With the removal of several temporary buildings to the south and west, new buildings are to be arranged as a series of large 'barns' with a central thoroughfare leading to a defined entrance to the core garden centre. The vernacular style of buildings is to make use of traditional materials such as stone, slate, clay tiles and timber, paired with more modern renders, zinc and profile cladding, and mostly adopts traditional proportions with intermittent glazing and roof features. A large outdoor sales area is to be accommodated within a newly-landscaped section at the southeast corner of the site, overlooked by the retained tea room. The mixture of retail space is set out in the supporting information and, briefly, includes a substantial proportion of traditionally non-'garden' provision; including two restaurants, farm shop, wearables, pets/aquatics, seasonal/Christmas displays and concession units to be occupied by other retailers, in addition to the aforementioned play area and tea room.

The principal access to the site is to remain, albeit with minor improvement works to the junction with the Corsham Road to enable safer pedestrian access/egress. What is currently the northeast customer car park is to be reallocated as controlled staff parking, providing 70no. spaces and 3no. disabled bays. The larger existing customer car park is to be resurfaced and extended, and is to be accessed by an upgraded access along the northwest boundary, which will also serve as a 'stacking' facility between car park and highway at peak times. Beneath the large southern part of the site, subterranean tanking facilities are to be used to harvest rainwater runoff for watering plants, restricting flows into the neighbouring brook, which is to remain the effective means of discharging surface water. An overflow parking area is to be sited adjacent at the far southwest of the site. Deliveries are to be directed to a new controlled compound to the immediate north of the new buildings, with only customer collections taking place at the southwest end of the complex.

6. Local Planning Policy

The following policies of the adopted Wiltshire Core Strategy are relevant:

- Core Policy 11 (Spatial strategy; Corsham Community Area)
- Core Policy 38 (Retail and leisure)
- 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 new development)
- Core Policy 62 (Development impacts on the transport network)
- Core Policy 64 (Demand management)

Additionally, saved Policy NE14 (Trees and the control of new development) of the North Wiltshire Local Plan 2011 applies.

Paragraphs 14 & 17 and Sections 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are also relevant.

7. Summary of consultation responses

Lacock Parish Council – no objections

Highways – no objection, subject to conditions and suitable off-site works

Environmental Health – no objection, subject to conditions

Landscape – no objection

Rights of Way – no objection

Drainage – no objection, subject to conditions

Ecology – no objection

The retail impacts of the proposal have been considered by an independent consultant on behalf of the Council and their findings are discussed later in this report.

8. Publicity

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

Eleven letters of objection were received, including one on behalf of the North Wiltshire and Swindon Branch of CPRE.

Summary of key points raised:

- Adverse impact on local traffic/highways (9 references)
- Adverse impact on town centres (4)
- Loss of amenity due to noise (3)
- Principle of further expansion (2)
- Inadequate parking (2)
- Landscape impact (1)
- Light pollution (1)

Four further comments have been received, raising concerns variously in respect of the loss of outdoor play facilities, relative lack of garden retail, parking arrangements and site drainage.

225 letters of support have been received, several of which originate with commercial suppliers to Whitehall and which include one made on behalf of the Wessex Chambers of Commerce.

Summary of key points raised:

- Increase in local employment
- Knock-on benefits for other businesses
- Improvement to appearance of the site
- Increased accessibility, particularly for mobility-impaired visitors
- Improved parking provision

Cards originally circulated by Whitehall and returned signed indicating general support for the scheme, although not identifying any specific material considerations, have been recorded as a petition comprising in total 870 signatures.

9. Planning Considerations

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

Principle of development:

The principle of redeveloping and extending the Whitehall site has been accepted previously under both the 2008 application and its subsequent renewal in 2012, the latter of which remains extant. This fallback position is a material consideration, although one is mindful that the amount of non-garden retail permitted was controlled strictly by legal agreement, and it is not proposed to maintain these restrictions through the current proposals. The site is acknowledged to have become a rather labyrinthine array of extensions and temporary buildings/structures with little coherence and, despite its relative containment so as to avoid long-distance visual impacts, offers little aesthetic value to the immediate area. Despite this, Whitehall remains a popular destination and one at which visitors often seem to spend an extended period, no doubt aided by the offer of free parking and on-site eating facilities. A comprehensive redevelopment is therefore supported in principle as a means of rationalising the current operation and obviating any perpetuation of the piecemeal approach to development previously adopted.

Impact on local retail and town centres:

As an essentially out-of-town retail enterprise, the proposal warrants careful consideration in respect of the effect of expansion on the vitality and viability of local town centres, particularly as the site lies roughly equidistant from the market towns of Corsham and Melksham and the higher order settlement of Chippenham. Traditionally, the garden centre has performed a function complimentary to the retail/leisure offer of Lacock, which naturally comprises of smaller, independent units operated in close conjunction with the Abbey and historic village as a tourist destination, rather than competing directly. Whilst the proposal will certainly increase local employment opportunities, the impact of prospective increase in non-gardening-related sales in particular on local town centres must be assessed in accordance with Core Policy 38 and the sequential test set out at Paragraphs 24 and 26 of the National Planning Policy Framework. Paragraph 27 of the NPPF states that where an application fails

to satisfy the sequential test or is likely to have significant adverse impact on local centres, it should be refused.

The application is accompanied by a Town Centre Uses Assessment (CBRE, October 2015), which asserts broadly that the proposals should be treated as a whole and not disaggregated into their component elements (e.g. garden centre, retail, leisure, restaurants, etc), relying upon the decision of the Secretary of State in the Rushden Lakes retail and leisure development (appeal ref APP/G2815/V/12/2190175). However, that decision differs in a number of ways, particularly in that the appeal Inspector and latterly the Secretary of State concluded that policies in the adopted Local Plan were out of date, so that Paragraph 14 and the policies in the NPPF took precedence. By contrast, Core Policy 38 explicitly includes 'extension' in respect of assessing impact, it is not out of date and is not contrary to the NPPF. Given that the increase in retail floor space is, substantively, additional diversification to non-garden centre uses, this approach is inappropriate in this instance. The Rushden Lakes proposal was also aligned to several policies of the Local Plan that were not out of date, including securing inward investment, weighing in favour of the scheme.

In light of the above, additional information decoupling the 'garden centre' uses from the remaining retail and contained in a Supplementary Town Centre Uses Assessment has been assessed by an independent consultant instructed by the Council, whose consideration and conclusions on likely retail impacts of the development are contained in a separate report. This report broadly addresses two questions, namely:

- a) Whether the proposal satisfy the sequential test as set out at NPPF Paragraph 24;
and
- b) Whether it has been demonstrated that the proposal will not have a significant adverse impact on local town centres, as required by NPPF Paragraph 26 and Core Policy 38

Paragraph 27 of the NPPF states that *"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact [on the vitality and viability committed or existing town centres] it should be refused"*

a) The report identifies that the scope of the sequential assessment undertaken has been restricted to town centre and edge-of-centre sites, with no consideration of edge-of-town sites that may offer a more accessible location for the proposal. This is particularly pertinent as the substantial garden centre element is unlikely to be suited to either of the former. Notwithstanding this, the report notes that the garden centre is already well established in its present location and that the fallback position that it already benefits from planning permission for an alternative expansion must be borne in mind. The Council is not immediately aware of any other suitable and available sites that are better suited to the proposed development and, mindful of the significant investment in the A350 corridor and the good transport links to Chippenham, Melksham and Corsham in particular, it is not considered that an objection could be sustained on grounds of more suitable alternative sites. Partially because of these transport links, however, the proposals must be carefully scrutinised in terms of their impact on the retail offer of nearby town centres.

b)The key findings of the report are that as a cumulative result of particular circumstances and aspects of the scheme the proposals could have a significant adverse impact on the viability and vitality of local town centres, particularly in relation to Chippenham, Melksham and Corsham, but potentially also Trowbridge and Warminster due to the sub-regional reach of a facility of this nature. As explained in the report, this is due principally to a combination of the scale of development; the range and scale of non-gardening goods that could be sold; the makeup of existing retailers at the aforementioned towns; and the prospect of subsidiary/concession businesses attracting a greater customer base by floor area. Together these factors could create a substantial shift in diversion of spending away from established town centres, particularly with limited restriction on the sale of smaller goods typically associated with the town centres where they account for a substantial proportion of the retail offer.

In respect of the proposed food hall and farm shop, the report raises some concern that the broad classification of this element leaves scope for a range of retailers. For instance the space could be operated by Whitehall itself, sourcing specialist and small-scale local produce much as it presently operates, or could be taken on by a chain food retailer more likely to provide every day shopping items. The latter would certainly encourage additional visits for day-to-day food shopping, particularly given its position on a key commuting route, and thus compete more directly with several town centre and edge-of-centre food retailers. As this falls outside the scope of control afforded by planning conditions, this risk must be given appropriate weight in the balance of considerations.

In respect of the above, therefore, it is considered that without appropriate conditions the development could have a significant adverse impact on the vitality and viability of existing town centres. In particular, the report recommends controls in respect of the unrestricted sale of comparison goods, both in terms of scale and location, together with limiting the number, amalgamation and subdivision of concession units within the scheme. Suitable measures can be employed by planning condition, provided these go sufficiently far as to avert any significant adverse impact in practice. The Council has been guided by the consultant's recommendations in this regard.

Impact on the character and appearance of the area

The local area, although not subject of any landscape designation, is characteristically 'rural' and of reasonably high amenity value, appreciable to a greater extent due to the decent provision of public footpaths surrounding the site. The submitted Landscape and Visual Impact Assessment (LVIA) follows a standard methodology to provide a comprehensive assessment, matching the area's resilience to change with the degree of impact from the development. The Council's Landscape Officer has considered the submission and has advised that the visual containment of the site in terms of short, medium and long-range views is such as to preclude any significant adverse impact on landscape character. The substantial tree boundary that encloses the site is to be retained such that, although the overall bulk of the complex is to increase, the consistent scale of new buildings will not appear prominently in the landscape. The use of recessive-coloured roof materials together with an appropriate scheme of lighting – discussed later – should secure a marginal reduction in glimpse views and periodic light spill that are currently the only medium and long-range visual impacts of the complex. Overall, it is considered that the proposals are consistent with Core Policy 51.

Due to its relative containment, it is not considered that the proposal will adversely affect the character or appearance of the Lacock Conservation Area, the boundary of which actually extends as far as the opposing side of the A350. Although the rural setting of the village contributes to its historic context, the main road forms an abrupt boundary to this, such that land on the opposite side is to an extent divorced from the historic village. Although some properties on the Notton Lane are of some considerable historic merit, taking the above into consideration and when using the current appearance of the site as a starting point the development cannot be said to adversely affect their setting. Although the expansion will undoubtedly attract additional traffic, this has to be seen in the context of the A350 as a key arterial route; any overflow to Lacock would likely come in the form of linked tourism when those from further away visit both the garden centre and village as a single 'day out'. This would be supported broadly by policy and Lacock is already equipped for this through facilities such as the large National Trust car park, minimising any risk of harm to character through increased traffic and on-street parking.

The issue of lighting and the potential for spill warrants particular consideration in this instance, especially given the site's general visual containment in other respects. At present, the use of coloured lighting in conjunction with Christmas displays – when deciduous tree cover is most limited – together with the location of the service yard on the visible southern side of the site gives rise to a degree of light pollution that is readily apparent in the characteristically dark landscape. The need to protect intrinsically dark landscapes from such pollution is explicitly recognised at Paragraph 125 of the NPPF and notwithstanding the relative lack of ecological justification for containment of lighting it is considered essential to secure a good standard in this respect. Accordingly, the applicant has supplied lighting specifications that indicate the concentration of illumination within the site parameters.

This has been reviewed by the Council's Environmental Health Officer, who supports the aspiration to illuminate the site to a level equivalent to E1 of the Institute of Lighting Professionals standards, normally considered appropriate to areas such as National Parks and AONBs. This stringent standard is considered appropriate in this instance due to the immediate proximity of the Lacock Conservation Area and characteristically dark rural nature of the site's setting. A condition is recommended to secure the implementation and testing of the lighting scheme within a reasonable timeframe of the facility's operation in order to ensure standards are achieved and to enable any necessary improvements to be made.

Impact on Heritage Assets

The application has also been considered in respect of its impact on the setting and significance of designated heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses, whilst S72 includes such provisions for Conservation Areas. The House of Lords in the South Lakeland case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

As discussed above, despite the site's proximity to the boundary of the Lacock Conservation Area the proposal will not have any significant effect on the setting of this designated

heritage asset due to the substantial buffer formed by its enclosing landscaping and the intervening main road. The nearest listed buildings at White Hall Farmhouse (Mons Lane), The Old Rectory (Cantax Hill), Notton Lodge and associated outbuildings (Notton Lane), and cottages at Wick Lane – all of which are Grade II-listed – fall outside a 150m radius of the site. Due to the degree of enclosure of the site, no significant change to the significance or settings of these buildings will be experienced.

The only nearby listed structure is the Grade II-listed historic milestone standing adjacent to the A350/Corsham Road junction to the immediate East of the application site, which dates from the early C19th. This will maintain its functional relevance, which is the key to its historic significance, and experience no physical change or re-settling as a result of the works. The setting and importance of the junction as a key crossroads between Corsham, Lacock, Melksham and Chippenham will be essentially unaffected by the proposals and therefore it is considered that this heritage asset will be preserved. Accordingly, no harm as a result of the development is anticipated in relation to Sections 66 and 72 of the Act.

Impact on residential amenity

It is understood that the hosting of temporary and one-off events at Whitehall, including Christmas ice skating, funfair and temporary film crew compound has previously created a high likelihood of conflict between the garden centre's commercial aspirations and the residential amenity of immediate neighbours. Whilst these may have been allowed through permitted development rights the proposed development presents an opportunity to incorporate provision for temporary elements such as the ice rink into the physical fabric of the site. In all other respects, it is considered that the intensity of use of the site will not vary materially from the existing in terms of the actual effects experienced by neighbours, although annoying effects such as on-street parking on peak weekends are likely to be diminished by a better-managed arrangement on-site.

The Council's Environmental Health Officer has commented to the effect that due to its indicative siting within the central area of the site, where it is largely enclosed by the northern and southern building ranges, the ice rink is capable of appropriate incorporation without representing a likely noise nuisance to neighbouring receptors. However, there is a paucity of detailed information in respect of this element, including weeks/hours of intended operation and any acoustic specification, such that conditions will be necessary to ensure technical details are acceptable.

With regard to extraneous temporary uses usually sited in the car park, however, it is agreed by the Officer that in the absence of any clear information in this regard it is appropriate to take a precautionary approach and withdraw permitted development rights altogether. This will enable the Local Planning Authority to consider individually the merits of any additional uses of this land, in order to ensure proactive control of uses with the potential to harm the residential amenity of neighbouring properties, some of which are located closer to this part of the site than any other.

Impact on highway safety and parking

The scheme seeks to continue to rely upon the site's existing access onto the Corsham Road for all vehicular movements. As it is anticipated that use of the A350 as a main transport route will only intensify with time – and the Council is investing considerably in improvements in this regard – it is entirely appropriate that new accesses onto this route should be avoided wherever possible in accordance with CP62. The Lacock junction is already controlled by 3-way traffic lights and provision is made within the unilateral undertaking for the re-timing of these to provide adequate capacity for traffic using the Corsham Road junction. It is possible that these changes could be made in tandem with a reassignment of lanes to improve the safety of the junction however such changes should be pursued separately through the Corsham Community Area Transport Group, a sub-group of the Area Board, as not related directly to the proposed development.

The Council's Highways Officer has assessed the scheme and is satisfied that the submitted Transport Assessment deals appropriately with the anticipated increase in traffic relative to the re-ordering and expansion of the enterprise previously agreed, provided that suitable off-site highways works are secured by a separate legal agreement, as was previously the case. This includes provisions for waiting restrictions to be introduced on the Corsham Road, should these prove to be necessary; this matter is addressed more fully below. Overall, the Highways Officer has no objection to the proposals, subject to the aforementioned legal agreement and conditions to secure the provision of access and parking prior to re-opening and their appropriate maintenance thereafter.

