

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Trowbridge BA14 8JN

Date: Wednesday 3 November 2021

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.shannon@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Howard Greenman (Chairman)
Cllr Tony Trotman (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Carole King

Cllr Christopher Newbury
Cllr Pip Ridout
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry

Cllr Andrew Oliver
Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Bridget Wayman
Cllr Graham Wright

Covid-19 safety precautions for public attendees

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place.

You must contact the officer named on this agenda no later than 5pm on Monday 1 November 2021 if you wish to attend this meeting. Places will be allocated on a first come first served basis.

To ensure safety at the meeting, all members of the public are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Follow one-way systems, signage and instruction
- Maintain social distancing
- Wear a face-mask (unless exempt)

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

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Bourne Hill, Salisbury

Monkton Park, Chippenham

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 6 October 2021.

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**

The Council welcomes contributions from members of the public. To ensure Wiltshire Council COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. You must contact the officer named on this agenda no later than 5pm on Monday 1 November 2021 if you wish to attend this meeting. Places will be allocated on a first come first served basis and all requests may not be accommodated if there is high demand.

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than **5pm on Monday 1 November 2021**.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to attend the meeting to read

the statement themselves, or to provide a representative to read the statement on their behalf.

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 electronically to the officer named on the front of this agenda no later than 5pm on 27 October 2021 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 29 October 2021.

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 members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Update

To receive a verbal update on the s106 agreement in relation to 15/12351/OUT: Land at Rawlings Farm, Cocklebury Lane, Chippenham.

7 Planning Applications

To consider and determine the following planning applications.

7a **20/11382/FUL - Land at Pavenhill, Purton, Swindon, SN5 4DA**
(Pages 25 - 52)

Demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access works, car parking, public open space and landscaping.

7b **20/09701/FUL - Land at Elizabeth Way, Hilperton, Trowbridge**
(Pages 53 - 106)

Construction of up to 187 dwellings, means of access, landscaping, drainage, public open space and all other associated infrastructure.

8 Urgent Items

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

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

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Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 6 OCTOBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Robert Yuill

Also Present:

Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr Daniel Cave, Cllr Jane Davies, Cllr Jon Hubbard and Cllr Tony Jackson

27 **Apologies**

Apologies were received from Cllr Christopher Newbury.

28 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 September 2021 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

29 **Declarations of Interest**

There were no declarations of interest.

30 **Chairman's Announcements**

There were no Chairman's announcements.

31 **Public Participation**

The rules on public participation were noted.

32 **16/00547/FUL: Land to the West of Drynham Lane and to the East of Eagle Park, Southview Farm, Drynham Lane, Trowbridge**

Public Participation

Jody Hawkes spoke in objection to the application
Stephen Cooper spoke in objection to the application.
Tony Jones spoke in support of the application.
Alexander Bullock spoke in support of the application.
Lance Allen representing Trowbridge Town Council spoke in objection to the application.

Andrew Guest, Major Projects & Performance Manager, presented a report which recommended that planning permission be refused for the provision for 91 dwellings, ecological mitigation and associated infrastructure including roads/footpaths, bridge, cycleway, garages and sub-station.

Key details were stated to include the principle of residential development at the site, highway safety, residential amenity, ecology, drainage and infrastructure provision.

The officer referred the Committee to the agenda report and took them through the slides for the application. It was noted that for planning purposes, the application site formed part of the much wider 'Ashton Park Urban Extension' allocated site. The allocation was for c. 2,600 dwellings, employment land and related infrastructure.

Particular attention was given to the access for the site to construction traffic and permanently through the Southview estate, Toucan Street and Sparrow Street which were minor residential roads. The Highways Officer raised objections to the application due to the inadequacies of the residential roads within these estates to accommodate additional traffic, and in particular construction traffic, leading to potential safety and amenity issues. Many objections had also been received regarding this aspect of the proposal.

As a standalone site with an independent vehicular access via the adjacent suburbs, the proposal was not considered to be acceptable as it would change the character of these suburbs and the dynamics of their communities, to the detriment of residential amenity and, potentially, highway safety. Therefore, the application was recommended for refusal.

No technical questions were asked of the officer.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Councillor Daniel Cave, spoke in objection to the application. Cllr Cave stated that he was not objecting to the new housing being built but to the inappropriate highways access. It was stated that large vehicles had been brought through the residential estate in the past which had caused problems. Part of the proposed traffic management plan included temporarily stopping residents parking outside their homes, which was considered unacceptable. It was stated that route would become a rat run to the over 2000 dwellings allocated for the 'Ashton Park Urban Extension'. Many locals objected

to the application and Cllr Cave urged the Committee to refuse the application on Highways grounds.

Cllr Ernie Clark proposed a motion to refuse the application for the reasons stated at pages 29-30 of the report, as per the officer recommendation. This was seconded by Cllr Pip Ridout.

A debate followed where comments from Members included that there was a lack of a master plan for this site, which was far from ideal. That it was understood that planning permission would likely be granted at some point on the site due to its allocation, but that the highways concerns raised meant this application should be refused. Members also stated that the report gave clear reasons for refusal and the Committee should follow the expert opinions given. Lack of engagement from the developers was also raised as a concern. The shortfall in the five year land supply was raised, however it was felt that one should not redress this with developments that were not master planned and with such issues as those raised in relation to this application.

At the conclusion of the debate, it was,

Resolved:

That planning permission be refused for the following reasons:

- 1. The application site forms part of the wider 'Ashton Park Urban Extension' strategically important site, as defined by Core Policy 2 (Delivery Strategy) and Core Policy 29 (Spatial Strategy for the Trowbridge Community Area) of the Wiltshire Core Strategy. These policies state that the strategically important sites will be brought forward through a master-planning process agreed between the community, local planning authority and the developer.**

In isolation a masterplan has been prepared for the wider part of the Ashton Park Urban Extension strategically important site. Also in isolation, a comprehensive Design and Access Statement incorporating parameter plans has been prepared as part of this planning application for the application site. Together the Ashton Park Urban Extension masterplan and this planning application's Design and Access Statement 'Movement' parameter plan make provision for a road connection between the two sites.

However, the plans, and in particular the Design and Access Statement for the application site, are silent on related considerations which are critical to this road connection and the comprehensive development of the Ashton Park Urban Extension – specifically, the timing of when, and the method of how, the connection between the two sites would be achieved. Without these matters being addressed – in the form of an integrated master plan, or as an addendum to the existing Ashton Park Urban Extension masterplan – the planning application is considered to be both incomplete and premature.

This is contrary to the intentions Core Policy 2 and Core Policy 29 of the Wiltshire Core Strategy and paragraph 8 of the National Planning Policy Framework.

- 2. To enable the proposed development to function in isolation of the wider Ashton Park Urban Extension, a second vehicular connection is proposed between the application site and the now established residential suburbs of Trowbridge to its north side, at Lower Studley. The connection would be to an existing residential cul-de-sac, Toucan Street, with access beyond this via lower key secondary roads. Toucan Street in particular is a minor highway serving low numbers of residential properties. Its design and layout, and the way in which it functions and is used by its residents, reflects its intended purpose.**

In view of the minor status of these residential roads, the proposal to connect the application site to Toucan Street to create an access 'through-road' for the vehicles of the owners of the 91 proposed dwellings and for, at least in the short term (c. 3.5 yrs), the construction traffic associated with the build of the proposed development, would have a detrimental impact on the character of these roads and the neighbourhoods through which they pass. The additional traffic would change the dynamics of these neighbourhoods, to the detriment of the amenities of the residents, and potentially to the detriment of highway safety.

This is contrary to Core Policy 57 (points (vi), (vii), (ix) and (xiv)) ('Ensuring high quality design and place shaping') and Core Policy 61 ('Transport and new development') of the Wiltshire Core Strategy, and paras. 8, 92, 110, 111, 126 and 130 of the National Planning Policy Framework.

- 3. The proposal does not make provision for essential infrastructure made necessary by the planned development – specifically, affordable housing, education facilities, open space, essential highway works, waste collection facilities, ecology mitigation and public art. This is contrary to Core Policy 3 ('Infrastructure Requirements'), Core Policy 43 ('Providing affordable homes'), Core Policy 50 ('Biodiversity and geodiversity') and Core Policy 61 ('Transport and new development').**

4. INFORMATIVE:

Reason for refusal no. 3 may be addressed by the completion of a legal agreement (a 'S106 agreement'), in the event of an appeal.

33 PL/2021/06782: Silverwood School, Rowde, Devizes

The Chairman stated that the Committee were not determining the whys and wherefores of SEND provision, as that had been determined previously, but were just to determine the application before them.

Public Participation

Anthony Dixon spoke in support of the application.

Sean McKeown spoke in support of the application.

Cllr Jane Davies spoke in support of the application.

Andrew Guest, Major Projects and Performance Manager presented a report which recommended that subject to Natural England first agreeing the Appropriate Assessment required by the Habitat Regulations, that the application be approved, subject to the conditions as listed at pages 140 – 144 of the agenda, with conditions 5, 6 and 7 being replaced by the conditions in agenda supplement 2 for the proposed development of Silverwood School, extending the existing Rowde Campus (formerly Rowdeford School) to provide a high quality SEND school campus for 350 students including the construction of a new two storey education building with new Hydrotherapy Pool, teaching classrooms and Main Hall, the development of existing buildings, new all-weather sports pitch, new playing fields, on-site parking, landscaping, ecological enhancements and associated works.

The officer explained that as stated in the report the application was coming to the Committee in the interests of transparency of decision making as it was a Wiltshire Council application.

The application was to develop the existing school to provide a high-quality SEND permanent school campus for 350 students as described above. There had been concerns raised regarding the impact on ecology at the site, however the Wiltshire Council ecologist was happy with the proposed mitigation as there would be a net gain.

Members of the committee then had the opportunity to ask technical questions of the officer.

Details were sought on the lifts within the two-storey building and whether an impact assessment had been undertaken as required by the Equalities Act 2010. The officer stated that these were matters for buildings regulations rather than the planning application, it was also explained that the upstairs rooms would not be used as classrooms but as staff facilities. The officer confirmed that there was not an impact assessment with the planning application, but there was no requirement for one at this stage, it would come later under the building regulations, and the building had been designed with access in mind. The Chairman suggested that if the Committee were minded to approve the application, an informative could be added to ensure these points were considered. The officer confirmed that this would be possible.

In response to a question regarding how many EV charging points the site would have it was stated that there would be EV charging points, but exact numbers were not known. Details were sought on the sports facilities and it was explained that the site would have a kick about area and a full suite of sports facilities.

Members of the public then had the opportunity to present their views, as detailed above.

A debate followed where the Committee discussed at length the carbon footprint of the building, the aim for operational net zero carbon and the possibility of adding a condition requiring this if the Committee approved the application, possibly using a recognised assessment system such as the passive house standard or Breeam. The Committee sought the opinion of the officer who explained that the applicant stated that the new build would be a net zero carbon operation, and, in any event, this would be covered by Wiltshire Councils policies, so the condition was not required. It was also explained that to change to using an outside assessment system at this point would be difficult as the external assessors would have needed to be involved from the design phase and budgets were already set. However, reassurance was given that the project would be net carbon zero. Some Councillors suggested an informative rather than a condition, or that the condition just stipulate that the building be net zero carbon.

The Chairman proposed a motion to approve the application with conditions as per the officer's recommendation as detailed in the agenda and agenda supplement. With the addition of an informative to cover the lifts, accessibility and impact assessment and a condition that the building be net carbon zero. Final wording of the additional informative and condition would be delegated to the planning officer. This was seconded by Cllr Sarah Gibson. It was,

Resolved:

That subject to Natural England first agreeing the Appropriate Assessment required by the Habitat Regulations, that the application be approved, subject to 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. In respect of the new Main Block hereby approved no works of construction above ground floor slab level shall commence until details of the materials to be used for the external walls and roofs have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved materials.**

All other elements of the development hereby approved involving alterations or extensions to existing buildings shall use external materials which, as far as practicable, match the materials used in the existing buildings.

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

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

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

- 4. 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 tree protection measures are put in place in accordance with the details set out in the Arboricultural Impact Assessment report by Barton Hyett Associates dated May 2021, 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.

5. Notwithstanding the details set out in the application particulars, no development shall commence until a scheme to ensure safe entry and exit for all construction traffic has been submitted to and approved in writing by the local planning authority. Thereafter, and at all times, construction traffic shall be managed strictly in accordance with the approved scheme for the duration of the construction works.

REASON:
In the interests of highway safety.

6. The new school buildings hereby permitted shall not be brought into use until a School Travel Plan based on the submitted Draft Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The School 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 these results.

REASON:
In the interests of road safety and reducing private car movements to and from the school.

7. Prior to the school buildings hereby permitted being first brought into use, the vehicle parking and turning areas shall have been provided with the individual parking spaces being demarcated, and the areas shall thereafter be maintained and kept available for the parking and turning of vehicles.

REASON:
In the interests of safe and convenient use of the development.

8. Prior to the school buildings hereby permitted being first brought into use, the cycle parking spaces shall have been provided, and shall thereafter be maintained and kept available for the parking of cycles.

REASON:

In the interests of safe and convenient use of the development.

9. Prior to the school buildings hereby permitted being first brought into use, the access drive shall have been widened and altered as detailed on plan number NWS-AHR-V4-ZZ-DR-L-100011-CO1-A3

REASON:

In the interests of safe and convenient access to the school.

10. Prior to the school buildings hereby permitted being first brought into use small areas of hardstanding, high bus access kerbs, flag signs and bus shelters shall have been provided to either side of the A342 near to the school access, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON:

In the interests of providing safe and convenient access to public transport for users of the development.

11. Following completion of the development at no time shall the northern entrance to the site be used for access or egress by general traffic accessing or egressing the school other than those movements associated with the use of the 'Headteachers Cottage'. Use of the northern entrance shall be by owners/occupiers and visitors to 'Rowdeford Lodge' and owners/occupiers and visitors to the 'Headteachers Cottage', and agricultural and grounds maintenance vehicles only.

REASON:

In the interests of ensuring appropriate access to and from the school development.

12. Prior to the school buildings hereby permitted being first brought into use the carriageway and footway improvements outlined on PFA plan number W595/03 (Transport Assessment Appendix H) shall have been constructed in accordance with full details to be first submitted to and approved by the Local Planning Authority.

REASON:

In the interests of safe and convenient access to and from the proposed development.

13. No external lighting shall be installed and/or operated on-site other than in accordance with the External Lighting Statement for Planning (RevC01) by Method Consulting and related drawings (External Lighting Levels - Typical (NWS-MET-ZZ-ZZ-DR-E-630115 A3-C01); External Lighting Levels - All New Fittings, including Escape Only (NWS-MET-ZZ-ZZ-DR-E-630114 A3-C01)). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 14.**The development shall be carried out in accordance with the 'Mitigation Requirements' set out in the Flood Risk Assessment and Hydraulic Modelling Report by Hydrock dated 30 March 2021.

REASON: To accord with the terms of the application and to safeguard the development from any possible flood risk.

- 15.**The development hereby approved shall be carried out and latterly operated strictly in accordance with the 'Embedded Mitigation Measures' set out in the Ecological Impact Assessment (J00405 Version 1.0) by Johns Associated dated May 2021, including the 'Integrated & Embedded Ecological Mitigation and Enhancement Masterplan' (J00405-019 dated 21/05/2021). Where additional surveys are required these shall be carried out in accordance with the 'Additional Surveys, Mitigation and Compensation Requirements' section of the Ecological Impact Assessment.

REASON: To ensure the ecology interests of the site are suitably protected and enhanced.

- 16.**No development shall commence on site (including any works of demolition), until a Construction Environmental Management Plan, 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; and
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries;
- j) procedures for maintaining good public relations including complaint management, public consultation and liaison;

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.

17. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The CEMP will update the draft version submitted with the planning application.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

18. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the

development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

19. Prior to the commencement of the works for the widening of the existing driveway from the south entrance, details of proposed materials for the final surfacing shall be submitted to and approved in writing by the LPA, including details of any proposed kerbs. The final surfacing shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory appearance is achieved for the driveway to protect the setting of the Listed buildings and the associated parkland.

20. The new car parks approved as part of the development hereby approved shall not be first used for the parking of vehicles until electric vehicle charging points have been installed in accordance with the details set out in the Transport Assessment by PFA Consulting dated May 2021. In addition, and also prior to first use of the new car parks, provision shall be made for all required ducting and electrical infrastructure necessary to allow for further EV charging points (for a minimum of 1 in 10 spaces) should demand increase.