The parking provision is adequate with, as now, a combination of formal parking areas and an overspill parking area. The "front" car park will be reserved for staff parking, reducing congestion in this area which can at peak times otherwise overflow on to Corsham Road, making provision for a 'stacking' arrangement along the access road within the site when required. The main pedestrian entrance to the development will be adjacent to the principal car park, some 250m from Corsham Road which will make the use of the car parks more convenient than parking on Corsham Road; this is not the case at present. It is appreciated that recent problems with parking on Corsham Road have been a particular concern especially in the run-up to Christmas and it is considered that the rearrangement of the site in the manner proposed will help reduce this problem.

Impact on site drainage

Core Policy 67 requires a degree of betterment to all development impacting on site drainage, taking into account a climate change buffer of 10-30% above measured input rates. As the scheme has significant drainage implications both in terms of the additional hard surfacing/built form on site and the planned installation of managed rainwater harvesting/re-use facilities, it is critical to consider the net change in terms of runoff. Surface water runoff will continue to discharge from the site directly to the adjacent By Brook, in respect of which extant planning permission already exists for an attenuation facility at the southwest corner of the site (12/00974/FUL refers). In this instance, the management of surface water is to maintain peak runoff rates to the brook as they currently stand – a maximum of 12l/s – despite the increased movement of water across the site itself.

The Council's Drainage Engineer has commented to the effect that it will be necessary to define betterment, as required by Core Policy 67, to establish whether this should apply in absolute terms or simply not exacerbate an existing arrangement. Whilst an improvement in

actual runoff rates has been sought, this has proved difficult to achieve although ostensibly possible by the simple enlargement of the proposed storage tank to be situated at the southern end of the site, providing increased storage during wetter spells. Nonetheless, it is acknowledged that the proposed managed arrangement represents a considerable improvement relative to the unrestricted Greenfield runoff rate (estimated 36l/s) and is, independently, adequate in respect of protecting areas downstream from flooding when factoring in even a 30% uplift to account for climate change. As such, it is considered that the proposals satisfy Core Policy 67.

Impact on ecology

The County Ecologist has been consulted on the application and has confirmed that due to the reasonably low capacity of the existing site to support species, any adverse impact on local biodiversity can be controlled by condition. It is noted that the trees that enclose the site are to be protected and retained, and these provide the most valuable habitat, although these include a significant proportion of non-native species and have limited ground flora, so are not considered to qualify as BAP / priority habitat. Whilst the removal of woodland blocks is unfortunate given that opportunities may have existed to shape the development around the existing landscape fabric the County Ecologist considers that, on balance and in light of the fallback position in terms of its removal, an objection on ecology grounds could not reasonably be sustained.

Loss of the woodland blocks will result in the loss of nesting / foraging habitat for birds and foraging habitats for bats, however given the limited quality of these habitats and their semi-urban context, they are considered unlikely to support any notable species or assemblages. The site is located outside of the Core Areas for the Bath and Bradford Bats SAC and therefore the proposals are not considered to have any likely significant effects which would require appropriate assessment under Regulation 61 of the Habitats Regulations.

Legal obligations

As with the 2008 permission and its subsequent renewal, determined in 2013, the development is expected to secure the costs associated with the following off-site elements by legal agreement, in this instance via a signed Unilateral Undertaking:

- Implementation of a parking restriction on Corsham Road and/or Notton Lane;
- Adjustment of phasing/timing of the traffic light controls at the Corsham Road/A350 junction;
- Alterations to the junction between Notton Lane and Corsham Road, together with any associated signage;
- Making of an Order for the imposition of a speed limit on Notton Lane.

The substantial element of the development comprising the main garden centre and associated comparison sales is liable for the payment of contributions under the adopted Community Infrastructure Levy (CIL) Charging Schedule 2015 if qualifying as a '*retail warehouse*'. This will be calculated on the basis of the net increase in floor area at a rate of

£175/m². The smaller, independently operated concession units would be charged at nil rate in accordance with the Schedule.

10. Conclusion

The proposal relates to the comprehensive redevelopment and expansion of a well-established enterprise and local employer. The development would enhance the retail offer in this rural location, removed from town centres, and would create additional employment. It would result in cosmetic improvement to the site and a marginal improvement in local landscape impacts. Access, circulation and parking arrangements are satisfactory and seek to address pre-existing problems, whilst drainage works will offer a slight betterment relative to the existing situation. There will be no significant implications for trees, biodiversity or the enjoyment of local rights of way and heritage assets. It is considered that in their uncontrolled form, the proposals would likely have a significant adverse impact on the vitality and viability of local town centres, contrary to adopted local and national planning policy. However, appropriate conditions can be used to mitigate the most acute conflicts with existing retail provision and guard against future changes adversely affecting vitality and viability, reducing the development's impact from 'significant adverse' to 'minor adverse' in respect of local town centres. Taken on balance with the other material considerations discussed above, it is considered that overall the proposed development is acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED subject to a legal agreement and the following conditions:

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

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

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

P01 rev B - Proposed Site Layout Plan
P02 rev B - Proposed Roof Plan
P04 rev A - Proposed Elevations - Sheet 1 of 3
P05 rev A - Proposed Elevations - Sheet 2 of 3
P06 rev A - Proposed Elevations - Sheet 3 of 3
P07 rev A - Site Sections - Sheet 1 of 5
P08 rev A - Site Sections - Sheet 2 of 5
P09 rev A - Site Sections - Sheet 3 of 5
P10 rev A - Site Sections - Sheet 4 of 5
P11 rev A - Site Sections - Sheet 5 of 5

Received 20 October 2015

P13 - Designated External Storage Areas

Received 27 April 2016

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

- 3 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.

- 4 No external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 5 No render shall be applied to any building or walls on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

- 6 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

- 7 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:

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;

- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials; and
- * minor artefacts and structures (e.g. furniture, play equipment, 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.

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

- 9 No part of the development hereby permitted, including demolition works associated with the preparation of the site, shall commence on site until the new access to the highway has been constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved access shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 10 No part of the development hereby approved shall be brought into use until the parking areas as shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details, including the provision of controlled accesses as detailed. These areas shall be maintained and remain available for their respective uses at all times thereafter.

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

- 11 No part of the development hereby approved shall be first brought into use until the areas allocated for deliveries and servicing have been laid out in accordance with the approved plans. These area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and deliveries in connection with the operation of the development hereby permitted at all times thereafter.

REASON: To ensure that adequate provision is made for servicing and loading/unloading within the site in the interests of highway safety.

12 Notwithstanding the submitted details, no installation or use of an ice rink or other ice skating facility shall take place until full details including:

- (a) siting of the rink;
- (b) proposed means of enclosure;
- (c) hours of operation;
- (d) any additional lighting;
- (e) any sound or amplified music system; and
- (f) means of limiting noise and light spill

have been submitted to and approved in writing by the Local Planning Authority. Any such facility shall be operated in full accordance with the approved details at all times whenever in situ thereafter.

REASON: In order to secure the creation of an area free from intrusive levels of noise and activity, in the interests of local amenity.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), excepting temporary development associated with the construction of the development hereby approved, no development within Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification) shall take place anywhere within the site.

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 temporary development of the land.

14 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.

15 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 mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

REASON: In the interests of town centre vitality and viability, in order to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional floor space.

16 No subdivision or amalgamation of any kind shall take place within the areas marked 'Building 1', 'Building 2', Building 3 Units B, C & D independently or 'Building 4'.

REASON: In the interests of protecting the vitality and viability of town centres and to enable the Local Planning Authority to consider individually whether planning

permission should be granted for an alternate mix of retail units on the site.

- 17 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), Building 6 as indicated on drawing ref. P01 rev A (Proposed Site Layout Plan) shall be used solely for purposes within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

- 18 Notwithstanding the submitted plans, retail of comparison goods falling outside the definition of 'gardening items' as set out at the 'range of goods' subsection to Paragraph 3.3 of the submitted Supplementary Town Centre Uses Statement (CBRE, February 2016), namely:

garden furniture; barbecues, chimineas, fire pits and associated tools and fuel (such as coal, coke, briquettes, firewood, charcoal and peat); natural and artificial Christmas trees and related goods including decorations; motorised tools and equipment (such as electric drills, saws, sanders and hedge cutters, garden tractors, lawnmowers, cultivators, chainsaws and water pumps); garden tools (such as wheelbarrows, watering cans, hoses, spades, shovels, rakes, forks, scythes, sickles and secateurs); hand tools (such as saws, hammers, screwdrivers, wrenches, spanners, pliers, trimming knives, rasps and files); ladders and steps; hardware and fittings for the garden (such as chains, grids, stakes and hoop segments for fencing and bordering); fencing panels and associated materials for garden security and decoration; natural and artificial flowers and foliage, plants, shrubs, bulbs, tubers, seeds, fertilizers, composts, garden peat, turf for lawns, specially treated soils for ornamental gardens, horticultural preparations, pots and pot holders; garden and outdoor activity clothing and footwear; gifts for home and garden; pets and smallholding animals and associated foodstuffs; veterinary and grooming products including veterinary and grooming services; cat litter, collars, leashes, kennels, birdcages, fishing and reptile equipment; aquatic and pond goods and similar products associated with fish; spas, swimming pools and related products.

shall be restricted solely to Building 4 - Areas C, D & I; Building 1; and Unit 3A, as marked on drawing ref. P01 rev A (Proposed Site Layout Plan) only and shall not be displayed or sold in any location elsewhere on site.

REASON: In the interests of protecting the vitality and viability of town centres.

- 19 No display or sale of clothing items shall take place outside of the areas marked 'D' and 'H' within Building 4 as marked on drawing ref.P01 rev A (Proposed Site Layout Plan). Clothing sales shall be restricted to such items that are directly associated with and ancillary to gardening or other similar physical outdoor activity as agreed by the local planning authority.

REASON: In the interests of protecting the vitality and viability of town centres.

- 20 No display or sale of items defined as convenience goods shall take place outside of the area marked 'Building 1' on drawing ref. P01 rev A (Proposed Site Layout Plan). Building 1 shall be used solely for the sale of convenience goods and/or retail falling

within the definition of 'gardening items' as set out at the 'range of goods' subsection to Paragraph 3.3 of the submitted Supplementary Town Centre Uses Statement (CBRE, February 2016) and for no other purpose whatsoever.

REASON: In the interests of protecting the vitality and viability of town centres.

- 21 No materials, goods, machinery, equipment, skips, crates, containers, waste or any other item not on retail display shall be deposited or stored outside the areas outlined on drawing ref. P13 (Designated External Storage Areas) or in excess of the maximum heights indicated on the aforementioned plan.

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

- 22 The delivery and despatch of goods to and from the site shall be limited to the hours of 0700 and 1900 on Mondays to Fridays, 0800 and 1800 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 23 There shall be no customers/members of the public on the site outside the hours of 0700 and 2200 from Mondays to Fridays, 0800 and 2200 on Saturdays, and 1000 and 2000 on Sundays and Bank or Public Holidays.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 24 Other than that detailed in the approved scheme of lighting, no additional external lighting shall be installed on site. The development hereby permitted shall not be first brought into use until a method statement for the monitoring of light emissions post development from the site has been submitted to the LPA. The assessment shall be designed in order to demonstrate that the proposed scheme of external lighting achieves the criteria for Environmental Zone E1 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012.

Prior to the date three months from the date on which the development has been first brought into use the agreed programme of monitoring shall have been carried out in full and the results submitted to and approved in writing by the Local Planning Authority.

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

- 25 The development hereby permitted shall not be brought into use until the areas for shopping trolley storage as indicated on plan ref. P13 (Designated External Storage Areas) have been laid out in full and brought into operation. The approved areas shall thereafter be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

- 26 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 together with permeability test results to BRE365, with a discharge limited to 12 l/s and full details with program of how the site will be developed to ensure the flow rate from the site will not be exceeded (especially during construction) and includes a maintenance regime has been submitted to and approved

in writing by the Local Planning Authority. Once the development hereby approved is implemented, no surface water shall be discharged offsite 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.

- 27 No development shall commence on site until a scheme for the discharge of foul water from the site, including any identified capacity improvements required to the public foul sewer system to take any increase in pumped discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Once implemented, the development hereby approved shall not increase its discharge rate until foul water drainage including any capacity improvements to the public system 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 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.

- 28 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and
- i) hours of demolition and construction, including collection of waste and deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the demolition and construction phases.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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 TO APPLICANT:

The applicant is reminded of the need to obtain separate Land Drainage Consent for any drainage works comprising the extinguishment and/or creation of new outfall points at the adjacent watercourse.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way adjacent to the site, temporarily or otherwise.

INFORMATIVE TO APPLICANT:

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 TO APPLICANT:

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.

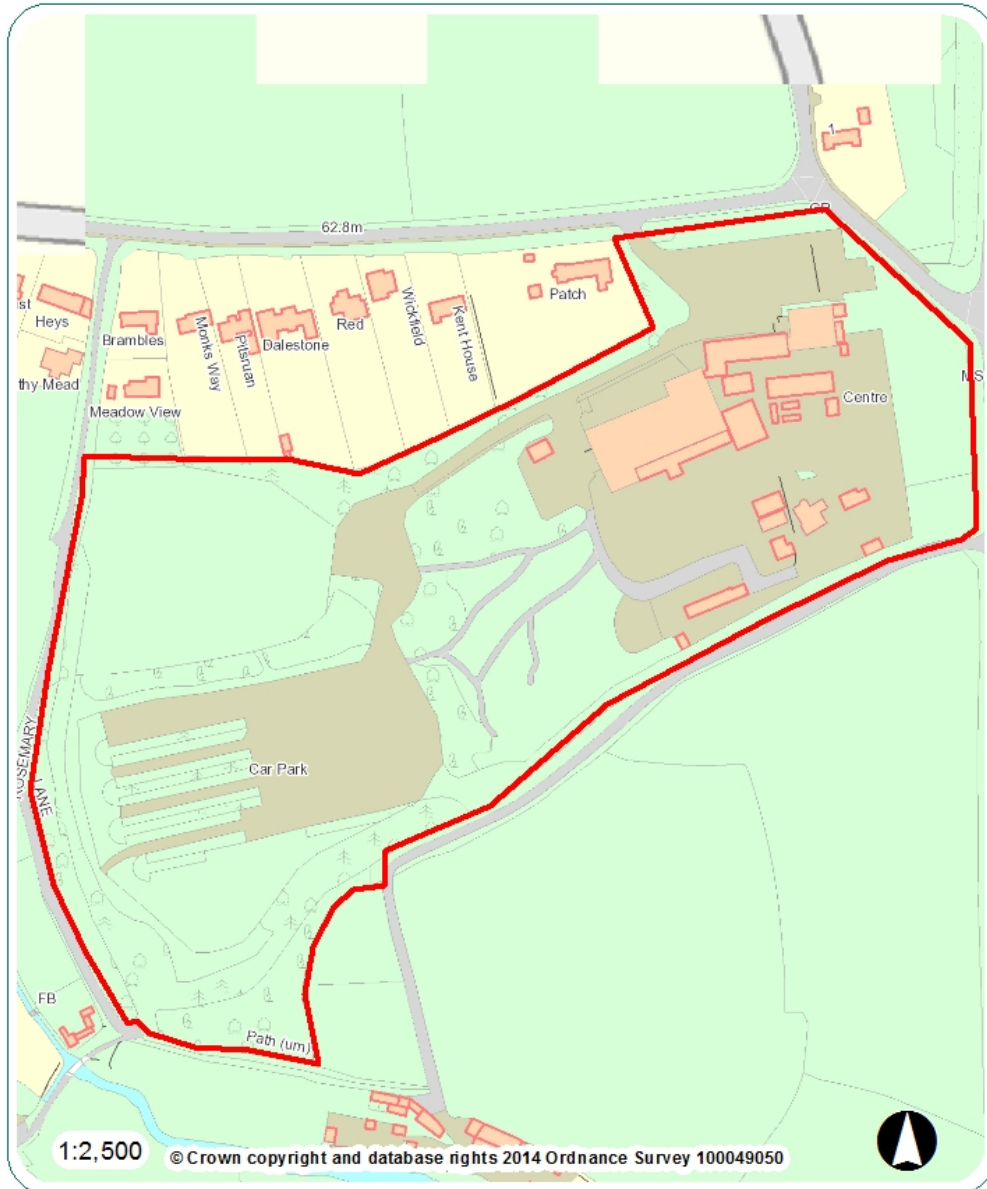
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 May 2016
Application Number	16/00497/OUT
Site Address	Land East Of Semington Road, Melksham
Proposal	Outline application for the erection of up to 150 dwellings with access, new village hall and areas of open space (Resubmission of 14/07526/OUT)
Applicant	Mark Chard & Associates
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH – Roy While
Grid Ref	390158 162573
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

This application has been called to committee for the elected members to determine by Councillor Roy While. It is a resubmission of a previously refused application (ref 14/07526/OUT) which was determined by the Strategic Planning Committee on the 21st of January 2015 the day after the Core Strategy was adopted by the Council.