REASON: To comply with the terms of the planning application and to future proof the development, in accordance with the climate change adaptation expectations of Core Policy 41 of the Wiltshire Core Strategy.

21. The new 'main block' element of the development hereby approved shall be constructed in accordance with the 'Part L & Overheating Report' prepared by Wilmott Dixon, dated January 2021.

REASON: To ensure the building achieves 'net zero carbon' in operation and to comply with the climate change adaptation expectations of Core Policy 41 of the Wiltshire Core Strategy.

22. The development hereby permitted shall be carried out in accordance with the plans listed in the attached schedule of approved plans.

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

23. INFORMATIVE:

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- 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.

24. INFORMATIVE:

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

25. INFORMATIVE

The applicant is requested to ensure that, as necessary, the project accords with the Public Sector Equality Duty.

34 PL/2021/07229: Melksham House, 27 Market Place, Melksham

Public Participation

No members of the public spoke to the application.

Andrew Guest, Major Projects and Performance Manager, presented a report which recommended that planning permission be granted with conditions for the renovation of Grade II Listed Melksham House, with demolition of modern single storey extensions to rear and construction of a new roof extension to provide internal lift access.

The officer explained that as stated in the report the application was coming to the Committee in the interests of transparency of decision making as it was a Wiltshire Council application.

Key considerations were stated to include the following the principle, the heritage impacts, highway safety and residential amenity.

Members of the committee then had the opportunity to ask technical questions of the officer. In response the officer stated that there were 47 parking spaces and 4 of these would have an EV charging point and at present there was no planning policy regarding provision of EV charging points. It was explained however that the infrastructure (cabling and trunking) for up to 10 EV points would be installed so there was the possibility that more could be added. In

response to further questions the officer stated that there were no highways objection to the application and that conditions regarding demolition would form part of the listed building consent.

The unitary division member, Cllr Jon Hubbard, spoke in support of the application. He spoke first in representation of Malmesbury Town Council who were in favour of the application. There were questions raised regarding whether the EV points would be phase 3 electrics, which were super-fast. This was something the Town Council would like to see. Speaking next in his role as unitary division member, Cllr Hubbard stated that he supported the application and wanted the building brought back in to use, in a viable and sustainable way.

In response to statements the officer stated that an informative could be added encouraging the use of phase 3 super-fast EV charging points. There was currently no policy covering this so a condition could not be added.

The Chairman proposed a motion to approve the application, with the conditions at pages 161-164 of the agenda, as per the officer recommendation, with the addition of an informative regarding super-fast EV charging points, the final wording of which would be delegated to the officer. This was seconded by Cllr Pip Ridout.

At the conclusion of the debate, it was,

Resolved:

That planning permission be granted with 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:**

**10106L(9)001 - Location Plan
10106L(9)002G - Proposed Site Plan
10106L(9)003 - Proposed Site Plan Demolition
10106L(0)010A - Proposed Ground Floor Demolition Plan
10106L(0)011A - Proposed First Floor Demolition Plan
10106L(0)012A - Proposed Second Floor Demolition Plan
10106L(0)001C - Proposed Ground Floor
10106L(0)002 - Proposed First Floor
10106L(0)003 - Proposed Second Floor
10106L(0)007 - Proposed Roof Plan
10106L(0)020A - Proposed Elevations**

10106L(0)021A - Proposed Elevations
10106L(0)022A - Proposed Elevations
10106A(3)001A - Detailed Sections New Glazed Doors
10106L(0)006 - Proposed Sections

18665-HYD-00-XX-SK-C-7720 P02 - Swept Path Analysis
18665-HYD-00-XX-SK-C-7721 P02 - Swept Path Analysis

Tree Protection Plan
External Services Strategy
Melksham House - Schedule of Repairs - Rev A
Design & Access Statement

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

3. 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 and/or construction phase of the development. It shall include details of the following:

- The movement of construction vehicles;
- The cutting or other processing of building materials on site;
- Wheel washing and vehicle wash down facilities;
- The transportation and storage of waste and building materials;
- The recycling of waste materials (if any)
- The loading and unloading of equipment and materials
- The location and use of generators and temporary site accommodation
- Hours of activity including delivery of materials to the site.

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

REASON: To safeguard amenity and highway safety.

4. 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 tree protection measures are put in place in accordance with the "BS5837:2012 Arboricultural Report and Final Method Statement" by Alan Engley dated 25 June 2021 and the related Tree Protection Plan dated June 2021 which forms part of the planning application, and;

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.

5. The development hereby approved shall not be first used 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;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure (including for the ASHP enclosure and any bin store(s));
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting, CCTV etc);
- retained historic landscape features and proposed restoration, where relevant.

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

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

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

7. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

8. The development shall be carried out strictly in accordance with the mitigation and enhancement measures specified in the Ecological Assessment by Ethos Environmental Planning dated June 2021.

REASON: To safeguard wildlife.

9. No works will commence on the drainage scheme until a detailed proposal has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure satisfactory drainage of the site in the interests of amenity and safety.

- 10.** Installation of the air source heat pump units shall not commence until a Microgeneration Certification Scheme (MCS) accredited installer has demonstrated the Air Source Heat Pump (ASHP) external units will meet the requirements of the MCS Planning Standard; and the ASHP will produce a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge window when operating; through source noise level data, distance attenuation and screening calculations etc. MCS compliance certification must be submitted to the LPA within 3 months of installation.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 11.** No ground works shall commence on site until an archaeology watching brief has been arranged to be maintained during the course of such works. The watching brief shall be carried out in accordance with a written specification which shall have been first agreed in writing by the Local Planning Authority, by a professional archaeologist or an organisation with acknowledged experience in the recording of archaeology which is acceptable to the Local Planning Authority.

In the event that excavations deeper than 0.4m below existing ground level are required for the photovoltaic panels in the new community garden, then a Written Scheme of Investigation (WSI) shall be prepared for this area, and submitted to the local planning authority for approval in writing. Thereafter development in this area shall be carried out in accordance with the approved WSI.

REASON: The application contains insufficient information to enable this matter to be considered prior to granting of 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 safeguard the identification and recording of features of archaeological interest.

- 12.** No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 13. INFORMATIVE:**

For the electric vehicle charging points, the applicant is encouraged to install 'super-fast' charging facilities, this to meet the likely requirements of the future users of Melksham House.

35 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.10 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718504, e-mail tara.shannon@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

1. Purpose of Report

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

2. Report Summary

Key issues include:-

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

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

3. Site Description

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

Site Context -

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

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

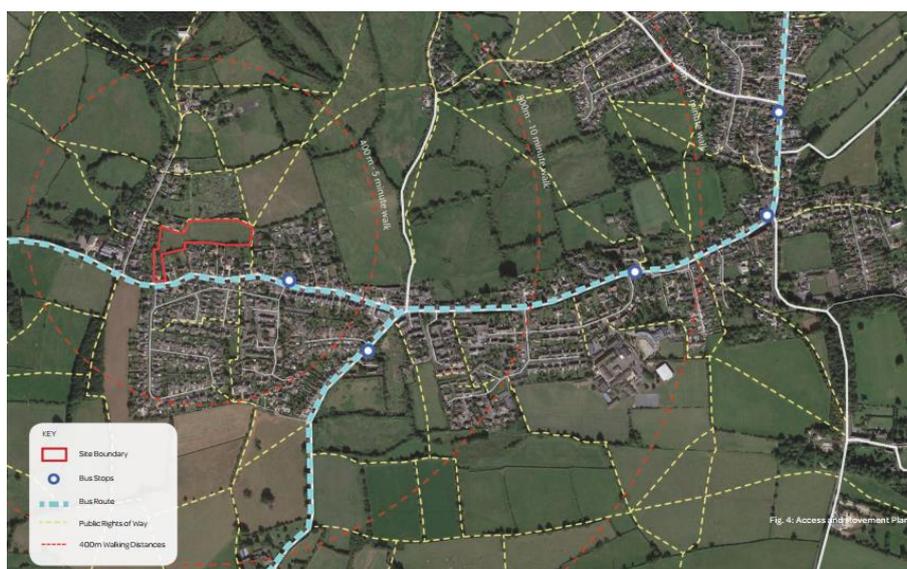
Access is gained to Swindon, which lies approximately 6km to the south east, along Church Street or Restrop Road, via Lydiard Millicent. Easy access can be gained from the site to the M4, via Royal Wootton Bassett, with junction 16 being approximately 8km south east of the site. This provides a link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

Land Use Context –

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

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

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



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

44. Planning History

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

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

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

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

5. The Proposal

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

The proposals include:

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

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

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



Site Layout Plan

6. Planning Policy

Wiltshire Core Strategy –

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

North Wiltshire Local Plan 2011(saved policies) -

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

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

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

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

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

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

Supplementary Planning Guidance –

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

Wiltshire Local Plan 2016-36 –

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

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

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

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

7. Consultations

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

Purton Parish Council – Objection

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

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

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

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

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

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

Additional objections –

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

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

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

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

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

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

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

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

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

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

Wiltshire Council Highways – No objections subject to conditions.