1. Purpose of Report - The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend that the application be approved by subject to a s106 legal agreement and conditions.

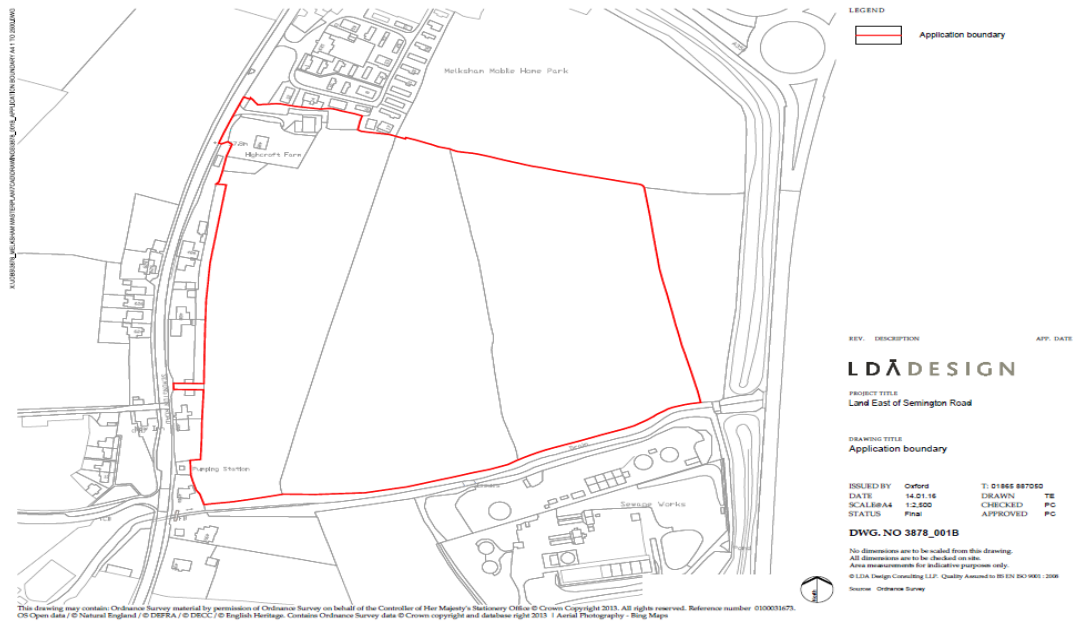
2. Report Summary - The main issue to consider is whether the three reasons for refusing application 14/07526/OUT in January 2015 are still applicable in light of relevant material considerations (5 year housing land supply and landscape assessment). The reasons for refusal related to the principle of the development (outside the settlement boundary) and the impact of the development on landscape (coalescence of Melksham and Berryfield). The report also considers:

Urban Design, Archaeology, Access and Transport matters, Odour Issues, Sustainable Construction, Ecology and Flood Risk; as well as developer contributions.

3. Site Description - The application site is a greenfield site, comprising three irregular shaped agricultural fields defined by hedgerows, located approximately 200m south of the Town Policy Limits of Melksham as set out in the West Wiltshire District Plan which has been carried forward in the Wiltshire Core Strategy. The Western Way/A350 defines the southern settlement boundary of Melksham as it currently exists. A residential area comprising approximately 50 mobile homes is located between Western Way and the site. The remaining northern and eastern boundaries of the site are bounded by fields which separate the site from Western Way.

The Bowerhill Sewerage Treatment Works is located to the south of the site leaving the site within the sewerage treatment works buffer zone identified in the West Wiltshire District Plan – a designation that has been carried forward into the Core Strategy. Berryfield Brook runs along the southern boundary of the site.

The village of Berryfield is located to the south west. Semington Road lies to the west of the site – where there is a ribbon of residential development.



The principle access to the site is located to the north of the existing Highcroft farm house with a secondary emergency access located to the south of No.89 Semington Road.

The former route of the Wilts and Berks Canal also runs through the site from north to south. Environment Agency mapping identifies the site as being entirely within Flood Zone 1. However, the Flood Risk Assessment submitted with the application advises that a proportion of the site adjacent Berryfield Brook would be categorised as Flood Zone 2.

The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as site ref: 648.

4. Planning History

14/07526/OUT - Erection of up to 150 dwellings with access, new village hall and areas of open space was refused for the following reasons:

1. The site is located in open countryside outside the Town Policy Limits defined for Melksham in the West Wiltshire District Plan 1st Alteration 2004 and carried forward into the emerging Wiltshire Core Strategy. It lies outside the Village Policy Limits identified for Berryfield in the West Wiltshire District Plan 1st Alteration 2004 and outside the existing built area of the 'small village' the settlement is defined as in Core Policies 2 and 15 of the emerging Wiltshire Core Strategy (where development is limited to infill only). The proposal would therefore conflict with Policies H1, H17 and H19 of the West Wiltshire District Plan and Core Policy 2 of the emerging Core Strategy 2014.
2. The site is located in an area of open countryside that plays an important role in the landscape of physically and visually separating the settlements of Melksham and Berryfield. The siting and construction of the proposed development would fail to respect this important function resulting in a detrimental and unacceptable change in landscape character urbanising the area between the settlements of Melksham and Berryfield and resulting in their physical and visual coalescence. The proposal would therefore conflict with Policy C1 of the West Wiltshire District Plan (1st Alteration) and policies CP1, CP15 and CP51 of the emerging Wiltshire Core Strategy 2014.
3. The proposal conflicts with the Delivery Strategy set out in Policy CP2 of the emerging Wiltshire Core strategy, which seeks to properly plan for sustainable development of housing sites in Wiltshire to deliver the identified needs in the Community Areas through a Site Allocations DPD and/or a Neighbourhood Plan, a strategy supported by

both the Wiltshire Core Strategy Inspector, and the Secretary of State in his appeal decision at Park Lane, Malmesbury. The site has not been brought forward through this process and the adverse impacts identified in reasons 1 and 2 above reinforce the need for the delivery strategy required by policy CP 2 as the properly planned method of establishing the most sustainable sites for meeting the housing needs of Melksham.

The current and previous applications were not the subject of a formal EIA Regulation 5 screening request. However, upon their receipt, the applications were considered against the relevant criteria and it was concluded that the development was not EIA development and no Environmental Statement was therefore a requirement to accompany the planning applications.

5. The Proposal – The proposal seeks outline planning permission for up to 150 dwellings and a village hall on land to the east of Semington Road extending to approximately 0.8 hectares. The only detailed element of this submission comprises the means of access, leaving all other matters i.e. appearance, landscape treatment, housing layout and scale reserved for future determination.



The access is located to the north of the existing Highcroft farmhouse and an indicative layout shown above has been provided showing approximately 150 dwellings located around a network of internal estate roads. The southernmost part of the site is given over to attenuation ponds and enhanced landscaping. A proposed new village hall is shown in the south west of the site.

6. Planning Policy - The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP15 (Melksham Area Strategy), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP45 (Meeting Wiltshire's housing needs), CP46 (Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include: U1a (Foul Drainage/sewerage treatment), U5 (Sewage Treatment Works Buffer Zone, I2 (Arts), I3 (Access for Everyone).

The following documents are also relevant:

- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Leisure and Recreation Development Plan Document
- National Planning Policy Framework 2012 (NPPF)
- Wiltshire Car Parking Strategy
- Circular 06/2005 – Biodiversity and Geological Conservation
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement 2015
- Wiltshire Council's Emerging Groundwater Management Strategy Proposals

A Neighbourhood Plan is being prepared for Melksham but at this stage is not well enough advanced to be given significant weight in the decision making process.

National Policy is set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance issued by the government.

7. Consultations

Melksham Without Parish Council: The Council wishes to reiterate its previous comments made on 6th January 2015 on the amended plans of application W14/07526/OUT:

“The Council welcomes the change of access on the amended plans to enable the preservation of the original farm house and willow trees in order to safeguard any bat roosts and the provision of a new Village Hall and play area. The Council acknowledges that initial concerns and comments raised in a letter to Wiltshire Council on 5th September 2014 were addressed by reports and information provided. The Council had previously identified this site (numbered 648) as favourable for development when reviewing SHLAA Sites (Strategic Housing Land Availability Assessment) in the Parish on 28th April 2014.”

Additionally, the Parish Council wishes to see a footway provided on the eastern side of the A350, and suitable fencing erected along the boundary of the Mobile Home Park to ensure that parishioners are not disadvantaged.

The Parish Council notes that this proposal is outside of the development plan for a small village and does not meet some elements of the Core Strategy. As a consequence, the Parish Council wishes to see this application considered by the Western Area Planning Committee and will be asking its Wiltshire Councillor to call it in.

Wiltshire Council Spatial Planning Team: There is no policy objection to the principle of development of this site for housing. At the present time, applications such as this which are outside the limits of development should be considered for their potential to improve housing supply in the HMA, whilst taking a view on where the planning balance lies, considering all other positive and negative impacts. This means balancing the need to boost housing supply with any potential harm of the proposal when considered against the development plan as a whole, and any other material considerations.

Wiltshire Council Landscape Officer: No objection. The LVIA report has demonstrated that the visibility of the site within the wider landscape is very restricted and contained by the

existing houses along Semington Road and the A350 corridor/ embankment and field boundaries. There are only immediate and occasional views of the site from Semington Road and partial views from Berryfield and PROWs to the west. As such the landscape and visual impacts are limited to the immediate surroundings and there would be no perceived coalescence between Melksham and Berryfield.

Wiltshire Council Urban Design Officer: Supportive subject to conditions

Wiltshire Council Transport Officer: Supportive subject to conditions and s106 contributions

Wiltshire Council Public Rights of Way Team: Supportive subject to S106 contributions.

Wessex Water (Bowerhill Sewerage Treatment Plant): No objection subject to layout observing no build area shown in the submitted parameter plan.

Wessex Water (other): No objection subject to conditions and financial contributions.

Wiltshire Council Archaeologist: Supportive subject to conditions.

Wiltshire Council Arts Service: Supportive subject to conditions and a s106 contribution.

Wiltshire Council Drainage Team: Supportive subject to conditions – Considered foul and storm drainage and recommended conditions

Wiltshire Council Environmental Health: No objection subject to conditions relating to noise, lighting, hours of work, dust suppression and burning of waste.

Wiltshire Council Waste: Supportive subject to conditions – A waste audit was submitted in support of the application which is considered satisfactory for an outline application. However, additional information will be required once the principle contractor is appointed.

Wiltshire Council Technical Waste Officer: Supportive subject to conditions and a S106 contribution.

Wiltshire Council New Housing Team: There is a demonstrable affordable housing need in the Melksham Community Area and that a 30% on-site affordable housing contribution at nil subsidy should, therefore, be sought from these proposals in line with policy approaches. We note that the applicant has indicated that the site would include a 30% affordable housing (45 units) on site contribution with a tenure split of 80% affordable rented homes and 20% intermediate (shared ownership) housing.

The response also sets out an indicative tenure mix, expected standards of housing and a requirement for adaptable properties.

Wiltshire Council School Places: No objection subject to S106 contributions towards secondary school education.

Wiltshire Council Early Years School Places: No objection subject to S106 contributions towards early year's provision.

Wiltshire Council Public Open Space: The POS requirement would be 5504m², to include an equipped play area of no less than 265m².

Wiltshire Council Ecologist: Supportive subject to conditions.

Environment Agency: No objection subject to conditions and informatives. Matters considered were Flood Risk, Land Contamination, Construction Environmental Management Plan, Water Efficiency and Climate Change.

Natural England: No comments.

8. Publicity - The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 26th February 2016.

17 letters of objection have been received with the following comments (summarised):

- Visibility splays for the proposed access cannot be achieved without cutting down a hedge which belongs to a neighbouring property to the south
- Visibility splays for the proposed access cannot be achieved without relocating a post and rail fence which belongs to a neighbouring property to the north
- Entrance is opposite proposed new road for canal project
- All the application documentation was not on line at the time the consultation letters were received, notably the access plan was not published until the 16th February
- Loss of outlook
- Noise
- Impact on quality of life
- Noise from traffic entering and leaving the site
- Proximity of roadway to boundary of mobile home park
- Development site is at a higher level making it difficult to insulate against noise
- Entrance is on a blind bend and not safe
- Increased traffic will make the road more dangerous for pedestrians
- No change in circumstance to make previously refused plans acceptable
- Strain on infrastructure – doctors, dentist, schools
- Impact on wildlife – deer, bats, reptiles
- Uncertainty over what will be built. Will the village hall, ponds etc be constructed
- Previous reasons for refusal still stand
- Will destroy the identity of Berryfield as a small village
- Flooding
- Higher traffic volumes
- Surface water run-off from the site when developed
- Reduce number of houses to 50 or 60 more in keeping with expansion of a small village
- Too much terraced housing and high density development out of keeping with the area
- Not enough of a buffer between Berryfield and Melksham
- Plenty of land around Melksham where the houses could be built
- Loss of views
- Proximity of proposed houses to existing residential properties
- Layout of development would prevent future development on sites of neighbouring residential properties.
- Noise pollution from emergency vehicle and pedestrian access should be mitigated against
- Noise and disturbance from village hall
- Berryfield would become part of urban sprawl of Melksham
- Local bus services poor and could not take extra pressure

- Development of several sites in the area are proposed to fund the canal project making this site surplus to requirements
- Loss of a greenfield site

9. Planning Considerations

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

In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Melksham area. The Wiltshire Housing Sites Allocation Plan and the Melksham Neighbourhood Plan are emerging plans but can only be afforded limited weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Melksham.

9.2 Principle of the Development – WCS Core Policy 1 sets out the settlement strategy for Wiltshire identifying four tiers of settlement namely: Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. The settlement boundaries of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans, are carried forward into the Core Strategy and are retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD (and the Chippenham Site Allocations DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect the changes which have happened since they were first established.

In addition, it remains the prerogative of any local community to review settlement boundaries through adopting any neighbourhood plan. The Melksham Neighbourhood Plan steering group are engaged in developing a neighbourhood plan, covering the area of Melksham Town Council and Melksham Without Parish Council. The neighbourhood area was designated on 14th July 2014. The neighbourhood plan is not at an advanced stage of development and currently can only be afforded very little weight in the planning process.

Melksham is identified as a Market Town within the Settlement Strategy and Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

Berryfield is identified as a small village in the Wiltshire Core Strategy. WCS Core Policy 1 defines small villages as having a low level of services and facilities, and few employment opportunities. It advises 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. For clarity sake, the application proposal would provide a Village Hall for Berryfield which is consistent with this part of Core Policy 1.

Core Policy 2 sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire including through future Site Allocations DPDs and neighbourhood plans. Core Policy 2 advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and

Large Villages. For sites outside the defined limits of development such as this application site, the Core Strategy advises that other than in circumstances as permitted by other policies within this Plan, identified in paragraph 4.25, residential development should not be permitted unless brought forward through the identification of sites for development through subsequent Site Allocations Development Plan Documents and/or neighbourhood plans.

It further advises that within small villages, development should be limited to infill within the existing built area and only where development proposals satisfy a number of further criteria.

Whilst the settlement strategy set out in Core Policy 1 supports significant development of Melksham as a Market Town, Core Policy 2 seeks to achieve this in a planned and managed way through the identification of sites in a Site Allocations DPD or a Neighbourhood Plan. Therefore as the application site falls outside the identified limits of development for Melksham, the proposal is contrary to Core Policy 2 which advises that residential development at market towns should be within the identified limits of development unless brought forward through a Site Allocations DPD, a neighbourhood plan or one of the exception policies.

The size of the site and siting and scale of the proposal would suggest that it is intended to meet the housing needs of Melksham rather than those of the village of Berryfield. In any event, the proposal falls outside the built up area of Berryfield and would also be contrary to that part of Core Policy 2 pertaining to development at the small villages. The proposal does include the provision of a village hall for Berryfield and this is supported by Core Policy 1. However the provision of a community facility would not in itself justify the scale of the development proposed.