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

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

Wiltshire Council Landscape – No objections raised

Wiltshire Council Trees Officer – Support subject to condition

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

Wiltshire Council Archaeology – No objections

Wiltshire Council Ecology – No objections raised

Wiltshire Council Public Protection – No Objections subject to conditions.

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

Wiltshire Council Public Open Spaces Team – No objections raised.

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

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

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

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

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

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

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

Thames Water No objection

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

8. Publicity

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

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

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

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

9. Planning Considerations

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

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

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

Principle of Development

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLTP) 2011 (adopted June 2006), The Wiltshire Housing Sites Allocation Plan and the Purton Neighbourhood Plan (Made November 2018)

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

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

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

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

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

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

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

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

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

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

Housing Supply

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

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

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

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

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

Tilted balance

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

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

Highways & Parking

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

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

The Inspector previously concluded on these matters as follows:-

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

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

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

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

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

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

Residential Amenity

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

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

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

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

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

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

Character, appearance & Visual Amenity of the Locality

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

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

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

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

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

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

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

Drainage

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

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

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

Design

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

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

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

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

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

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

Ecology

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

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

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

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

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

1.4.6 No evidence of badgers was found on survey.

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

1.5 Conclusions -

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

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

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

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

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

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

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

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

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

1.6 Recommendations -

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

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

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

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

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

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

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

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

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

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

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

Other Matters -

S106/Planning Obligations

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

Triggers – all prior to the commencement of development.

All agreed by the applicant team.

Air Quality

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

10. Conclusion

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

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

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

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

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

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

Conditions

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

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

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

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

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

3854/SK/210 (Received 29.04.2021)
2763 150 REV G (Received 14.07.2021)
2763 320 REV E (Received 14.07.2021)
2763_301_Rev D, 2763_302_Rev F, and 2763_303_Rev E (Received 14.07.2021)
3854/SK/207 REV H (Received 23.06.2021)
2763_520_Rev D (Received 14.07.2021)
2763_510 (Received 16.06.21)

2763_100
2763_101
2763_102

2763_250

2763_251

Houestypes 200 – 206 & 210 – 215 & 220 Garages

All Received 14/01/2021

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of residential amenity and privacy.

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

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

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

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

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

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

REASON: In the interests of Residential Amenity

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

REASON: In the interest of Residential Amenity and Highways accessibility

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

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

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

REASON: In the interests of highway safety

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

REASON: In the interests of highway safety

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

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

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

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

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

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

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

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

INFORMATIVES TO APPLICANT:

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

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

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

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

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

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

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

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

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

Background Documents Used in the Preparation of this Report:

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

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	3 November 2021
Application Number	20/09701/FUL
Site Address	Land at Elizabeth Way, Hilperon, Trowbridge
Proposal	Construction of up to 187 dwellings, means of access, landscaping, drainage, public open space and all other associated infrastructure.
Applicant	Barratt Homes
Town/Parish Council	HILPERTON
Electoral Division	HILPERTON – Cllr Clark
Grid Ref	386180 159631
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is called to Committee at the request of Councillor Clark.

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 approved.

2. Report Summary

The main issues to be considered are:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)?

- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

3. Site Description

The site of approximately 6.4ha in area is located within Hilperton Parish, with its south western edge adjoining the boundary of Trowbridge Parish. It forms part of a larger land parcel that has been allocated for housing within the Wiltshire Housing Sites Allocation Plan (WHSAP) under the reference H2.3 (totalling 21.24ha to the south west of Elizabeth Way on what is known locally as The Hilperton Gap).

Running across the middle of the site in a north-south orientation is HILP4, a public right of way (PRoW). Running along the north western edge of the site is HILP5 and the south eastern edge, HILP33 which are also PRoWs.

The Hilperton Brook (an ordinary water course) traverses the site. A narrow strip of land following the path of the brook is classified as Flood Risk Zone 2 and 3.

There are a number of grade II Listed buildings on Victoria Road whose back gardens adjoin the site.

In terms of Agricultural Land Classification, the site is a mixture of grades.

The site lies within the 'Yellow Zone' (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy.

4. Planning History

There is no relevant planning history pertaining to the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal).

However, the site is allocated in the Wiltshire Housing Sites Allocation Plan (Feb 2020) as part of the wider H2.3 allocation. A site specific policy is attached to the allocation with criteria that are expected to be met during the submission of the individual applications across the whole parcel of land. This is, of course, relevant to the site. The wording of this policy is as follows:

Land to the South West of Elizabeth Way, as identified on the Policies Map, is allocated for development comprising the following elements:

- *approximately 355 dwellings;*
- *vehicular access points from Elizabeth Way;*
- *and improvements to cycling and walking routes through the site to link into the existing network.*

Development will be subject to the following requirements:

- *core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and Trowbridge Bat Mitigation Strategy (TBMS);*
- *appropriate mitigation to protect bats, including financial contributions towards management, monitoring and any off-site measures as necessary, as informed by the TBMS;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings are not subject to unacceptable harm. This shall be informed by appropriate heritage and archaeological assessments;*
- *retention and reinforcement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements, incorporating noise attenuation measures and open space provision; and*
- *a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Development will take place in accordance with a masterplan approved by the Council as part of the planning application process. The design and layout will take account of all policy requirements, including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site.

A masterplan for the site has been approved by the Council.

Separately an application by HTC Developments Ltd. on the parcel of land to the north of the application site (within the wider H2.3 allocation) has been granted outline planning permission for 165 dwellings. This decision was made on 2 December 2020 at the Strategic Planning Committee and the application was finally signed off with a completed s106 in May 2021.

There is also a live application by Persimmon Homes on the parcel of land to the south of this site (within the wider H2.3 allocation) for 71 dwellings (20/07751/FUL). This is a full application.

5. The Proposal

This is a full planning application for a development of 187 dwellings.

The proposal has means of access on to Elizabeth Way, landscaping, drainage, public open space and all other associated infrastructure.

Appendix 1 shows the location plan, indicative layouts and photographs of the site.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 – Infrastructure Requirements

CP41 – Sustainable Construction and Low Carbon Energy

CP43 - Providing Affordable Homes

CP45 – Meeting Wiltshire’s Housing Needs

CP48 – Supporting Rural Life
CP50 – Biodiversity and Geodiversity
CP51 - Landscape
CP52 – Green Infrastructure
CP55 – Air Quality
CP56 – Land Contamination
CP57 – Ensuring High Quality Design and Place Shaping
CP58 – Ensuring the Conservation of the Historic Environment
CP60 – Sustainable Transport
CP61 – Transport and New Development
CP62 – Development Impacts on the Transport Network
CP64 – Demand Management
CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal
U2 Surface Water Disposal
U4 Ground Source Protection Areas

Hilperton Neighbourhood Plan (2020)

National Planning Policy Framework 2019

7. Consultation responses (both original and revised comments where applicable)

Hilperton Parish Council: Objection

Hilperton Parish Council has considered this application and wishes to object on the following grounds:-

- (a) The proposed play area will be situated near a busy road and should therefore be moved away from any traffic.*
- (b) There should be a 40mph speed limit imposed along the road.*
- (c) Bearing in mind the increase in the number of houses intended for the whole of the west of Elizabeth Way, formal pedestrian crossing facilities should be provided.*

The Parish Council would also like the developers to provide swift boxes and hedgehog highways in what has always, primarily, been a green area.

Trowbridge Town Council (adjoining): Objection

Initial response -

The Masterplan drawings lack sufficient detail to fully understand the proposals for the whole of allocation H2.3. The Urban Design Officer has raised concerns about WHSAP sites seeking to accommodate significantly more houses than allocated in the WHSAP. The proposal is significant overdevelopment of the site compared to the density for H2.3 as a whole and in comparison to the applications for the other two parts of the site and in

comparison to the neighbouring areas on Osborne Road and Albert Road and will therefore be out of character with the local area.

If Wiltshire Council were, as required by the WHSAP Inspector, to work with the applicants to provide clear guidance for a Masterplan for the whole of WHSAP site 2.3, including the land owned by Wiltshire Council it may be possible to find a solution for this site which would garner approval.

The following matters also need to be resolved and clarified prior to permission being granted:

- The developer should provide the footway/cycle way links to the other parts of the site (indicated by yellow blobs on the masterplan) through construction right up to the actual boundary (not the outer edge of the hedgerow) and funding to allow completion when the other parts of the site are built.
- Wiltshire Council as landowner should confirm whether it intends that its own parcel of land is to be retained as open space or developed at a later date and if any development is intended the masterplan should indicate this.
- Construction and demolition should be limited to the hours 07:30– 18:00 Monday to Friday and 08:00-13:00 Saturday, with no construction or demolition on Sundays and Bank Holidays. (In accordance with the conditions imposed on the neighbouring site by the Strategic Planning Committee.)

Follow-on response –

Objection: Contrary to the requirements of the Inspector and the WHSAP; the current proposal fails to include a Masterplan for the whole of the H2.3 site. The Equipped Play Area is in a completely unsuitable location close to the busy Elizabeth Way and should be located close to the existing development so that it serves the whole community.

Wiltshire Council Highways: no objection, subject to S106 and conditions

Despite initially objecting to the scheme, WC Highways now no longer have any concerns that would justify refusing the application. They have offered to advance no objections provided a series of conditions and s106 contributions are imposed/obtained. These are set out in the report and can be seen in the full Highways response online and below –

The Highway comments are predicated on the fact that the site and adjacent plots to the South Western side of Elizabeth Way in Trowbridge are subject to the allocation for the delivery of housing in Wiltshire Housing Site Allocations Plan, adopted in February 2020. Whilst the allocation sets out an approximate number of dwellings of 355 and that the site with adjacent dwellings will deliver more than this number, it is assumed that unless other departments raise objections on lack of capacity in supporting facilities, as a result of the dwelling increase, then the highway authority are simply required to assess the transport accessibility of the site by all modes and to confirm highway capacity of the various networks. Notwithstanding this, it is acknowledged that the density of the development is considered high and this has resulted in a number of design reconsiderations, particularly around parking; this is considered further below.

Having reviewed the Transport Assessment for the scheme, it is clear that the site is beyond the typical target walking distances to bus stops, the town centre and shopping facilities. However, the principle of the site allocation for housing has been made and this is no longer under consideration. It is however the Highway Authorities responsibility to assess the means by which these facilities are accessed and the quality of the route.

It is recognised that Elizabeth Way accommodates a well used 3m shared use cycle path. The use of this path can however become overly utilised, with cycle use intimidating pedestrians through the speed of cycle journey. To address this, the site is providing a recreational walking route close to Elizabeth Way, but through landscaped Public Open Space, which will accommodate pedestrians and lessen the conflict along the Elizabeth Way cycle route. The site will also deliver 4m cycle route connectivity to the adjacent sites within the allocation, to ensure that the impact upon external infrastructure is reduced wherever possible and to also facilitate modal shift to cycling which brings many of the local facilities and the town centre to within a sustainably accessed distance. The site will also deliver a 4m wide cycle route connection to Osborne Road, to facilitate wider westbound connectivity through a network of quiet streets.

With regards to bus accessibility, the site is served by hourly frequency services to Melksham, Chippenham, Devizes and Swindon. However it is recognised that some of the local bus stops require infrastructure upgrades, not only to facilitate the site, but also to engender modal shift in existing communities to offset the traffic generation of the site.

With regards to on-site parking, this has been the subject of much discussion. In order to deliver a more aesthetically pleasing site, the Highway Authority has sought to reduce the extent of 'banks' of visitor parking within the site. Whilst unsightly, large banks of visitor parking inhibit modal shift to more sustainable modes of transport and also present conflict of additional vehicle movements in areas that should be enjoyed by local residents and also provide opportunities to access the wider network by walking and cycling. To address this, the Highway Authority provided a threshold of parking to be achieved, which reflected the minimum on plot and visitor parking numbers. Given an over-supply of on plot parking, the number of visitor bays reduced, but the overall number remains static.

Finally, upon typical vehicular capacity, the Transport Assessment has illustrated that the site access is sufficient to accommodate the needs of the site, with external junctions operating within capacity, except the signals at Staverton Bridge which currently operate over capacity; upgrades to the signals and junction arrangement at Staverton Bridge are considered within the transport strategy to deliver and serve the wider allocation.

The wider Transport Strategy - A transport strategy contribution for the whole allocation has been devised totalling £336,364. (This figure will require indexing to the approval date of 16/00672/OUT through which the strategy was devised). The strategy was designed to accommodate 355 dwellings within the allocation and hence additional mitigation measures will be required if additional housing is delivered. In this regard, the strategy contribution represents £947.50 per dwelling (Index Linked), with funds additional to the £336,364 allocation figure going towards additional measures that may otherwise not be necessary. The full strategy and additional infrastructure is listed below:

- 1. B3105/B3106 Staverton Bridge - £20k – As result of the MOVA works to signals at Staverton bridge, complimentary works to make Holt Road one way north bound except for buses and cyclists is to be researched and implemented where possible. Alternative financial support to a wider scheme to address Staverton bridge may also be sought.*
- 2. A361/B3105 Roundabout - £150k - Notional kerb line alterations, it is clear that the A361 arms of this junction are significantly affected in both peaks and capacity enhancements are necessary. Such works will cost in the region of £150k dependent upon buildability on a congested network. Please note that full junction analysis and modelling is outstanding and will inform this final outcome.*

3. *St. Thomas Road NMU Scheme - £60k- To serve the allocation, a smaller NMU focussed scheme will be required along St Thomas Road (PC11).*
4. *Wyke Road Public Transport improvements - £80k - A bus friendly traffic calming scheme. Additional bus stops, with Tin Church requiring a new shelter and the installation of Real Time Information; circa £30k. To access Tin Church, we may also require a new Toucan, at circa £120k. The other bus stops on A361 may also be upgraded to Real Time info at £20k each.*
5. *NMU Routes - £25k - Provision of local on-highway upgrades including signage, tactile paving at junctions, road markings and associated works.*
6. *Secure future access arrangements to land to the north of the site via an internal estate road, to be secured via S106. The masterplan should address this by extending the principle road to serve this plot. It is intended for the developer to deliver this link and offer for Highway Adoption, subject to any forthcoming information. The S106 will also include delivery and highway adoption of a road link to serve the parcel of land to the south west of the site. The delivery of this link shall be the subject of a phasing plan but should be delivered no later than the 150th occupation or within 5 years of the 100th occupation whichever is the earliest. The link will be the subject of a S38 highway dedication agreement, which shall be entered into prior to commencement of the link.*
7. *Hilperton Road Zebra - £TBC - Upgrade of Zebra Crossing to formal crossing (toucan) allowing cyclists to access without dismounting and into the Paxcroft Mead development.*
8. *Public Rights of Way:*
 - A.) *Bridleway HILP 33 – The bridleway surface from the B3105 to the Knap. This surface should be upgraded from the gravel surface to an asphalt consolidated surface.*
 - B.) *Bridleway HILP 33 - A scheme of lighting is required along the section from Albert Road to the Knap. Design considerations of the Bats.*
9. *Elizabeth Way Crossing – £120k - Toucan crossing facility across Elizabeth Way (In vicinity of Middle Lane).*

The proposed 187 dwellings will be required to contribute £177,182.50 towards the strategy, however should the developer seek to implement any of the listed schemes of work, then these would be considered to offset the contribution requirement.