The proposal does not comply with any of the exception policies which allows for development outside of settlement boundaries. However, as Core Policy 2 seeks to constrain development within defined limits, it is a relevant policy for the supply of housing and as such the weight afforded to the policy is affected by the Council's ability to demonstrate a five year supply of housing sites.

Core Policy 15 (CP15) sets out the strategy for Melksham and its community area and identifies an indicative requirement of approximately 2370 new dwellings for the Melksham community area of which about 2240 should occur within Melksham. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most up-to-date published Housing Land Supply Statement identifies a requirement for a further 664 dwellings in the Melksham Community Area over the plan period due to completions and previous permissions.

Material Considerations Relevant to the Principle of Development - The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include Core Policy 2 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Housing Land Supply has to be regularly assessed. The Council's April 2015 Housing Land Supply Statement, published in September, indicated that there was a 5.6 years land supply available in the north and west housing market area. However, this included some sites identified for housing in the draft Chippenham Site Allocation Plan. Members will be aware that the Examination of this plan was suspended by the Inspector late last year to allow the Council to undertake further work to address concerns raised by him regarding the site selection procedure, sustainability appraisal and deliverability of the proposed allocations in

the plan (policy CH1 South West Chippenham; CH2 Rawlings Green and Policy CH3 East Chippenham).

Following the suspension of the Examination, another planning inspector in December 2015 considered a 28 house development on a site at Arms Farm, Sutton Benger – which is located within the same north and west housing market area as Melksham. The Council's position for the purposes of the appeal was, following the suspension of the examination into the Chippenham Site Allocations DPD, that the Council could not demonstrate a five-year supply of deliverable housing sites; and it is important to recognise that paragraph 49 of the Framework is explicit in terms of advising that: where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date.

As CP2 seeks to constrain development within defined limits, the Inspector concluded that CP2 is a relevant policy for the supply of housing; and he did not consider that it can be regarded as up-to-date, and thus reduced the weight to be afforded to the constraints that it imposed and, to a scheme's conflict with them. However, it is also important to record that the Inspector did conclude that irrespective of the Council's ability to demonstrate a 5 year supply of housing sites, CP1 remained up-to-date.

Since the Inspector's decision (in mid-December 2015) and the conclusions referenced above, the Council has not yet been able to update its position on 5 year housing land supply and a further appeal at Bradford on Avon for a mixed development of 60 houses and employment land (refused by this committee in September 2015) was allowed in March with the Inspector citing the fact that CP2 could not be considered up to date due to the lack of a 5 year land supply. In these circumstances, this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits.

In the context of an acknowledged need to deliver more than 600 houses at Melksham to meet the requirements of the Core Strategy, and given the fact that the Sites Development Document is still emerging, the conclusion that can be drawn from this analysis is that the principle of the development of this site to deliver up to 150 dwellings must be considered acceptable at present unless there are significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, (such as have been identified in the refusal of the application 14/11919/OUT for 263 houses on land opposite Shurnhold, a decision that has currently gone to appeal).

Therefore it is considered that the first and third refusal reasons issued for 14/07526/OUT in January 2015 can no longer reasonably be applied as they referred solely to Core Policy 2 and expired policies of the West Wiltshire District Plan.

The second reason for refusing the former application related to landscape and this is discussed in the next section.

9.2 Landscape and Urban Design - In considering planning application ref: 14/07526/FUL the main landscape concern related to the coalescence of Melksham and Berryfield with the Council's landscape and design team advising at the time that the application fell short in its consideration of landscape and visual effects. It was advised that an appraisal of landscape and visual effects should be required to fully assess the visual impacts. In the absence of any evidence to the contrary, the application was refused as it was considered that the proposal would result in the physical and visual coalescence of Melksham and Berryfield.

To support this current application, the applicants have submitted a landscape and visual impact assessment (LVIA) which officers consider to be comprehensive and in accordance with best practice guidance GLVIA3. The report describes the visibility of the site within the wider landscape and the impacts on local landscape character and visual amenity, and addresses the potential issue of coalescence of Berryfield with Melksham.

The LVIA report has demonstrated that the visibility of the site within the wider landscape is very restricted and contained by the existing houses along Semington Road and the A350 corridor/ embankment and field boundaries. There are only immediate and occasional views of the site from Semington Road and partial views from Berryfield and PROWs (MELW1 and MELW2) to the west. After a detailed review of the case and following a thorough consultation with the Council's landscape officer, it is argued that the landscape and visual impacts are considered to be limited to the immediate surroundings and there would be no perceived coalescence between Melksham and Berryfield.

Notwithstanding the above, officers consider that the proposed hedge with trees along the western boundary should be located within an open space and not private gardens as shown in the illustrative site layout to mitigate some potential visual impacts on existing properties along Semington Road and officers consider it would be beneficial to extend the informal edge character along this edge of the site to reflect the loose knit character of the existing ribbon housing development.

The applicants were also advised that in order to retain existing hedgerows sufficient landscape buffers must be provided within the detailed layout. It was also suggested that more could be made of the line of the former Wilts & Berks Canal and its historical relevance to the site by removing the middle section of proposed road and creating a wider length of open space.

Core Policy 57: Ensuring High Quality Design and Place Shaping requires a high standard of design in new developments. As the application is made in outline with layout and design reserved for future consideration, it is not open for the Council to fully assess such matters at this stage. However, the Council's urban design officer has commented that the proposals are underpinned by strong urban design principles, such as the retention of existing natural features (although more detail is required in a couple of locations), the creation of active frontages around most key open areas and streets, the incorporation of several areas of green space (which will contribute towards a strong sense of place) and the design of a legible/connected/well supervised movement framework, amongst others. The proposals also incorporate focal buildings and take into account views to these buildings.

There are concerns about the illustrative layout in terms of softening the urban edge of the application and providing less urban terrace style buildings in the mix of units proposed. However, these are matters that can be addressed at the reserved matters stage of an application where the landscaping, layout and design of the proposal will be considered in detail.

In order to ensure that the urban design principles shown on the illustrative layout and the improvements suggested by the landscape officer are followed through into the detailed design of the scheme, a parameters plan has been requested and provided by the applicant.

The Council's arts development officer has also commented on the application citing the importance of public art and design within the public realm as referenced in the NPPF and WCS Core Policy 57. The applicant has been advised to engage with the arts development officer and a financial contribution has been requested and agreed by the applicant.

Overall, it is considered that it has been satisfactorily demonstrated that the proposed development would not result in the visual coalescence of Melksham and Berryfield and that the two settlements would retain their separate identities as required by Core Policies 15 and 51. Therefore it is considered that the applicants have overcome the second reason for refusal given in the previous application.

Furthermore as stated in paragraph 9.2 above the NPPF makes it clear that where a five year housing land supply cannot be demonstrated, relevant policies for the supply of housing (which in this case would include Core Policy 2 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The limited adverse landscape impacts resulting from this proposal clearly do not outweigh the benefit of providing additional housing.

9.3 Archaeology and Interpretation of the Canal - WCS Core Policy 58: Ensuring the Conservation of the Historic Environment states that “development should protect, conserve and where possible enhance the historic environment”. The Council’s archaeologist advised that an archaeological evaluation was carried out at the proposed development site and reported in November 2014. A small quantity of archaeological features was recorded, which included a single post hole containing late Saxon/Medieval pottery. The County archaeologist further advised that the line of the Wiltshire and Berkshire canal runs across the site and survives as an earthwork feature, although it was acknowledged that the main line would be ‘preserved’ under one of the roads, there is potential for features associated with the canal to be impacted by development on either side.

The Council’s archaeologist recommends that a programme of archaeological investigation is captured by a pre-commencement planning condition, the details of which would need to be agreed in writing with the archaeology team and that there should also be some provision in the form of interpretation/signage of the old line of the canal in accordance with Core Policy 53.

Core Policy 53: Wiltshire’s Canals refers to treatment of the historic line of old canals and the Melksham Link project in addition to existing canals. The supporting text to the policy advises that the historic alignment of the Wilts and Berks canal through Melksham is no longer suitable for reinstatement as a canal, and an alternative route has been identified (WCS Core Policy 16: Melksham Link Project refers). However, the historic line through Melksham can still be followed in parts. Other parts of the original line of the Wilts and Berks Canal also have potential for interpretation, particularly the junction with the Kennet and Avon Canal at Semington, and the Council are keen to support the development of a footpath network based on a restored canal towpath linking with other appropriate public rights of way where the canal has been lost under development. The policy advises that proposals would be permitted that are designed to develop the canal’s recreational and nature conservation potential, in particular, the use of the old line of the canal for walking, cycling and interpretation. This policy compliments the views expressed by the County archaeologist and the Council’s landscape officer. The enhancement of the setting and appreciation of the canal line can be secured by condition.

9.4 Access and Transport - WCS Core Policy 60 advises that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. Notwithstanding that the site is located outside the existing town policy limits, officers recognise that the site is on the edge of Melksham and is reasonably sustainable with a bus service operating past the site. Pedestrian links to the town centre are good with a formal crossing of the A350 in place for pedestrians and cyclists. There are acceptable walking routes to the local schools and the national cycle route 403 passes the site entrance.

The applicants submitted Travel Plan and Transport Assessment both refer to bus service 234 providing an hourly service past the site between Melksham, Chippenham and Trowbridge. It should be noted that this service has recently been discontinued, although service X34 does provide an hourly service remains in operation. It is considered that the available bus service is a reasonable provision for a residential development of this level, at this location.

WCS Core Policy 61: Transport and New Development advises that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. This policy also sets out the areas to be addressed in a required Transport Assessment, the requirement for safe access to the highway, contributions towards sustainable transport improvements and the use of travel

plans. A transport assessment has been submitted with the application and officers are content that it is a robust assessment.

The site has limited frontage with Semington Road with the majority of the site located behind existing properties along Semington Road. For the prevailing vehicle speeds the required visibility splays are 44 metres towards the south and 54 metres towards the north. (NB: The visibility considerations are set out in the email dated 24th July from PBA to the Council included at Appendix B of The Transport Assessment). Crucially, the visibility splays required can be achieved within the boundaries of the site or highway land by narrowing the Semington Road carriageway to 6 metres (Peter Brett Associates plan SK01/C refers). To the south, the highway boundary is the centre of the hedge and the front part of the hedge may therefore have to be removed. To ensure the splay is at all times maintained the highway officer recommends that in this particular a case, it is essential (where the rear part of the hedge may remain) for the splay to be demarcated by an impenetrable close boarded fence (or wall) about 1.8 metres high.

To achieve the northern splay, the highway officer recommends that the post and rail fence over the frontage of the neighbouring land may have to be moved back a nominal amount where the fence line currently encroaches onto the highway verge.

The details of how the proposed visibility splays would be achieved and to be kept free from obstruction would need to be secured by planning condition. However, officers are satisfied that should Members consider a 1.8 metre high fence/wall to be required, it would need to be on highway land or land within the applicants control to be covered by a Grampian condition. Details of any such fence or wall would need to be captured by condition also.

Following consultation with the Council's highways team, sustainable transport improvements are required to include new bus shelters on Semington Road, upgrading of stiles to kissing gates along local public footpaths, MELW1 and MELW2. A residential travel plan is included as part of the application and this should be implemented to include a travel plan coordinator, green travel vouchers and an information pack for each household to encourage the use of sustainable means of transport.

Core Policy 62: Development Impacts on the Transport Network advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. The Transport Assessment submitted with the application demonstrates that the development would not have significant or detrimental impacts on the surrounding transport network.

The development would not have significant effects on the capacity of the A350 roundabouts such that developer led mitigation can be justified. The Parish Councils request that the development provides a footway on the eastern side of the old A350, cannot be prescribed as a requirement as there is insufficient highway verge to achieve this. Officers are satisfied that the existing footway on the opposite side of the road together with the existing and proposed new crossing points would provide satisfactory walking provision to and from the town facilities.

Core Policy 64: Demand Management refers to residential car parking standards. As this is an outline application, the Council cannot assess this aspect of the scheme at this time. Such detailed matters are reserved for future consideration.

Overall, officers consider that the proposal satisfies the relevant transport policies and no objections are raised in this respect subject to conditions and planning obligations.

9.5 The Bowerhill Sewerage Treatment Works – The application site is located within the sewerage treatment works buffer zone identified for the Bowerhill Sewerage Treatment Works. Policy U5 from the West Wiltshire District Plan advises that proposals for housing or other development which are sensitive to odour pollution should not be permitted within the sewerage treatment works buffer zone, as defined on the proposals map, where the proposed

development cannot reasonably co-exist with a sewage works. This policy has not been superseded by the Core Strategy and it remains a saved policy.

It is important to appreciate that the policy does not place a blanket ban on housing development within the buffer zone but places an onus on the developer to demonstrate that any proposed development within the buffer zone can reasonably co-exist with the existing sewage treatment works.

To support the previous application, the applicant prepared an odour assessment in consultation with Wessex Water – the statutory undertakers with the management responsibility for the Bowerhill Sewage Treatment Works. This was examined by Wessex Water and the Council's Environmental Health Team who were satisfied that the assessment adequately demonstrated that the odours coming from the existing works would have an acceptable impact on the residential amenities of adjoining occupiers. Therefore no objections were raised to the proposal by consultees.

Upon submission of the current application Wessex Water advised that the odour modelling submitted to support the 2014 application is considered out of date in the light of further planning guidance (Institute of Air Quality Management Guidance on the assessment of odour for planning) . They therefore advised that the modelling report would require updating to ensure there is no risk from odour nuisance based upon current IAQM guidance and that the applicant could review arrangements with Wessex Water; with modelling outcome potentially recommending dwellings are located further from the STW to reduce the risk of resident's being affected by odour.

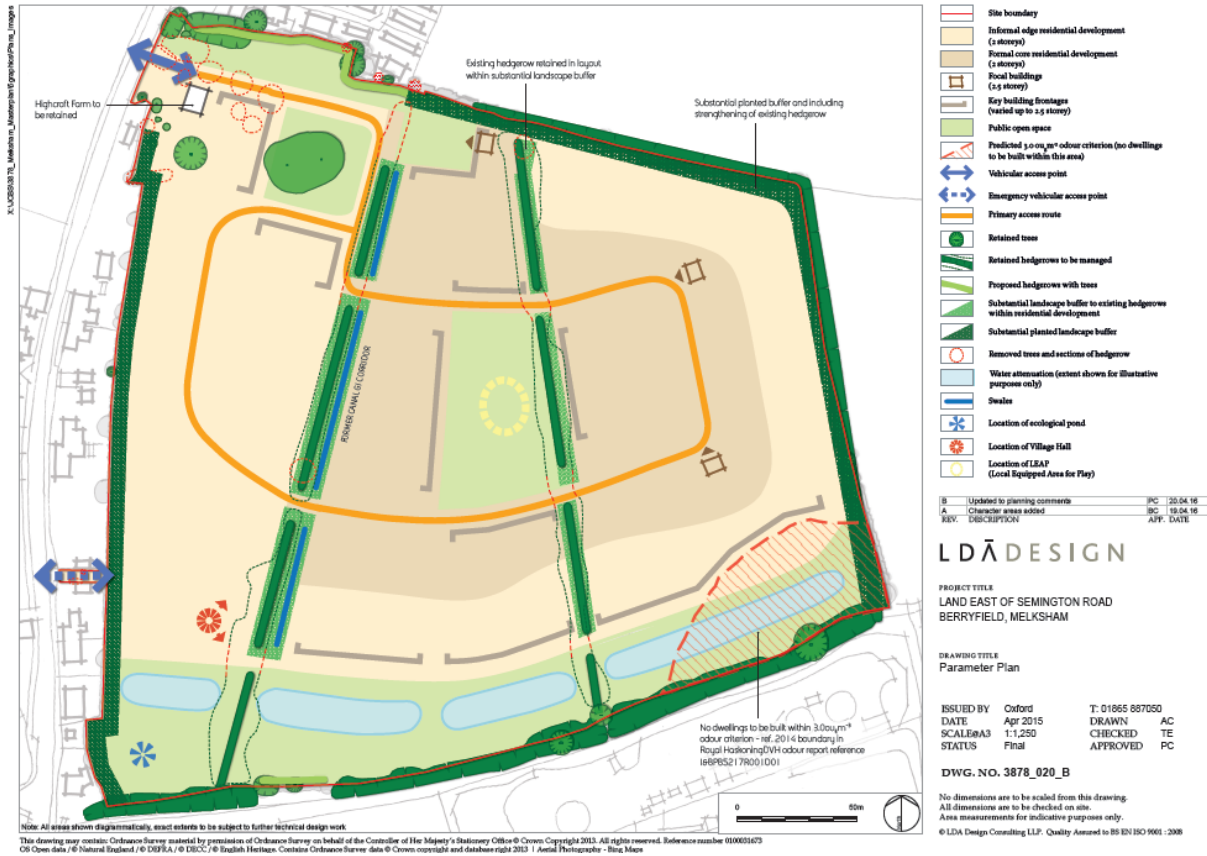
Wessex Water has undertaken a review of the odour model and the predictions provided by the developer. They found incorrect dimensions applied to the Primary Settlement Tanks which were undersized and the original sampling followed a period of wet weather affecting emissions. In the review they corrected the tank dimensions and ran simulations in compliance with IAQM weather guidance using library values.