In addition to the strategy contribution, the following site specific measures are required:

- *£46,750 retained for green travel vouchers; unspent monies to be deposited with Wiltshire after 5 years. Vouchers shall be offered to each on site dwelling household to the value of £250, or £150 for those dwellings where the majority of occupants are entitled to concessionary travel.*
- *£1,500 per annum for 5 years (Total £7,500) towards Wiltshire Council Travel Plan Monitoring. The first Monitoring fee payment to be made on first Occupation, with subsequent payments made on each annual anniversary thereafter.*
- *The entering into of a Section 38/278 highway dedication/works agreement to secure the cycle connectivity through the site and to connect to Osborne Road by peds and cyclists only. The access works will also further require S278 consideration.*

Wiltshire Council - Lead Local Flood Authority: no objection

In summary, the LLFA's initial comments were that they required further justification and proof of concept on the proposed discharge route and the proposed SuDS design provision. There was, however, no objection in principle.

The final comment received from the LLFA after several revisions to the plans and after further documentation has been submitted, is that it still has reservations about the current density of housing and overall layout of the scheme as it limits the delivery of a fully integrated SuDS scheme that realises the benefits across the whole community within which it sits. Particularly given the current drive for biodiversity net gain and climate change resilience. The LLFA considers that this may be a missed opportunity to deliver an exemplar site for drainage, sustainability and biodiversity.

However, the LLFA notes that if the LPA is minded to approve the application then they would recommend conditions to ensure that the surface water discharge route from the site is agreed and the design details of the SuDS features are in accordance with the minimum design requirements noted in their full response (which can be viewed online).

Wiltshire Council Affordable Housing: No objection, subject to S106

Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% would be required in this location. As the site is proposing 187 new homes, the on-site affordable housing requirement would be for 56 affordable homes. From this a tenure split of 60% affordable rented homes and 40% shared ownership homes would be required, equating to 34 homes for affordable rent and 22 homes as shared ownership dwellings.

Wiltshire Council Education: No objection, subject to S106

The Council's Education Team have no objections to the development subject to securing a s106 contribution towards the provision of early years, primary and secondary education. The contributions requested are set out in more detail within the report.

Wiltshire Council Conservation: No comments received

Wiltshire Council Archaeology: No objection

The site has been subjected to geophysical survey and field evaluation (trial trenching). The trial trenching revealed some modern disturbance and the remains of what appear to be post-medieval field boundaries, features that are considered of low to negligible importance.

Wiltshire Council Public Open Space: no objection, subject to S106

On site POS and off-site financial contributions towards the improvement or development of sports pitches or associated facilities that enable their use. The space requirements and contributions are set out in more detail within the report.

Wiltshire Council Public Art: no objection, subject to S106

A public arts contribution will be required for this development in line with local and national planning policy. The contribution requested is set out in more detail within the report.

Wiltshire Council Public Protection: no objection, subject to S106

Financial contribution for air quality monitoring as part of the Council's requirements to reduce emissions, and conditions to deal with construction management, hours of construction, lighting and waste and noise to respect the amenity of the local area.

Wiltshire Council Ecology: no objection, subject to S106 and conditions

A positive conclusion has been reached on the Appropriate Assessment (AA) (required to be carried out for this development under the Habitats Regulations), agreed with Natural England. Conditions and informatives, and S106 contribution, are required.s per dwelling.

Natural England: No objection

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

Wiltshire Council Urban Design: no objection

Initial holding objection until a number of design issues addressed. There have been 3 detailed responses from the Urban Design Officer which can all be viewed on the online public folder and all naturally related to matters of good design with regards to local and national policy as well as design guidance documents. Through subsequent meetings and revised information, the Urban design Officer has removed the holding objection – final comment as follows:

.... do not unreservedly support this scheme because there are missed, easy opportunities for better design, and the applicant has not been flexible in reconsidering the amount of housing, despite the fact that the site was not allocated for this amount of development. However, notwithstanding these final comments, no objection subject to a number of conditions to cover materials, street tree design, parking court design and Suds design.

Wessex Water: no objection

WW have not objected to the development. WW has provided standard advice and guidance in respect of new foul and water supply connections.

Wiltshire Council Arboricultural Officer: no objections

There are no objections to this application in principle however, the retained hedgerows are of key wildlife importance as well as screening and should be maintained as such. Any hedgerows identified as poor quality or species poor should be thickened-up with native species.

*I did note on the soft landscape plan that there is the intention to plant Blackthorn (*Prunus spinosa*) within the various hedges. As this can be an invasive species with extensive adventitious root suckering growth, it may be prudent to remove this species from the planting schedule and replace with Spindle (*Euonymus*), as if the blackthorn is left unmaintained in any open spaces, could lead to domination of other nearby species.*

Wiltshire Council Waste and Recycling: no objection, subject to S106

No objections subject to the provision of s106 money to provide waste and recycling containers for each dwelling. The money requested is set out in more detail within the report.

Wiltshire Council Rights of Way: Comments

Initial response –

Footpath HILP5 runs along the north of the site, footpath HILP54 runs through the middle and bridleway HILP33 runs immediately to the south.

The route for HILP5 within the site should be 2m wide, surfaced to adoptable standard and adopted through the S38 process. A gap of 3m should be left from the edge of the path to the centre of the hedge line to avoid overgrowth causing an obstruction.

A pedestrian and cycle link should also be provided from the end of the road within the development to Osborne Road.

Other comments (verbatim) -

The design and access statement says the developer is going to apply to divert HILP54 around the housing. They need to apply early to do this (see attached information on applying for diversions) as it can take a considerable time if objections are received. It must also be noted that a successful outcome cannot be guaranteed. The diverted route should be 2m wide, surfaced to adoptable standard and adopted through the S38 process.

HILP33 will be the key link from the site for walkers and cyclists to both Trowbridge and Hilperton. A contribution of £80,000 will be required to improve the surfacing of the stretch from Elizabeth Way to Hilperton. This would provide a hard-surfaced route which could then be adopted. We would also install conduits for possible lighting in the future. We would not seek this currently because colleagues in ecology say it is a key bat route at this time.

The link from HILP33 to the road within the site should be a segregated pedestrian and cycle link to the spec required by highways development control. There should also be another link of the same spec at the very SW of the site to provide a convenient link for those walking to the SW.

Final response –

The revised Site Layout plan (22/06/21) reflects some of the changes I requested in my previous comments (25 November 2020) but not all. The addition of the link to Osborne Road is good to see, it should be for both walkers and cyclists, built to an adoptable standard and adopted.

There is currently one access from the development to bridleway HILP33. If a person lives in the SW of the development and wants to head in the Trowbridge direction along HILP33 (west), they would not want to have to head east, through the hedge, then west along HILP33. It's probable that they'd just try to create a route through the hedge on their desire line. There must be ped/cycle links at the SW of the site and the SE of the site onto HILP33 to cater for the direct desire lines from all locations on the site.

Trowbridge Civic Society: Objection

On behalf of Trowbridge Civic Society, I object to this application on the following grounds:

- The design of the buildings is dull. We recommend that the designers revisit the National Design Guide to be reminded of the possibilities that are open to them.
- We were unable to find references to electrical charging points for vehicles.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been consulted upon. A very large number of objections to the development were received. The material planning considerations are summarised below.

Need/Location

- There are plenty of brown field sites in this area which the developers could choose instead. The old Bowyers site, for example, which would inject new life into that part of town and rejuvenate the area.
- The additional Housing is not needed at this time and – if the Wiltshire Council is to honour its own Core Policies - this Application should be deferred for consideration to a future time, after 2026?
- With the present Covid-19 pandemic which is decimating old folk the Government has already recognised that the future will be so much different and that, perhaps, past estimates of Housing Needs will need to be re-addressed.
- Other locations to the East of Trowbridge (i.e Leap Gate/West Ashton) are better suited for provision of the additional housing.
- The Western side of Trowbridge is not well served with schools, medical facilities, employment or recreational opportunities.

Drainage / Flooding

- The proposal is also on land which is a natural flood plain and could affect water levels and with climate change a fact of life, remove vital drainage land needed in times of increased and sudden rainfall.
- The Environment Agency commented that any proposed development would not increase the flood risk. Their analysis has failed to consider that the new Elizabeth Way Road had covered a substantial area with non-absorbent material, restricting the land's ability to drain off, and the additional Study, just offered, does not record that some 60% of the site will be 'sealed' with buildings, roads, drives etc.
- Contrary to Core Policy 67 of the WCS.

Ecology / Environment

- The proposal also threatens our local wildlife populations particularly the bats which are rare and unique in this area and require extensive flight paths in their habitat. It is also home to wildlife such as muntjac deer, badgers, birds and foxes and its unspoiled character is crucial for bees and insects. They are already under threat with their numbers declining and need these wild spaces to survive.
- All three existing Applications have not properly addressed the Bats and other wildlife concerns.
- The Bio-diversity report states that all the proposed habitat/foilage improvements will realise an 10.06% gain. But that will only be reached when all the plantings are mature – possibly in 30 years' time? Meanwhile the impermeable footings/roads/dwellings etc. will have an immediate impact- from the very beginning - as existing hedgerows and fields are torn up. Not in line with the Government's "Carbon-Neutral" programme.
- Contrary to Core Policy 50 of the WCS.

Loss of Green Space / Conglomeration

- The loss of a valuable and well used area of open space on the Eastern side of Trowbridge, will have a devastating effect on the local residents.
- The proposed building of the estate will destroy a pleasant area and countryside environment currently used for exercise, dog walking, etc.
- Why do you feel the need to take away the recreational needs of all who live in the Victoria Road, Albert Road areas, these have been used and enjoyed for many years for walkers, dog owners and families alike and is somewhere they can meet up and walk together and also make new friends.
- The Trowbridge Town Council studied this 'demand' and determined that there are sufficient sites to accommodate 6810 dwellings within the Town's boundaries and Ashton Park. It should be an obligation/mandatory that Developers complete their schemes as per the Town Council's proposals and that loss of agricultural land, and loss of carbon-capturing green growth, be delayed as long as possible.
- Has the recent pandemic taught us the value of green spaces.
- Does not maintain green infrastructure as per Core Policy 53.

Design / Character of the Area

- This February 2020 the Wiltshire Council accepted the Government's Independent Planning Officer's (Mr Steven Lee) approval of the Council's proposal to build on all the land to the South of Elizabeth Way. A total of 355 dwellings were to be constructed – on all 3 Plots and this particular Plot was allocated 105 dwellings. We note that this Application has been increased to 187 dwellings – an increase of 178%. As this "over-crowding" cannot be acceptable to the Government's Planning Inspector, this Application should have been rejected by the Wiltshire Council's Planning Department and the Applicant told to revise dwelling numbers down.
- Should reflect some sympathy with all existing dwellings.
- A block of terraced houses – with high roof lines – are quite incongruous against a "low" bungalow.
- Lack of decent buffer zone between the proposed housing and the existing
- The proposed Housing is all 2-storey dwellings – not in keeping with the facing Albert Road dwellings which all have lower roof lines being Bungalows or Chalet-Bungalows.
- Does not comply with Core Policy 57 of the WCS.
- The proposed density and type of housing is not in keeping with the existing housing which is predominately detached bungalows. At the lower end of Albert Road, the proposal is to build 5 homes in the same width of plot in Albert Road that only has 2 bungalows – higher than both the Persimmon and HGT developments.

Infrastructure

- The Western side of Trowbridge is not well served with schools, medical facilities, employment or recreational opportunities. The addition of the proposed housing will add strain on the existing provision.

Pollution/Environment

- Pollution is already high in the area particularly on days when there is no wind.
- Air pollution from extra vehicles
- Some 65% of this site is to be blanketed with roads, dwellings, garages etc which affects water drainage, but removes carbon-capturing greenery.
- Contrary to Core Policy 55 of the WCS.

Landscape and Visual Impact

- It is hoped that consideration is being given to the aspect that residents of Wyke road currently have looking across to Hilperton church. The sun rises behind this church and on setting the spire is the last thing it touches. We were assured that any view would not be interrupted
- The application would also mark and ruin, irretrievably, the visual amenity which the Hilperton Gap affords to all and deprive local people of the green fields which many walk in.
- This proposal impacts – very much so – on the open countryside.
- This proposal does not protect, conserve or enhance Wiltshire’s distinctive landscape character.
- Very much contrary to the tranquillity and very much an intrusion from light pollution, noise and motion.

Contrary to Development Plan

- The Core Strategy was approved only 5 years ago. In all three of the Planning Applications, each Proposal contravened, at least, 15 of Wiltshire Council’s OWN Core Policies. Did the Planning Officers comment?

Contrary to Hilperton Neighbourhood Plan

- Contrary to Hilperton NP
- The requirements of the Hilperton Neighbourhood Plan do not appear to have been considered.

Contrary to government guidance / Policy

- This would not reduce the need to commute which the government are seeking to promote
- Conflicts with policies contained in the NPPF

Highways / Parking

- Concerns about an increase in traffic on the bypass and traffic using these houses
- You have detailed a potential cycle route at the rear access of Wyke Road residences. This is an access road only for the benefit of Wyke Road residents? There is no room for cars to pass each other, there is hardly enough room for delivery vehicles down this lane. You propose to use this as a route for cycles (and undoubtedly pedestrians) to get to proposed dwellings, this will be used most definitely as a short cut from town etc. Risk of severe accident, especially if children use this route.
- The vehicular entrance and exits to the development will cause great disruption to the current traffic flow on Elizabeth way.
- Elizabeth Way should be 30mph road.
- There are very few instances in the UK of four separate exits onto a 50mph road – with an estimated 2975 vehicle activities daily.
- Whilst an added junction lane might be added to the existing roundabout at Devizes Road/Elizabeth Way, this would require Pedestrian Crossings – across 4 lanes of road.
- We suggest a new roundabout at the Middle Lane Crossing (with an improved pedestrian crossing) and an additional roundabout out of the “South Plot”.
- Electrical charging facilities should be required on all the new plots
- The location does not encourage commuters to readily use public transport, or if they do consider it, they will likely drive to the main-line station in Trowbridge. The brownfield sites within town are all within reasonable walking distance of the train and bus stations, thus a greater likelihood to encourage people to utilise public transport and reduce the impact of more vehicles on the road and the carbon output.

- The site - in relation to schools and health services - are all a car drive away, and the recently revised Planning Regulations stipulate that these should be within a sustainable distance of any new homes.
- Contrary to Core Policies 61 and 62 of the WCS.
- Congestion will increase on New Terrace, and Devizes Road.
- Traffic Management will be essential to reduce congestion, which is already challenging. However the only potential solution will be to restrict 'right turn' which will increase pollution by causing additional milage. No account has therefore been taken in respect of the potential for an increase of 1000 vehicle movement.

Neighbour Amenity

- Little or no consideration has been given to the residents of Osborne and Albert road. Houses will overlook bungalows (No. 4 Osborne Rd specifically noted this) and affect their privacy as well as cause noise and light pollution.
- Residents in Albert Road are elderly who either have been there for many many years or have moved to this road for their quiet peaceful retirement, building houses on this site would have a detrimental effect to their health and well being.
- The land to be built on is not level as the counters on the developers map confirms. Approximately the ground level drops about 1 meter in every 10 meters: Assuming the new properties are some 20 meters behind our boundaries as advised at the consultation the first row of houses will tower over our patio (17 Albert Road) between 10 to 13 meters.
- The development will have an overbearing impact on the residents of Albert Road.
- On looking at the proposals submitted by both HGT Developments LLP and Persimmon, a wide buffer zone has been incorporated around the peripheries of both of these sites. It is very noticeable however that in their proposal Barratt's have not incorporated a wide buffer zone between the new homes and the properties in Albert Road, but have instead positioned them in very close proximity!
- 4. The Planning Assessment also refers to consideration having been given to existing neighbours and measures have included closer dialogue with Albert Road residents and community representatives – not really true.

Democracy / Local Opinion

- We are amazed and devastated that after PR, Barratts presentation in the Hilperton Village Hall in March this year, the number of dwellings has been increased by 82. Is this increase driven by Barratts desire for profit or the Wiltshire Councils desire for income from Council Tax?

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance.

Turning therefore to the development plan (the WCS), the site lies outside the Limits of Development of both Trowbridge and Hilperton where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

- the site is to be considered under one of the council's expectations policies listed at paragraph 4.25 of the WCS;
- the site is being brought forward through a neighbourhood plan; or,
- the site is being brought forward through a site allocation development plan document.