Using a threshold of 3.0 OUE/m³ (European Odour unit) the series of results indicate the worst weather conditions occurred during 2014 and would affect a small area of residential development at the southern extremity of the site as shown in the illustrative layout on the next page. Wessex Water advised that in the circumstances their policy would object where residential development can be affected by odour emissions at a threshold of 3.0 OUE/m³.

The Parameter Plan submitted by the applicant indicates the predicted 3OUE m³ zone from the existing Wessex Water sewage treatment works and the proposed building frontages have been re-located outside of this zone.

Wessex Water confirmed that they would have no objection to the proposal if the resulting site layout adheres to this plan.

Therefore a planning condition is proposed to ensure that no dwellings are located within the area indicated.



9.6 Addressing Climate Change – WCS Core Policy 41 identifies how sustainable construction and low-carbon energy should be integral to all new development across Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy shall help Wiltshire’s contribution to addressing climate change through improved design and construction methods.

The applicants would be required to demonstrate compliance with this policy at reserved matters stage. A planning condition is required to ensure the housing development conforms to WCS Core Policy 41.

9.7 New Housing – WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, is sought for this site within the Melksham Community Area which reflects up-to-date policy and housing needs evidence.

Following consultation with the Council’s housing team; a tenure split of 80% affordable rental and 20% shared ownership is required. The exact location and mix of units is not for consideration at this outline stage since it is a matter to be determined under a reserved matters application. However, the provision of 30% affordable housing within the scheme does need to be enshrined within a s106 legal agreement. The suggested 80/20% mix reflects the current indicative requirements outlined by the Council’s housing team, however this can be negotiated and the exact mix is something to be determined at reserved matters stage.

Core Policy 45 provides the basis for considering dwelling type, density and mix of housing to be built. These matters would be also considered under a reserved matter application.

Core Policy 46 also requires developers to demonstrate how their proposals respond to the needs of an ageing population. The supporting text refers to the role of Lifetime Home standards in meeting this aim. Again, this would be considered under a reserved matters

application. However, the housing team have advised that 10% of the affordable homes should be built to meet the adapted needs of older people.

9.8 Biodiversity and Geodiversity – WCS Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.

The following ecological surveys have been carried out to inform the proposed development,

- *'Extended Phase 1 Habitat Survey', Chalkhill Environmental Consultants May 2013*
- *'Further Bat Surveys' report by Chalkhill Environmental Consultants January 2016*
- *Ecological Impact Assessment, Chalkhill Environmental Consultants April 2016 (updated from previous version dated October 2014)*

These have been reviewed by the Council's ecologist who is satisfied with the conclusions and recommendations of the Ecological Impact Assessment with regard to ecological mitigation and enhancement measures.

However, specific comments were made regarding: Bats; Hedgerows; Great crested newts; Reptiles; Badger; Nesting birds; Southern green space – landscaping, planting and pond creation; Sensitive lighting; Biodiversity enhancements

The issues identified and enhancements required can all be satisfactorily addressed and secured through planning conditions requiring a Construction Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a lighting design strategy.

Core Policy 52: Green Infrastructure – This policy seeks to retain and enhance Wiltshire's Green Infrastructure Network. The indicative layout shows that open space and play space would be provided on site in line with the open space standards currently in operation for this part of Wiltshire and as such, the application is considered to be in accordance with planning policy.

The application documentation also indicates provision for the ongoing management of the open spaces and a management plan can be secured through a s106 agreement.

Core Policy 56: Land Contamination – This policy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality the built environment and amenity. As the site is currently in agricultural use, land contamination is unlikely but there may be some due to the infilled canal and as such, a precautionary planning condition is proposed.

Core Policy 67: Flood Risk - This policy advises that development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the Sequential Test in line with the requirements of national policy and established best practice. All new development needs to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

This application is accompanied by a Flood Risk Assessment (FRA) which identifies that the majority of the site is in Flood Zone 1 with the southern edge of the site at risk from flooding from the watercourse running along the southern boundary of the site. The indicative site layout illustrates that the area identified being at risk from flooding would be given over to landscaping and sustainable drainage measures.

The Environment Agency has raised no objection to the development; and indeed the EA welcomes the proposed corridor to be set aside for balancing ponds, the detailed design of which can be dealt with at reserved matters stage.

As the lead local flood authority, the Council's drainage officers also raise no objection subject to conditions and informatives.

Overall, it is considered that this application proposal satisfies the requirements of WCS Core Policy 67 subject to conditions and further details to be addressed at reserved matters stage.

9.9 Section 106/S38 Legal Agreements – WCS Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'.

The affordable housing and the infrastructure items listed below are considered relevant to the application site, and are directly related to and are planning requirements to mitigate the impact of the proposed scheme. For the benefit of the committee, the applicant has agreed to provide the following:

Affordable Housing – WCS CP43 requires on sites of 5 or more dwellings, affordable housing of at least 30% will be provided and requires them to be subject to an appropriate legal agreement. 30% of 150 would equate to 45 affordable dwellings being required on this site. Based on current housing need figures for Melksham these should be a mix of 1, 2, 3 and 4 bed dwellings and should also not normally be in groups exceeding 15 dwellings. 10% of the units should be built to meet the adapted needs of older people.

Education - The allocated schools for this development are the Aleoric Primary School and Melksham Oak Senior School. There is capacity at Aleoric Primary school, which is close to the site. So the Council will not be seeking a developer contribution towards primary infrastructure expansion on this application. With regards secondary provision 30 places would be required at £23,940 each = £718200 (to be index linked), and secured by S106. The S106 required on this application will be pooled towards the phased expansion of Melksham Oak.

Open Space and Play Provision – WCS CP52 requires development to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards and put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development.

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

The proposal requires a public open space requirement of 5504m² of which 265m² is to be equipped play provision all of which should be secured in perpetuity.

Highways – WCS CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. These are as follows:

- Implementation of the residential travel plan including green travel vouchers of £250/£150, information packs for each household, and appointment of a travel plan co-ordinator for 5 years.
- A contribution of £2,100 to upgrade 7 stiles to kissing gates on footpaths MELW1 and MELW2, which are just to the west of the site.

- A contribution of £20,000 index linked for the provision of two bus shelters with seating, and high access kerbs on Semington Road.

The kissing gates are also seen as green infrastructure supported by Core Policy 52.

Refuse Infrastructure - A contribution of £13,650 would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

Public Art – A contribution of £45,000 would be provided.

Village Hall - With regards to the proposed village hall, it is considered that this would comprise community infrastructure. There is an existing village hall in Berryfield but it only benefits from temporary permission as it is sited on a route safeguarded for the Melksham Canal Link project. Under this application, provision would extend to donating 0.1 hectares of land and funding construction up to £500,000.

The scale of the development would effectively double the size of Berryfield which is a small village with limited facilities. WCS CP1 advises that development at Large and Small Villages should be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Whilst it is acknowledged that the quantum of development proposed would not be required to fund a new village hall, it is considered that the village hall is an important element of the proposal and a key infrastructure requirement for the village of Berryfield.

Other contributions requested are considered to fall under the CIL Regulations 2010

Separate to any s106/s38 legal requirements, Wessex Water has advised that a contribution would be required from the developer which can be included in Section 41 (Water Industry Act) arrangements.

10. Conclusion - The proposal is not in accordance with the development plan, in that it lies outside of the limits of development and has not been brought forward through the plan led process outlined in WCS Core Policy 2. However, this has to be set against other material considerations that are relevant at this point in time. In this regard, Melksham is a market town identified for sustainable growth in the Core Strategy where more than 600 houses are required to be built to meet the towns housing needs. Whilst the location for such a level of development would normally be identified through a plan-led process, the Wiltshire Sites Allocation Plan is under preparation and has not yet reached an advanced stage. Even acknowledging the recent Strategic Planning Committee decision in relation to land east of Spa Road (14/06938/OUT & 14/10461/OUT) and the Western Area Planning Committee decision in relation to Land to the north of Sandridge Common (15/12454/OUT) there remains a need to provide additional land for housing to meet the targets set in the Core Strategy.

More pertinently, the Inspector decisions in December on the Arms Farm appeal (14/08888/OUT) and in March at Bradford on Avon (14/07689/OUT) concluded that for the reasons set out above, CP2 cannot be relied upon by itself as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Melksham.

As this report demonstrates, unlike the Arms Farm (14/08888/OUT) and the Shurnhold (14/11919/OUT) applications, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for sustainable growth would bring – i.e. providing increased housing supply and delivering much needed additional affordable housing; infrastructure improvements and the financial benefits of the community infrastructure levy. Furthermore there is local support for this application from the Parish Council. It is therefore considered in this case that the application should be approved.

11. RECOMMENDATION

It is recommended that the grant of planning permission be deferred and delegated to the Area Development Manager, subject to the prior completion of a legal agreement, within the next 6 months, to cover the matters identified within section 9.9 above, and subject to the planning conditions set out below.

CONDITIONS:

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

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

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

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

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

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

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

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

Location Plan DWG NO 3878_001B received 19 January 2016

Site Access Plan DWG NO 30523/5505/SK01 rev C received 16 February 2016

Parameter Plan DWG NO 3878_020_B received 20 April 2016

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

5. No development shall commence on site until:

- A scheme for the preservation and enhancement of the old line of the Wilts and Berkshire Canal and a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

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

6. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with contamination on the site have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which identifies:
 - a) Potential contaminants associated with those uses
 - b) A conceptual model of the site indicating sources, pathways and receptors
 - c) Potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in point 2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution

7. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including reptiles, badgers, nesting birds, great crested newts, hedgerows, bats, veteran willow trees;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - e) The times during construction when specialists ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - i) An Ecological Mitigation Plan to provide a visual representation of all required mitigation measures;

- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report should be prepared by a professional ecologist / the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats, to ensure that approved mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.

- 8. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:
 - a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species, including planting at the site entrance to minimise disturbance to bats emerging from/returning to the roost in the farmhouse, habitat creation for great crested newts, infill and reinforcement planting of existing hedgerows and new hedgerow planting, species-rich wildflower meadows and tussocky grasslands and SUDS wetlands;
 - b) Description and evaluation of features to be managed; including location(s) shown on a site map;
 - c) Landscape and ecological trends and constraints on site that might influence management;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);
 - h) Details of the body or organisation responsible for implementation of the plan;
 - i) Ongoing monitoring and remedial measures;
 - j) Timeframe for reviewing the plan;
 - k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

9. No development shall commence on site until a lighting design strategy for biodiversity for buildings, features or areas to be lit shall be submitted and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for foraging and commuting bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into hedgerows and trees, to ensure no illumination of the bat roost and to maintain dark foraging and commuting corridors for bats, particularly along the northern boundary hedgerow. No development shall commence on site until a scheme for the preservation and enhancement of the old line of the Wilts and Berkshire Canal and a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.

10. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

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

11. No development shall commence on site until a scheme for mitigating the effects of noise on the approved housing from road traffic has been submitted to and approved in writing by the Local Planning Authority. All works comprised in the approved scheme shall be completed in accordance with a timetable to be agreed with the local planning authority.

REASON: To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from road traffic

12. No development shall commence on site (including any demolition works), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.
- h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

13. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

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.

14. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of the development shall be 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 serving that part of the development have all been constructed and laid out in accordance with the approved details.

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

15. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

REASON: The application contained insufficient information to enable this matter to be prior to granting planning permission

16. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. No dwellinghouse shall be first

occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter

REASON: 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.

17. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

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

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

18. No development shall commence on site 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 which should include the following:

- the 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.
- No dwellinghouse shall be first occupied until foul water drainage has been constructed in accordance with the approved scheme

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

19. 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 together with permeability test results to BRE365, 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: To ensure that the development is adequately drained.

20. Prior to first occupation of any dwellinghouse the access shall have been provided in accordance with Peter Brett Associates plan 30523/5505/SK01/C.

REASON: In the interests of highway safety.

21. Prior to first occupation of any dwellinghouse the access shall be provided with visibility splays at a height not exceeding 600m above carriageway level from a point measured 2.4 metres set back along the centre line of the access to points on the nearside carriageway edge 54 metres to the north and 44 metres to the south. The visibility so provided shall thereafter be maintained and kept clear of obstruction in perpetuity.

To safeguard visibility in perpetuity in a southern direction, the applicant/developer shall submit details and exact siting of a boundary fence or wall measuring 1.8m high to be positioned in front of the existing boundary hedgerow facing Semington Road which requires to be cut back – the extent of which shall be agreed in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON: In the interests of highway safety.

NOTE: The above Grampian condition relates to land within either the applicant's control/ownership or on highway land.

22. Prior to first occupation of any dwellinghouse on the southern half of the red-lined site the emergency vehicle / pedestrian / cycle route access to Semington Road shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details so submitted shall include a 3.5 metre surfaced width route, and lockable, removable staggered barriers, closing the route to general motor vehicle use.

REASON: In the interests of highway safety.

23. Prior to first occupation of any dwellinghouse the emergency access to Semington Road shall be provided with visibility at a height not exceeding 600m above carriageway level from a point 1 metre set back along the centre line of the access to a point on the nearside carriageway edge 43 metres to the north. The visibility so provided shall thereafter be maintained and kept available in perpetuity.

REASON: In the interests of highway safety.

24. Prior to first occupation of any dwellinghouse on the southern half of the red-lined site a lowered kerb, tactile pedestrian crossing point shall have been provided opposite the emergency access to Semington Road in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

25. Prior to first occupation the roads, including footpaths and turning spaces, shall be constructed so as to ensure that 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.

26. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.
REASON: In the interests of highway safety and the amenity of future occupants.
27. No dwellinghouse shall be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
REASON: In the interests of highway safety.
28. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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, to ensure the proposal complies with the relevant public art policies.
29. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.
REASON: In the interest of protecting the amenity of nearby residential properties.
30. No burning of waste materials shall be permitted on the site at any time.
REASON: In the interest of protecting the amenity of nearby residential properties
31. The dwellings hereby permitted shall meet the relevant requirements of energy performance equivalent to Level 4 of the Code for Sustainable Homes. The development shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or its equivalent has been achieved.
REASON: To comply with Core Policy 41 of the Wiltshire Core Strategy 2015
32. No dwelling or its curtilage shall be located within the boundary of the predicted 3OUem3 zone from the existing Wessex Water sewage treatment works as defined on Parameter Plan 3878_020_B received the 20 April 2014.
REASON: In the interest of protecting the amenity of future residents.

INFORMATIVE 1: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

INFORMATIVE 2: The applicant is encouraged to approach the lead local flood authority to discuss potential modelling of the brook and to appreciate additional flows.

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

Should you require further information or to download the CIL forms please refer to the Council's Website:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy>

INFORMATIVE 4: 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
- wheel-washing facilities
- 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.

INFORMATIVE 5: 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 Berryfield Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

INFORMATIVE 6: There are ordinary watercourses within or in close proximity to your site. If obstructions to the flow in the watercourses are intended (permanently or temporarily, including culverting) the prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority will be required. The Drainage Team can be contacted at the following link to discuss their requirements:

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

INFORMATIVE 7: With regards refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

INFORMATIVE 8: 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 relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE 9: The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) 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 these websites for further information: <http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm> <http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE 10: There is a low risk that Great crested newts are present on the application site. This species is protected under The Conservation of Habitats and Species Regulations

2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if great crested newts are discovered, all works should stop immediately and Natural England (NE) should be contacted for advice on any special precautions before continuing, as a derogation licence may be required.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 th May 2016
Application Number	15/12551/OUT
Site Address	Land at Westbury Sailing Lake, Station Road, Westbury Wiltshire BA13 3JS
Proposal	Hybrid planning application seeking outline planning permission for the erection of up to 300 dwellings, public open space, highway infrastructure including bridge over avoiding railway line, and associated works (all matters reserved except access); and full planning permission for the erection of a sailing club and associated works.
Applicant	Square Bay (Westbury) LLP
Town/Parish Council	WESTBURY
Electoral Division	Westbury West – (Cllr R Hawker) Small part in Westbury North (Cllr D Jenkins)
Grid Ref	386036 151564
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee as the scheme is classed as a large-scale major development that has strategic implications.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be deferred and delegated to the Area Development Manager to grant planning permission subject to the prior completion of a Section 106 legal agreement.

2. Report Summary

The key issues for consideration are:

- Principle of development
- Impact on the character and appearance of the area
- Highway issues;
- Impact on the amenity of neighbouring residents
- Ecology issues;
- Flood risk and drainage;

- Impact on Heritage Assets (archaeology)
- Public rights of way;
- Loss of agricultural land;
- Other issues
- Planning obligations

3. Site Description

The application site covers approximately 21.9 hectares and is located to the northwest of Westbury. The site consists of agricultural fields (grade 3) bordered by rail lines to the north and south and Westbury Lake to the northeast. Westbury railway station lies to the north while the site is bordered by Station Road to the east and Oldfield Road and Mane Way to the south. Westbury Lake and surrounding land is designated a County Wildlife Site. Trees of varying quality surround the lake. The site is currently accessed via a small road off Station Road that accesses the rear of 107 to 115 Station Road and the existing sailing club. Two public rights of Way (WEST15 and WEST60) run through the site. A pedestrian level crossing crosses the rail line to the south of the site onto Oldfield Road. The southwest of the site lies within flood zone 2 and 3.

4. Planning History

There is no relevant planning history.

5. The Proposal

The proposal is a hybrid planning application seeking outline planning permission for the erection of up to 300 dwellings and a full application for the erection of a sailing club house and new access onto Station Road.

5.1 Outline application for 300 dwellings with all matters reserved except means of access

The outline application for 300 dwellings includes:

- Erection of up to 300 dwellings
- Primary street running through the site linking Mane Way to the southwest with Station Road to the east
- Future link to Westbury Station
- Public open space including an urban park, children's play area and allotments and areas of ecological mitigation
- New access onto Station Road and construction of mini roundabout
- Widening of the access road south of the lakes

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

5.2 Full application for the erection of a sailing club house

Westbury Sailing Club currently operates out of temporary buildings positioned to the east of the sailing lake. In order to create sufficient space for the delivery of the principal street and new access onto Station Road it will be necessary for the Sailing Club operations to be relocated.

Following consultation by the applicants with the Sailing Club, an alternative location for its base has been identified to the north of the lake, and proposals for a new club house, parking and jetty form part of the detailed element of the planning application.

The full application for the erection of a sailing club house includes:

- Relocation of the sailing club house to the north of the lakes including a new access off Station Approach and car park
- Additional car parking
- Lake extension to northern shore

6. Local Planning Policy

Wiltshire Core Strategy (WCS)

Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 32: Spatial Strategy – Westbury Community Area; Core Policy 38: Retail and Leisure; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 43: Providing affordable housing; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 55: Air Quality; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring conservation of the historic environment
Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network; Core Policy 67: Flood risk; Core Policy 68: Water resources

West Wiltshire District Local Plan (saved policies)

Policy T4: New Distributor Roads

Supplementary Planning Guidance

Wiltshire Local Transport Plan 2011- 2026

Air Quality Action Plan for Wiltshire June 2015

National Planning Policy Framework (NPPF)

1. Building a strong, competitive economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring Good Design
11. Conserving and Enhancing the Natural Environment
12. Conserving and Enhancing the Historic Environment

7. Summary of consultation responses

Westbury Town Council: Object

- 'Land at Station Road in core policy 32 of the Wiltshire Core Strategy is identified as a new strategic housing allocation for 250 dwellings. Westbury Town Council objects to the additional 50 dwellings because of over-development of the site which results in:
 - a) The proposed Principal Street not serving the intended function as a distributor road (see below).

- b) The development not providing improved vehicular access to the railway station as intended (see below).
- The distributor road is shown with frontage development along it which is prohibited by saved policy T4F New Distributor Roads (of the West Wiltshire District Plan First Alteration) “No frontage access development will be permitted along the lengths of the proposed distributor roads”.
 - To achieve the completion of the western distributor road through to Station Road in accordance with the adopted development plan, the proposed Principal Street through the application site should be of the same width as what has already been constructed (Mane Way), viz. not less than 7.3m. Currently its proposed width is shown as approximately 6m, with the length over the proposed railway bridge apparently even narrower:
 - Cross sections and markings on the drawings are in conflict about its width.
 - The drawings also indicate traffic calming at points along it, which is incompatible with its status as a distributor road.
 - The road appears to have been designed mainly to serve traffic within a housing estate rather than to act as a distributor road.
 - The proposed mini roundabout at the junction of the proposed Principal Street with Station Road is inadequate. Furthermore, Westbury Town Council considers that the provision of no more than a mini roundabout at this important junction in the already busy network serving traffic around Westbury is inappropriate (there are no others on the town’s existing distributor roads). It supports the well established view of Highway Officers that this junction needs to be traffic light controlled, particularly as the sight lines on Station Road to the south of the proposed junction are inadequate and cannot be brought up to the required standard because of the constraints of the existing railway bridge under the Westbury Avoiding Line.
 - This application does not guarantee that a new railway bridge over the Westbury Avoiding Line will be built, which will effectively lead to a “cul de sac” development, the implications of which are an indefinite continuation of the current traffic chaos along Oldfield Road (which the Local Plan Inspector considered was only acceptable as a temporary measure to give vehicular access for an extra 600 dwellings – the original size of the Leigh Park development).
 - The extant Section 106 agreement for the Leigh Park development required the Developer (Persimmon Homes (Wessex) Ltd) to provide an index linked bond for 65% of the cost of constructing a railway bridge over the Westbury Avoiding Line and 100% of the cost of extending the western distributor road (Mane Way) up to it. The failure of this application to provide for the continuation and completion of the western distributor road through to Station Road in accordance with the saved policy T4F (see Appendix D of the Wiltshire Core Strategy), and the relevant provisions of the Section 106 agreement, is likely to result in the loss of this bond (and of the funding provided by it).
 - Under the heading “Transport”, the Development Template for the Strategic Housing Allocation of Land at Station Road, Westbury (in Appendix A of the Wiltshire Core Strategy) includes the following requirements (as its first and third bullet points respectively):

- “Improved access to Westbury railway station.”
- “Access for buses through the development from the railway station access road and from either Oldfield Road (across the railway line) or Station Road. Extension of existing town bus service through the development.”

In particular, the aim was that the bus service between Bath and Salisbury in both directions could stop at Westbury railway station. Because of the existing layout of the Station Approach, that is not possible at present, and the application does not include the additional vehicular access through the application site required to achieve that objective of the strategic allocation of this site.

- Station Road at the railway bridge is subject to regular flooding. This application does nothing to alleviate this problem and the fear is that it may exacerbate it.
- Westbury Town Council notes that Network Rail has indicated (in its consultation response dated 4th February 2016) that it would be seeking to close the existing Penleigh Park foot path crossing over the Westbury Avoiding Line owing to the risks posed by an increase in usage. Without alternative access via a new bridge, this would not be acceptable.
- Figures provided by Westbury Lorry Watch suggest that traffic flows along Station Road are already considerably larger than stated. Westbury Town Council notes that Westbury Lorry Watch quotes figures of over 400 vehicles in 45 minutes along Station Road.
- Westbury Town Council points out that the town of Westbury has already met all but 30 of the number of new dwellings (1500) required in the whole of the Plan period (2006-2026) by Core Policy 32 of the Wiltshire Core Strategy (see Appendix 6 of the Housing Land Supply Statement – base date; April 2015, published; September 2015).
- Westbury Town Council objects to moving the existing bus stop on Station Road at the Railway Inn (in the town centre direction) towards Slag Lane because the proposed location is unsafe and inconvenient for users of Westbury Railway Station.
- The archaeological feature identified as a canalised water course (in the Archaeological Evaluation of the application site issued by Cotswold Archaeology in September 2015) seems likely to be a medieval moated site and should be protected from development in the same way as the other similar sites in the vicinity (which are all already protected as scheduled ancient monuments).

For the avoidance of doubt, Westbury Town Council is not against the development of the application site in accordance with the Wiltshire Core Strategy but it objects to these particular proposals (other than the resiting of the Sailing Club premises).’

Dilton Marsh Parish Council (neighbouring parish): Object

‘The proposed development will greatly exacerbate the existing traffic flow problem through Dilton Marsh. It will encourage vehicles to travel along the A3098 (Tower Hill road) and the B3099 (Clivey Road) thereby causing an unacceptable increase in traffic through the village. In particular, the B3099 is already a very busy road with a high volume of pedestrian traffic and a high density of residential properties (including the village school and church). Some 431 vehicles were recorded using

this road between 0710hrs and 0810hrs on 21/1/16 – an increase of 13% from three month's earlier.

- The proposed development is contrary to the Wiltshire Core Strategy DPD.
- There is no provision for associated infrastructure – school, medical or leisure facilities – essential requirements for a development of this magnitude.'

Wiltshire Fire & Rescue Service: Standard advice and guidance provided in order to improve the health and safety of the development and reduce property loss in the event of fire.

Wiltshire Council Public Open Spaces: Support, subject to conditions and contribution to the provision of waste and recycling containers

Wiltshire Council Drainage Engineer: Support, subject to conditions

Wiltshire Council New Housing Team: As this site is proposing 300 new homes, the on-site affordable housing requirement would be 90 affordable homes (i.e. 30% of 300 dwellings)

Wiltshire Council Public Protection Team: Advised that a contaminated land condition must be applied in respect of this site

Wiltshire Council Public Arts Officer: Support, subject to conditions

Wiltshire Council Landscape & Arboricultural Officer: Support, subject to conditions

Environment Agency: No objection, subject to conditions

Network Rail: Object if the footpath level crossing over the railway at Penleigh Park is not closed

Wiltshire Council Archaeology: Following additional archaeological investigation works the Archaeologist has no objection subject to conditions

Wessex Water: Advice provided to the applicant and stating that the local water supply network has current available capacity to accommodate the proposals

Wiltshire Council Urban Design Officer: Support, subject to conditions

Wiltshire Council Landscape & Design Officer: No objections

Natural England: The Local Planning Authority should apply standing advice

Wiltshire Council Ecology Officer: Support subject to conditions following submission of additional information

Wiltshire Council Rights of Way Officer: Support

Wiltshire Council Public Protection: No objection subject to condition

Wiltshire Premises Team School Buildings & Places: Requested a contribution of £950,824 towards primary school places

8. Publicity

The application has been publicised via press and site notices and letters sent to properties within close proximity of the site. As a result of the publicity 2 letters of support have been received and 21 letters have been received raising the following concerns:

- Traffic congestion in area
- Increased traffic through Dilton Marsh
- Lack of traffic survey in Dilton Marsh
- Additional traffic calming methods required in Dilton Marsh
- Increased traffic on Oldfield Road/Station Road
- Vehicle weight restrictions should be imposed in Dilton Marsh
- Adverse impact on Westbury infrastructure/local services including health services and schools
- Insufficient shops in area
- Road bridge over rail track required
- Archaeological investigations issues
- Adverse impact on local wildlife
- Noise and pollution during construction
- Dangerous pedestrian rail crossing
- Power cuts
- Discontinuation of bus service in area
- Flooding issues
- Lack of amenities
- Adverse effect on property prices

9. Planning Considerations

9.1 Principle of Development

Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outline a settlement strategy which identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire.

The WCS identifies Westbury in Core Policy 1 as a Market Town. Market Towns are defined within the WCS as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

In order to direct development at a strategic level to the most suitable, sustainable locations and at appropriate times the area strategies contain an indicative housing requirement for each Community Area including the Principal Settlements and Market Towns (WCS, par 4.26). Core Policy 32 'Spatial Strategy for the Westbury Community Area' outlines that "*over the plan period (2006 to 2026), approximately 1615 new homes will be provided of which about 1,500 should occur at Westbury, including land identified at Station Road for strategic growth*".

The WCS allocates sites and broad allocations for growth that are strategically important for the delivery of the Plan for Wiltshire. The site which is the subject of this application at Station Road is a strategic site allocated for housing development and therefore there is a

presumption in favour of residential development on this site for up to 250 dwellings (the number mentioned in the WCS). Core Policy 2 specifically mentions that proposals for residential development at Station Road, Westbury will be supported in accordance with the Area Strategy outlined within Core Policy 32 and the requirements in the development templates presented within Appendix A of the WCS. The development template for the site identifies the following key objectives:

- To deliver a high quality, sustainable development, providing 30% affordable housing and a suitable mix of housing in line with Core Policies 45 and 46.
- Development that is integrated with the existing town and town centre.
- Fully investigate all alternative access options to the railway station as part of the design process, avoiding damage to Westbury Lakes County Wildlife Site (CWS) as a last resort and targeting any unavoidable losses to the least sensitive or valuable habitats.
- To minimise the realignment of the lake in securing a link road connecting Station Road and Mane Way, and make alternative suitable provision for the sailing club if required.

The supporting Planning Statement outlines how the proposed masterplan for the site has been developed through extensive consultation with the Local Planning Authority, local community and key stakeholders and outlines how it generally accords with the development template.

The site will provide for up to 300 new dwellings on a net developable area of 21.9 hectares which amounts to an average of 40 dwellings per hectare. An indicative site plan (Illustrative Layout SK02) has been provided to demonstrate that the site is capable of accommodating 300 dwellings with the associated areas of open space and roads. Although Core Policy 32 allocated 250 dwellings to the Station Road site, the density and number of dwellings proposed in this application (300) is considered appropriate for the site. A detailed layout will be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

The site is an allocated housing site in the Core Strategy located in a sustainable location within the Market Town of Westbury. The principle of providing additional housing is therefore considered acceptable in line with the aim of Core Policy 32.

9.2 Impact on the Character of the Area

Core Policy 51 'Landscape' outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The application site covers approximately 21.9 hectares and is located to the northwest of Westbury. The site consists of agricultural fields (grade 3 quality) bordered by rail lines to north and south with Westbury Lake to the northeast. Westbury rail station lies to the north while the site is bordered by residential development to the east and south. Westbury Lake and surrounding land is designated a County Wildlife Site. Trees of varying quality surround the lake. There are no landscape designations to the site and the site lies within the Heywood Rolling Clay Lowland in the West Wiltshire Landscape Character Assessment.

The illustrative layout (drawing number SK02 rev C) shows the development would consist of a strip of housing located between existing rail lines running to the north and south and between Station Road to the east and Oldfield Road and Mane Way to the south. An open green space including urban park and allotments is proposed to the west of the site and

within the flood zone providing 1.1 ha of public open space. The sailing club would be relocated to the north of Westbury Lake which would be extended to the north. The submitted Parameters Plan shows the mix of building heights.

The Council's Urban Design Officer has provided a series of recommendations to ensure a high quality designed scheme is submitted for consideration at the reserved matters stage. Although there would clearly be a change in the character and appearance of the area, this was envisaged by the allocation of the site for housing and the impact on the wider landscape is minimised because the site is relatively contained and enclosed by rail lines to the north and south and existing residential development to the east and south. In these circumstances, the proposed development would not have any unacceptable adverse impact upon the character and appearance of the area.

Due to the small size and low height of the sailing club and its location partially screened by existing trees off Station Approach, the relocation of the sailing club to north of Westbury Lake, and associated parking, would have no adverse impact on the character or appearance of the area.

9.3 Highway issues

One of the core planning principles of the NPPF is to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable” (par 17). This core planning principle is reflected within Core Policies 60 ‘Sustainable Transport’ and 61 ‘Transport and New Development’ of the WCS which seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network.

9.3.1 New Access Works

The application seeks outline planning permission with all matters reserved except means of access into the site. The access works for which approval is sought at this stage include:

- Construction of a vehicle access and mini-roundabout off Station Road
- Construction of a new access onto Mane Way

Following negotiations with the Council's highway officer it is considered that provision of a mini-roundabout at the proposed Station Road access is the best option available, rather than traffic controlled lights, because of the limited space available. In addition mini-roundabouts reduce traffic speeds on approach, are safer for cyclists than larger roundabouts and result in less deviation for pedestrians. The scheme would also include widening the proposed access off Station Road which would require the existing sailing club house to be removed and extension of the land south of the lake. Detailed drawings have been provided showing the new Station road access (PHL-002 rev G)

A preliminary layout for the revised junction arrangement for the new access onto Mane Way has been provided (drawing number PHL-105 rev C). However this access would not be operational until the bridge over the rail line was constructed.

9.3.2 Relocation of Bus Stops

In addition the creation of the new site access via Station Road would require relocation works to the existing bus stops:

- Northbound. Currently located approximately 20 metres northwest of the proposed new access and 10 metres south of the Station Approach entrance, position to be amended slightly to take into account the new kerb line and half-width lay-by.
- Southbound. Currently located opposite the proposed new Station Road access and adjacent the Railway Inn, to be relocated north of the existing Primers Place junction with the existing footway on the eastern side of the carriageway extended. This would be accessible by foot from Station Approach using the existing pedestrian crossing facilities on the northern side of the roundabout within a similar walking distance as the existing facility.

9.3.3 Provision of Principal Street/Distributor Road

A preliminary highway alignment for the Principal Street running through the development from Station Road to the new railway bridge has been prepared and this is detailed in the submitted Parameters Plan. A condition is recommended requiring the development to conform to the approved Parameters Plan. It should be noted that the application is for outline permission only in relation to the housing development and details of the road layout, including road width and house alignment off the Principal Street, are reserved for future determination. However the minimum width of the road would be 6 metres which is considered acceptable for a distributor road to accommodate two-way HGV and bus movements for vehicles entering the site from Mane Way and is in line with guidance contained in the Manual for Streets.

Saved policy T4 of the West Wiltshire Local Plan states '*The distributor road and its associated local connections will improve cross town accessibility and provide access to the residential allocation north of Westbury Leigh.*' It is therefore considered that the proposed development complies with saved policy T4 in that it would provide access to the residential allocation north of Westbury Leigh once the scheme is complete and the proposed bridge has been constructed.

Saved policy T4 states '*No frontage access development will be permitted along the lengths of the proposed distributor roads.*' However, this policy was prepared more than 12 years ago and the idea of prohibiting new accesses to individual houses is no longer so rigid in more recent design guidance. The submitted indicative plan illustrates some housing fronting the Principal Street, and the applicants have stated that the proposed design conforms to advice contained in Manual of the Streets (Section B: Design Principles) which emphasises highway design parameters that are based on a site specific basis. In this case, following negotiations with the Council's Urban Design Officer, it is considered that the scheme would be better served with some housing fronting the highway that emphasizes and reinforces a sense of place, safety and proximity.

9.3.4 Access to Westbury Station

At present there is no formal means of pedestrian access between the site and the railway station immediately to the north. However local residents do use Public Right of Way WEST15 to access the private goods yard sidings road which leads up to the station forecourt. The submitted Parameters Plan makes provision for a pedestrian/cycle route through the development to the rail station.

In addition the submitted Parameters Plan indicates a future vehicle link to the rail sidings to the south of the station that would, if opportunity arises, provide a vehicle link through the site to the Station. However the rail sidings are not in the ownership of the applicant nor the Council and the link cannot therefore be provided at present as it requires third party land that is not available.

9.3.5 Impact on the Local Road Network (Station Road and Oldfield Road)

Prior to the implementation of the bridge and completion of the road link to Mane Way the proposed site access at Station Road would provide the sole means of access to the development for vehicular traffic. Following concerns raised by local residents and at the request of the Council's highway officer the applicants have provided further analysis of the potential traffic flows at Oldfield Road prior to the completion of the new bridge to Mane Way based on all trips originating from the Station Road site access. The analysis suggests that the number of trips generated by the site and continuing along Oldfield Road prior to the bridge and link road to Mane Way being completed, is anticipated to be minimal and not of a significant level in comparison to existing levels of traffic on the road.

The highways officer has no objection to the scheme and although it is recognised there would be an increase in traffic using Oldfield Road before the Mane Way link and bridge are completed, the strategic and long term aim for Westbury is the completion of the bridge and Mane Way link which would ultimately result in a significant reduction in traffic using Oldfield Road.

9.3.6 Impact on Vehicle Traffic at Dilton Marsh

Concern has been raised by residents of Dilton Marsh that the proposed development would result in an unacceptable increase in traffic through the village. The applicants have carried out an additional survey along the B3099 High Street through Dilton Marsh. The survey concludes that the change in vehicle traffic generated by the development through Dilton Marsh would be very small and well within the normal day to day variation in traffic flow that may be expected along the route. It is therefore considered that the proposed development would not result in any significant traffic impacts at Dilton Marsh.

9.3.7 Cycling/Pedestrian Provision

The submitted Parameters Plan makes provision for a pedestrian/cycle route through the development to the rail station and from Mane Way to Station Road once the bridge is provided. In addition the illustrative layout includes provision for a 3 metre wide footway/cycleway on at least one side of the Principal Street.

Although the application is for outline permission only with matters of layout reserved for future determination a condition is recommended requiring the development to be carried out in accordance with the parameters plan insuring that the proposed cycle route and access to the station forms part of any future development.

9.3.8 New Rail Bridge

The proposed development would include a financial contribution to the provision of a new bridge across the rail line linking Mane Way with Station Road which forms one of the key objectives identified in Appendix A of the WCS.

Responsibility for the delivery of the new bridge across the railway lies with Wiltshire Council using financial contributions secured from legal agreements. It is estimated the proposed bridge would cost approximately £4 million to construct. The current scheme would provide a financial contribution to the bridge construction of £2 million. This would be pooled with a financial contribution from a previous development (approximately £1 million). Therefore the current contribution would not be sufficient to fully fund the bridge as things stand at present and further finance would be required. It is also impossible for the developer of this site to build the bridge as the land on the south side of the railway line is in separate ownership, not

having been secured by previous legal agreements by predecessor authorities when Leigh Park was developed. Therefore any future provision of the bridge is dependent on:

- i. Further funding
- ii. Delivery of land between the proposed bridge and Mane Way
- iii. Delivery of a scheme such as the one proposed in this application to construct the road from Station road to the site of the proposed bridge crossing.

The detailed design of the new bridge would be the subject of Reserved Matters approval. However the submitted cross-section shows the typical carriageway and footway/cycleway widths for the new bridge which reflect the design principles for the Principal Street passing through the development.

9.3.9 Highway matters - Conclusion

The site is within walking distance of the Town Centre; Local Shops and Westbury Station is located a short distance to the north. Public footpaths run through the site. There are existing bus stops located on Station Road which are within walking distance of the site which would help connect the proposed development to the town. The proposed site is therefore located in a sustainable location and well served by public transport.

In addition it is considered that Station Road and Oldfield Road could accommodate the small amount of additional traffic arising from the proposed development before the new bridge and link road to Mane Way are completed.

The proposed works to the bus stops and the relocation of the southbound bus stop are considered acceptable and their accessibility by foot from Westbury Station would not be unduly compromised.

The NPPF advises that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's highway officer is satisfied that subject to the above the development will not have a severe impact on highway safety.

9.4 Impact on the living conditions of neighbouring residents

Core Policy 57 'Ensuring High Quality Design and Place Shaping' requires developments to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The application seeks outline planning permission only at this stage; however the illustrative layout (drawing number SK02) and Parameter Plan showing building heights demonstrate that the site is capable of being developed without affecting the amenity of adjacent residents. The application site is bordered by Westbury Station and rail line to the north and a rail line to the south. The closest existing residential development is located off Oldfield Road to the south and properties fronting Station Road (number 107 to 115) at the proposed new entrance to the site. A rail line lies between the application site and residential development off Oldfield Road therefore it is not considered the development would have an adverse impact on the living conditions of residents of these properties.

The new access off Station Road would be located between 40-50 metres distant from the rear of properties at 107 to 115 Station Road and therefore it is not considered that the traffic generated by this new road would have any significant adverse impact on the living conditions of residents of these dwellings, in terms of noise or other pollution. The proposed

sailing club is a sufficient distance from neighbouring residents to have no impact on their living conditions.

In light of the above, it is therefore considered that the scheme will not have a significant adverse impact on the living conditions of neighbouring residents.

9.5 Ecology issues

Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application site includes Westbury Sailing Lake and surrounding wet woodland, designated as a County Wildlife Site (CWS) to the north and west, and agricultural fields bounded by hedgerows in the south-west of the site. The site supports woodland, waterbodies and watercourses, semi-improved grassland, hedgerows and scattered trees of local ecological value, rough grassland, dense and scattered scrub and arable land. In addition the site falls within a core area for greater horseshoe bats.

The applicants have submitted a Mitigation and Enhancement Strategy outlined in section 4 of the Ecological Assessment. This strategy sets out how, through a scheme of avoidance of harm, mitigation and compensatory measures, the development would protect features of nature conservation and deliver biodiversity gains.

The proposed relocation of the sailing club and new access off Station Road and widening the carriageway would result in the loss of low value vegetation. However compensatory measures, in the form of additional tree planting, are proposed within the CWS. The location and route of the Principal Street has also been designed to provide a buffer zone to the CWS. New tree planting is proposed throughout the development, including street trees along new road infrastructure. Hedgerow planting is proposed along the site's southern boundary, at the western end of the site, which again will strengthen the existing boundary features. The majority of semi-improved and marshy grassland is proposed to be retained on the site and retained grassland will be enhanced, where possible, by the provision of wildflower seeding. Two attenuation ponds are proposed as part of the drainage strategy and these ponds will provide ecological enhancement on the site, in terms of habitat, as well as providing opportunities for protected and priority species known to utilise the site.

The majority of trees with bat roost potential lie within the areas of public open space and CWS and will be retained. A lighting impact study has been prepared by the applicant to ensure that lighting design will achieve suitable low levels within these habitats. A full lighting design will be prepared as part of the detailed design at reserved matters stage.

Measures to ensure the protection of ecologically valuable features to be retained during the construction phase of the proposed development would be provided within the CEMP. Appropriate management of the CWS as well as other habitats to be retained and created on the site would be included within a LEMP. Management of the CWS would be the subject of a legal agreement.

The Council's ecologist has no objections to the scheme subject to conditions and it is considered that the development complies with Core Policy 50.

9.6 Flood risk and Drainage

The site lies mainly in flood zone 1 (low risk) with areas at the western extent of the site lying within flood zone 2 (medium risk) and flood zone 3 (high risk). The submitted illustrative layout (drawing number SK02 rev C) and Parameters Plan show that the western end of the site would be public and informal open space. No housing would be constructed within flood zone 2 or 3.

Core Policy 67 'Flood Risk' of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The existing ground conditions are unfavourable for the use of infiltration-based sustainable drainage techniques. The surface water strategy will therefore utilise on-site attenuation in the form of appropriate sustainable drainage system (SuDS), with hydraulic controls. The surface water drainage strategy for the proposed residential development will comprise a network of:

- Adoptable & non-adoptable underground pipework;
- Detention basins;
- Swales;
- Hydraulic controls; and
- Overland exceedance measures.

Foul water drainage would use existing sewers which could be upgraded. Westbury Sailing Club will utilise the existing foul connection from the adjoining dwelling, 'Ingleside', to enable connectivity to the network.

The Environment Agency and Council's Land Drainage Engineer raise no objection to the development subject to conditions on surface and foul water sewage, contamination remediation and pollution prevention. A full assessment will be left to the detailed design stage and will form part of a detailed submission at Reserved Matters.

Concern has been raised by Westbury Town Council about flooding at Station Approach. The applicants have submitted a drainage strategy that has been developed to ensure that the site is safe from flooding, without increasing flood risk elsewhere. Overland flow will follow the topography of the site and route towards the two detention basins, one located just south of the lakes and the second located in the western section of the site adjacent the urban park. In the event of the northern basin overtopping, flows will be routed towards the lake. In the event of the southern basin overtopping, flows will continue towards the Biss Brook watercourse to the west. The proposed development would not lead to additional flooding elsewhere and the scheme is considered to comply with Core Policy 67.

9.7 Heritage Impact

The site is largely a green-field one, so the heritage impact is largely archaeological. A Desk Based Assessment, geophysical survey and trial trench evaluation has been carried out at the proposed development site. These investigations have established that the area of archaeological interest lies at the south western part of the site, where a canalised stream may form part of an early medieval enclosure and a few ditches and a possible pit may date to the medieval period. The proposed development in the south western part of the site is mostly proposed as green space however drainage ditches, water creation ponds, play areas /urban park and allotments will likely have some degree of belowground impact.

In recognition of the significance of the heritage asset and scale of impact, a condition is recommended requiring a programme of archaeological investigation to be carried out as mitigation in the south-western part of the site in order to make a record of any heritage assets with archaeological interest that may be impacted by belowground construction and drainage works.

It is not considered that the development will have any adverse impact on the setting of the moated enclosure to the west of Mane Way.

9.8 Public Rights of Way

Two public rights of way run through the site (WEST15 and WEST60) while one lies to the south (WEST16/18). The submitted Parameters Plan illustrates how these rights of way would be incorporated into the site including access to the rail station and via the level crossing.

Works would be required to alter the levels of WEST16/18 in order for the footpath to access the proposed new bridge however these changes would be incorporated in detailed design of the bridge access at the reserved matters stage.

The proposed development would therefore have no adverse impact on public rights of way.

Network Rail has objected to the proposal on the grounds of additional risk to pedestrians using the Penleigh Park footpath crossing. They would support the development provided that the crossing was closed and diverted over the new road bridge. Whilst this is the intention, this outcome will not be deliverable in the immediate term until the bridge is built. This means that housing will be on site before the crossing can be considered for diversion (and separate procedures exist for this). However, given that this is an allocated site, and given the fact that the line in question is the avoiding line where rail movements are less frequent than the line through the station, it is not considered that refusal is justified on these grounds.

9.9 Loss of Agricultural Land

The site comprises an area of undeveloped agricultural land. As such, regard must be had to the NPPF which advises that *“local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”* (par 112).

Natural England’s Technical Advice Note TIN049 ‘Agricultural Land Classification: protecting the best and most versatile agricultural land and for guidance on soil protection’ explains that *“the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system.”* The ALC system classifies land into five grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance.

The Council’s records indicate that the site is classed as Grade 3 in order to establish whether the land is classed as Grade 3a or 3b analysis of the soil structure would be required. However, as outlined above, the site has been allocated as a strategic site to deliver the housing need for the town and it has been established that the site is the best option available to deliver a housing scheme of the scale required. The development of the

site is necessary and would result in significant economic and social benefits. As such, the scheme is not considered to be in conflict with paragraph 112 of the NPPF.

9.10 Other issues

Other matters have been raised by consultees, namely insufficient shops in area, discontinuation of bus service in area, power cuts, and devaluation of property however such matters carry very little weight in the determination of planning applications.

In addition other matters have been raised by consultees, namely disturbance during construction that can be dealt with via a Construction Environmental Management Plan (CEMP) to be submitted which would include details of hours of construction works, noise control measures and construction vehicle movements and hours of operation and dust control measures.

10. S106 contributions & CIL

The construction of the distributor road bypassing Westbury Leigh and ending at Station Road has been a long-term objective of planning policy in Westbury and saved policy T4 from the West Wiltshire District Plan makes it clear that this should be funded by new development. The 'missing link' is the section from Mane Way to Station Road. However, since 2004, national planning policy has changed and the Council has brought in the Community Infrastructure Levy (CiL) which will be chargeable on this development, which could not have been foreseen at the time of the District Plan.

The developer cannot in any event deliver all of the 'missing link' as the section between Mane Way and the south side of the railway line is not within their ownership or public ownership. However, the developer's plans include the provision of the distributor road upto the crossing on the north side and it would be for the Council to deliver the remaining short section across the railway line to Mane Way. To assist the Council in achieving its objective of completing the distributor road, the developer has offered £2 million to the Council towards its cost. (The estimated cost of the bridge is ca £4 million and the Council already has funding secured for £1million towards the cost from the constriction of Leigh Park). Other small Section 106 contributions would secure the necessary recycling facilities and air quality contribution, whilst the delivery of any land required for the bridge, highway matters and the provision and management of the public open space would also be secured through Section 106 contributions. The relocation of the sailing club is secured through a planning condition.

Whilst most housing developments of this size would be expected to contribute towards requirements including affordable housing and primary education, the need to provide for the infrastructure of the distributor road with its wider benefits in addition to the benefits for the residents of the estate is considered in this location to be the priority. With the payment to the public purse of CiL in addition to the contribution to the 'missing link', it would not be viable to make additional section 106 contributions.

11. Conclusion (The Planning Balance)

There is a presumption in favour of residential development on this strategic site and its development is important to the delivery of the residential element of the Wiltshire Core

Strategy. Although the application is for 300 dwellings the submitted indicative site plan (Illustrative Layout SK02) demonstrates that the site is capable of accommodating 300 dwellings with the associated areas of open space and roads. There is therefore no objection to the principle of the development. In transport terms the site is in a sustainable location located to the north and adjacent the Market Town of Westbury.

Although the scheme would not provide all the infrastructure that would normally be expected, without it, it is difficult to see how the distributor road could be completed, and it is considered that this, as a long standing policy objective, is an important priority that justifies the proposal put forward. Whilst there are some objections, it is not considered that these are significant enough to warrant refusal of the application.

RECOMMENDATION:

- (1) Grant full planning permission for the erection of the sailing club and its associated works;**
- (2) Defer and delegate to the Area Development Manager the decision to grant outline planning permission for the residential development, subject to the prior completion of a Section 106 agreement covering the matters set out in Section 10 above, including the contribution of £2 million towards the cost of the construction of the bridge to Mane Way.**

Recommended conditions for the full planning permission for the sailing club:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 0562-1002 (Location plan)
 - 01D (Site plan - Clubhouse)
 - 10C (Ground floor plan - Clubhouse)
 - 11 (Roof plan - Clubhouse)
 - 12 (Elevations - Clubhouse)
 - 13 (Elevations - Clubhouse)
 - 2409/P28a (Plan 3: Proposed Sailing Club – Tree Protection Strategy)
 - PHL-003 rev C (Site access Sailing clubhouse Station)
3. No demolition, site clearance or development shall commence on the Sailing Clubhouse site (dwg no. 0562-1002) until the tree protection fencing as detailed on dwg no. 2409/P28a has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase of the Sailing Club and until all equipment, machinery and surplus materials have been removed from the Sailing Club site. Such fencing shall not be removed or breached during construction operations.

REASON: In order that the development is undertaken in an acceptable manner and to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

4. The Sailing Clubhouse hereby approved shall not be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (dwg no. 01D). The area shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety

5. No external lighting shall be installed on the Sailing Clubhouse site (dwg no. 0562-1002) until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the 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 biodiversity, the amenities of the County Wildlife Site and to minimise unnecessary light spillage above and outside the development site.

6. No demolition, ground works and vegetation clearance associated with the sailing club (dwg no. 0562-1002) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones' and method of protection (e.g. retained County Wildlife Site habitats and vegetation);
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) (e.g. pre-badger and nesting bird surveys may be required, sensitive construction of lake-side facilities, including slipway);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialists ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
 - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a professional ecologist / the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of

substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection of retained habitats within the County Wildlife Site, protected species and sensitive working practices in relation to the lake (to avoid water pollution and reduction in water quality) associated with the construction of the sailing club, in the interests of biodiversity.

7. The slipways, jetties and ground preparation works shall be provided before any dwellings approved under the associated outline planning permission are first occupied.

REASON: To secure the necessary alternative provision of the facilities that are to be lost as a result of the development.

Conditions relating to the outline planning permission for the erection of up to 300 dwellings, public open space, highway infrastructure and associated works with all matters reserved except access

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

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

9. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

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

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

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

10. 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.

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

0562-1000 (Location plan)
0562-1001 (Constraints plan)
SK02 0563-2000 (Illustrative layout)
2409/P17h (Landscape strategy)
0562-2005 rev A (Parameters Plan) received 18 April 2016

Access (Station Road) -
PHL-002 rev G (Site access junction Station Road)
ATR-201 rev F (HGV and bus tracking Station Road access)

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

12. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first 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.

13. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: 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.

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

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

15. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. No development shall commence on the residential dwellings hereby approved until a scheme for protecting the residential dwellings against noise from the railway line; industrial noise from the railway sidings and any distributor roads, including a timetable for its implementation, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented 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 minimise the disturbance to incoming occupiers.

17. Development of the houses shall not commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development (including the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

18. No development shall commence on site until the new roundabout access on Station Road has been constructed in accordance with the approved plans (PHL-002 rev G – proposed site access junction Station Road)

REASON: In the interests of highway safety.

19. Prior to the commencement of the development, and notwithstanding the details shown on the submitted drawings, a detailed design scheme and a programme for its completion shall be submitted to and approved in writing by the Local Planning Authority for a new cycle track to link the development to Westbury railway station. The scheme shall include a new 3 metre wide cycle track alongside the existing station access road serving the goods yard area. The scheme shall be constructed in accordance with the approved designs and construction programme.

REASON: In order to provide adequate sustainable transport facilities to connect the site to the rail station and to help mitigate transport impacts

20. Notwithstanding the details shown on the submitted drawings, no development shall commence on the residential development until details of the estate roads, footways,

footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No dwelling shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that part of the development have been constructed and laid out in accordance with the approved details, ensuring a properly consolidated and surfaced footpath and carriageway to at least base course level to the existing highway.

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 roads are laid out and constructed in a satisfactory manner.

21. No dwelling shall be first occupied, until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

22. No development shall commence on the residential development until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

REASON: In the interests of sustainable development.

23. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

24. No development shall commence on site until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment
- h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Ecology

25. The Mitigation and Enhancement Strategy in Section 4 of the Ecological Assessment dated 18 December 2015 and as outlined in the ecological statement '2409_R07c Ecology Consultation Response_KB_HM_140416', both by Tyler Grange LLP, shall be used to produce a CEMP and LEMP required by Conditions 33 and 34 respectively.

REASON: In the interests of biodiversity, to ensure adequate translation of the mitigation, compensation and enhancement requirements of the development into the CEMP and LEMP, as detailed in the original ecological documentation submitted with the outline planning application.

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- 1. Risk assessment of potentially damaging construction activities;
- 2. Identification of 'biodiversity protection zones';
- 3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including a sensitive construction strategy for the highway works alongside the County Wildlife Site lake, updated badger survey and method statement, further tree survey of G11z, if required, for bats and detailed mitigation

- strategies for water voles (including details of wetland habitat creation) and reptiles (including a translocation methodology);
4. The location and timing of sensitive works to avoid harm to biodiversity features;
 5. The times during construction when specialists ecologists need to be present on site to oversee works;
 6. Responsible persons and lines of communication;
 7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 8. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 9. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
 - 10.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: In the interests of biodiversity; to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats; to ensure that mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
 - b) Description and evaluation of features to be managed; including location(s) shown on a site map;
 - c) Landscape and ecological trends and constraints on site that might influence management and how these will be dealt with;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);
 - h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;

- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan;
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development; and a
- l) Separate management plan for the sailing club area.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of the County Wildlife Site, protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features for the lifetime of the development.

28. Before development takes place on site, a final version of the Ecological Mitigation (and Enhancements) Plan shall be submitted to the Local Planning Authority for approval, including finalised figures of habitat loss and habitat compensation to ensure no net loss of biodiversity. Development shall be carried out in full accordance with the approved plan.

REASON: to ensure all ecological mitigation requirements are clearly shown on a site plan and are implemented.

29. The detailed design of the play areas and teenager facilities, as shown on the Landscape Strategy, shall incorporate mitigation measures in accordance with the 'Ecological Statement' (ref. 2409_R07c Ecology Consultation Response_KB_HM_140416) and Ecological Assessment report dated 18 December 2015 by Tyler Grange LLP.

REASON: In the interests of biodiversity, to minimise impact on greater horseshoe bat commuting routes and the Bath and Bradford on Avon Bats Special Area of Conservation.

30. Before development takes place, a lighting design strategy for biodiversity shall be submitted and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, foraging;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory; and
 - c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage and to maintain dark foraging and commuting corridors for greater horseshoe bats linked to the Bath and Bradford on Avon Bats Special Area of Conservation.

31. Before the commencement of works to create the access road and roundabout into the development site, a 'Highway Construction Ecological Mitigation Strategy' shall be submitted to the local planning authority for approval. The strategy shall include measures to reduce water pollution, retain water quality and minimise disturbance to water fowl and other wildlife. The approved strategy shall be implemented in full.

REASON: To ensure adequate mitigation measures are put in place during the construction of the new road into the development site alongside the lake, which is part of the Westbury Lakes (South) County Wildlife Site.

32. No development shall commence within the southwest section of the site as defined by plan ref 'Fig No. 3 (Trench Location Plan)' within the document 'Land at Westbury Sailing Lake Phase 2: Archaeological Evaluation' until:

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

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

33. The development hereby approved shall be carried out in accordance with the Parameters Plan (dwg no. 0562-2005).

REASON: In the interests of neighbour amenity and the character of the area

INFORMATIVES

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and

Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

INFORMATIVE TO APPLICANT:

Any works to/on/over/under watercourses (open or culverted) or within 8m of it will require separate Land Drainage Consent/Council drainage bye law approval from the LLFA – this is separate to the planning system and gaining planning does not mean automatic approval of LDC. In fact details may have to change to gain LDC which may result in the need to reapply for planning permission

INFORMATIVE TO APPLICANT:

A robust landscape framework for the development must be carried through to the detailed design stages. The distinctive hierarchy of streets with choice of planting and hard materials should reflect the local character and should include street trees. Individual gardens should be well designed with adequately sized planting beds and garden trees.

The following will need to be addressed in the reserved matters:

1. Detailed layouts for all areas of open space;
2. Details of proposed soft landscape scheme, to include planting species, sizes and densities, and specification;
3. Details of proposed hard landscape scheme including SuDs;
4. Landscape and Ecology Management Plan outlining the aftercare and maintenance for a 5 year period;
5. Details of proposed lighting scheme; and
6. Details of play areas and management plans.

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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 TO APPLICANT:

Public surface water sewers serving existing development to the east of the railway track discharge to Westbury sailing lake via ditches as illustrated on the applicant's Preliminary Drainage Layout (0337 PDL-100 A). If additional unchartered sewers are located the applicant should contact Wessex Water for further advice and agreement.

INFORMATIVE TO APPLICANT:

FORMER BR LAND

The development appears to be located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development. Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing /wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on before works begin.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details

of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

INFORMATIVE TO APPLICANT:

The management responsibility for the County Wildlife Site and ecological mitigation/compensation areas within the site must be secured and relayed to the LPA as part of the REM application, including how ecological specialists and/or wildlife-managers will be involved.

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) 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 visit the following websites for more information:

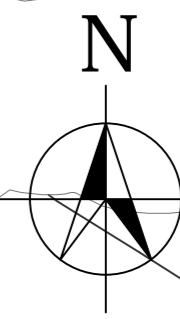
<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

The applicant is encouraged to consider incorporating enhancements for biodiversity within their development. Paragraph 118 of the NPPF states “local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: opportunities to incorporate biodiversity in and around developments should be encouraged”. Creating new habitat, enhancing existing habitat or providing new features can all contribute towards biodiversity enhancement, and helping to rebuild habitat networks in the wider area improves ecological resilience and adaptation to climate change. Benefits can be maximised if undertaken to support biodiversity work being undertaken by other parties, such as local Wildlife Trusts or through agri-environment schemes, or if they are consistent with biodiversity strategies or priorities already in place in the local area, such as Nature Improvement Areas (NIA). At the smallest scale, enhancements could be bird nesting or bat roosting opportunities in new buildings, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) or Habitat (<http://www.habibat.co.uk/>). These integral type boxes do not interfere with the human inhabitants and require no maintenance. Woodcrete products are longer-lived than traditional timber-made boxes, and there are many different products available from a range of suppliers. These types of enhancements can be generic or aimed at specific species such as House sparrow, Starling or Swift. Enhancements can also be provided for other species such as amphibians and reptiles, hedgehogs and invertebrates. Further information can be found at:

http://www.ciria.com/buildinggreener/complementary_features.htm

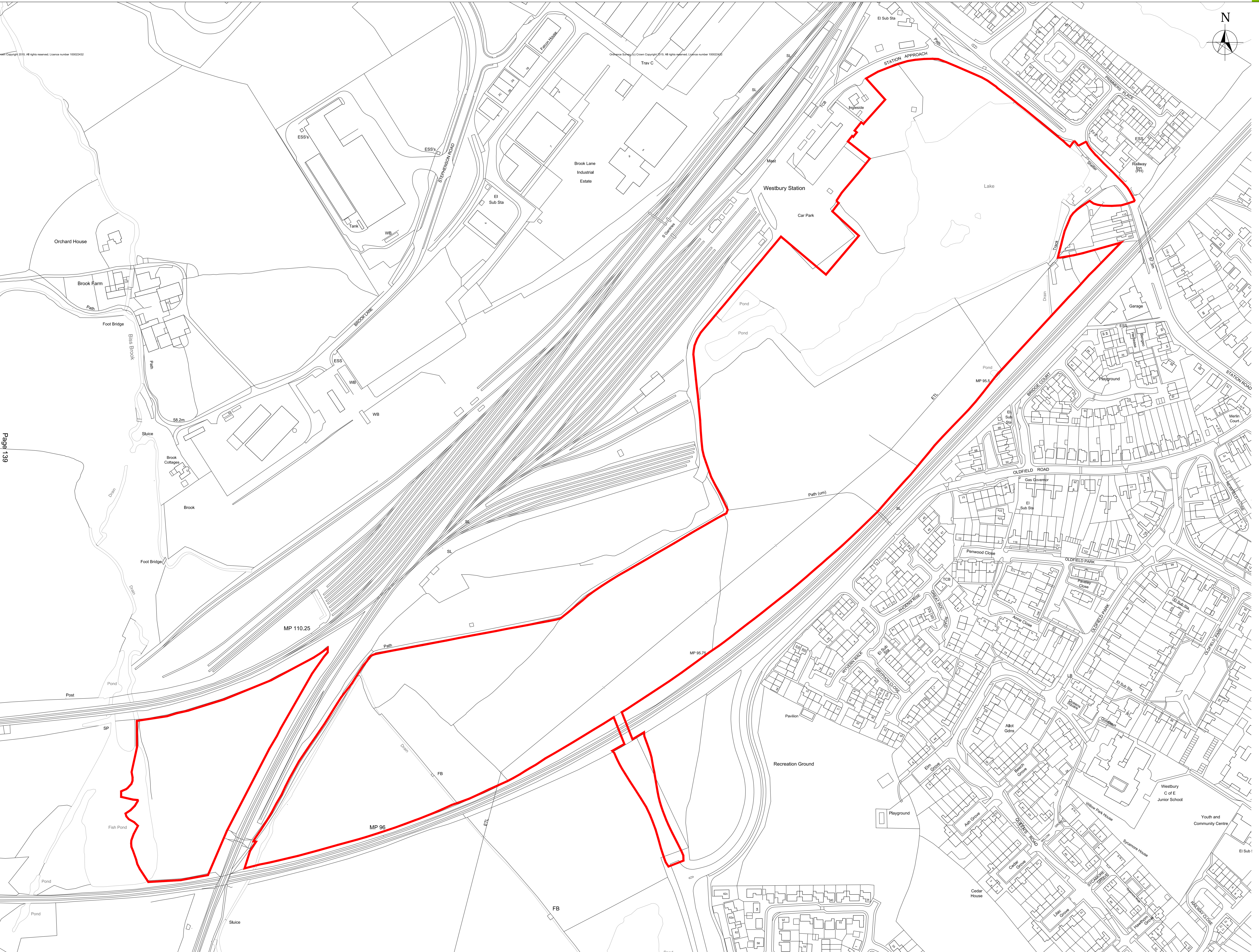
<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>



REVISIONS:

— Site Boundary

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