In this case, the site forms part of the wider H2.3 allocation contained within the adopted WHSAP and is thus a site intended to be brought forward via the site allocation process. Therefore, the development complies with the requirements of Core Policies 1 and 2 of the WCS as the site is advanced via a development plan document. The policy attached to the H2.3 allocation does stipulate that developments on this parcel of land must be in accordance with a masterplan which is to be approved by the Council as part of the application process. The development is in accordance with the submitted masterplan which has been agreed by the Council with the developers and, therefore, does not conflict with this requirement of Policy H2.3 of the WHSAP.

With regard to the Hilperton Neighbourhood Plan (NP), there is also no 'in principle' objection to development of the site (primarily as the NP must be in conformity with the strategic aims of the WCS). Policy 1 of the NP places conditions on the development of this site to ensure landscape, design, heritage, drainage and ecological matters are not compromised. These conditions are considered in more detail later on in this report. But, in principle the development is considered to be in accordance with the WCS.

However, it should also be noted that the absence or otherwise of a five-year supply of deliverable housing (5YRHLS) is a material consideration. At the time of writing the Council is unable to demonstrate a 5YRHLS. The supply figure as set out in the latest Housing Land Supply Statement is 4.56 years - an approximate shortfall of 900+ homes. It is, therefore, accepted that at this, paragraph 11d of the National Planning Policy Framework (NPPF) is engaged. This means the policies most important to the determination of this application must be considered out-of-date and accordingly are to be afforded reduced weight in the planning balance. Before considering the detailed merits of this application, it should be noted that given the outstanding requirements for housing in the Trowbridge Community Area and the present lack of a 5YRHLS in Wiltshire as a whole, this proposal would make an important contribution to identified need, and accordingly the provision of market and affordable housing carries significant weight in favour of the proposal.

In addition to the above points, it should also be noted that, as this site forms part of an allocation in an adopted development plan document, the following points apply:

- the WHSAP has been produced to provide a surety of supply of land to greatly facilitate the delivery of the housing figures in the WCS up to the period 2026;
- this site has been selected as an appropriate location for housing by the Local Planning Authority (and agreed by the Planning Inspector at examination); and,
- the issues contained within this report have all been looked at in respect of the site's ability to accommodate housing in principle during the WHSAP process and examination.

In sum, the principle of the development of this site for housing has been agreed and cannot be challenged at this stage.

9.2 Scale, Design and Layout

In terms of development policy for place shaping, CP 57 of the WCS seeks a high standard of design for all developments, requiring proposals to demonstrate that a range of criteria have been met.

The design and layout of the proposed development has been the subject of pre-application advice, public consultation events and internal design team meetings, a result of which the proposed masterplan strategy and layout have been revised. The submitted Design and Access Statement sets out the evolution of the design up until the point of submission.

Post submission, the scheme has undergone a series of revisions to take account of the comments raised by the Council's Urban Designer Officer and other relevant consultees such as the Highways Engineer, Drainage Officer and Housing Enabling Officer. Changes made during this process include (but are not limited to) the following:

- Alterations to the cycle links through the site
- Creation of a link to Osbourne Road
- Additional benches along recreational walking routes
- Addition of some bungalows to address amenity concerns with adjoining properties
- Alterations to the design of the attention pond
- Introduction of SUDs throughout the development (e.g. permeable driveways, rainwater harvesting gardens and SWALEs)
- Alterations to street trees to ensure suitable tree pit design for the safeguarding and maturity of the trees within the development
- Creation of 3-character areas (open space edges, the main entrance and neighbourhood core)
- Variation of materials, door colours and boundary treatments, dwelling types and storey heights to add character to the different areas of the development
- More "greening" of the streets
- Reduction in close boarded fencing
- Changes to levels to minimise use of retaining walls, steps etc. for ease of movement
- Inclusion of hedgehog holes
- Alterations to junctions, crossing points and pavements to ensure a more pedestrian friendly development
- More shared surfaces through the development with narrowing's to make it more cycle pedestrian friendly
- Traffic calming measures
- Varied approach to parking typologies to avoid dominance of parked cars on the streetscene

The application is also accompanied by a detailed package of plans and documents to cover design elements which include the following::

- Site Layout
- Plans and elevations of all house types
- Building heights plan
- Materials plan
- Illustrative streetscene
- Design and Access Statement

The above documents can be viewed on the Council's website under the application reference number. Such documents have enabled Officers to reach the following conclusions in respect of the scale, layout and appearance of the development.

The application proposes 187 dwellings. As discussed previously with 16/00672/OUT (the neighbouring parcel of land to the North) the uplift in numbers across the allocation site (355 to 420) is not something that is considered to be an issue, on the proviso that no material harm arises from this increase. This point was accepted on 16/00672/OUT. As such, there are no objections to the numbers proposed in this application in principle.

Sufficient space is provided around the periphery of the site to ensure appropriate buffers for landscaping and ecology. The proposal also provides more than the necessary public open space (both formal and informal) for residents to use, and incorporates the mains drainage feature of the site. In general, garden spaces are of sufficient size to ensure an appropriate standard of amenity for future occupants and minimum residential parking standards are met for each dwelling. Pavements, cycleways, visitor parking and landscaping are suitably accommodated within the general layout of the different street hierarchies. Building heights are predominantly 2-storey reflecting the character of the wider area. There are a few bungalows proposed near the connection point with Osbourne Road to address amenity concerns and some 2.5 storey development at key points to aid legibility and provide articulation and focus within the street-scene. Based on the above, it is considered that the scale and layout of the development is in broad accordance with policy standards and does not represent an over-development of the site.

Although it is accepted that the density is higher than the surrounding area, there is no issue with this. It is approximately 44dph versus the much lower densities seen on the neighbouring residential estates e.g. Albert Road, Victoria Road and Middle Lane. However, these are much older developments, built at a time when standards were different and do not reflect current ways of thinking. Paragraph 125 of the NPPF seeks to ensure that planning policies make efficient use of land and that higher densities should be expected in areas well served by public transport (in fact the NPPF goes as far as to say that “*standards should seek a significant uplift in the average density of residential development within these areas*”). In light of this current government policy, it is considered that the proposal is for an appropriate density.

With regards to the appearance of the development, the surrounding area is predominately residential and made up of a range of architectural styles and property types. It is no surprise that this is a reflection of the morphological evolution of the town over time. It is evident that there is no precedent in architectural terms to this part of Trowbridge, and so no requirement for the proposal to match a particular style. In any event, this is a large development that represents, in its own right, a phase of the town’s growth. Whilst reflecting the local vernacular is important, it is perfectly acceptable at the same time, for the development to have its own identity/character given its scale and position relative to neighbouring development. Clearly this will be a modern development with a contemporary design but, over time, this will simply reflect a period in the architectural history and evolution of the town.

The site has been broadly split into 3 different character areas (neighbourhood core, main entrance and open space edge) each with subtle variances to reinforce this e.g. densities, building line, building heights, landscaping, boundary treatments, architectural detailing and materials. This an appropriate response to ensure an acceptable appearance for the development. Whilst this may feel like a large development, 187 dwellings are not of a scale that would require a greater variety of characters areas. Too much variance on a scheme of this size could confuse the design and make it appear cluttered. In appearance terms, the development is in general accordance with Core Policies 57 of the WCS, thus ensuring a high-quality design will be achieved.

With respect to the amenity of existing properties and occupants, the following comments are made. The development is located a sufficient distance away from the properties on Albert

Road that back on to it such that it will not detrimentally harm the reasonable living conditions of the occupants there. Distances in excess of 21m are maintained across all of the properties along Albert Road and those of the development to ensure no adverse impacts. This separation includes landscaping, a swale basin and rear gardens. Distances from first floor windows to the rear gardens of the properties along Albert Road is in general around 19-20m. A rule of thumb of 10.5m is generally accepted as being sufficient to ensure reasonable privacy is maintained for private amenity spaces from first floor windows.

Whilst the outlook for Albert Road residences will, indeed, change as a result of this development, nobody is entitled to a view over private land. With the separation distances noted above (22-40m), it is not considered that the proposal would have an overbearing impact on the occupants of these properties. Sufficient light and a visible skyline would still be apparent and, given their orientation to the East, the amount of sunlight would not be demonstrably different. Overshadowing and loss of light would also not be an issue owing to these points.

There are no other properties that stand to be adversely affected by the proposal. The development parcels to the north and south have not yet had full details approved and therefore, any layout on those sites would need to now take account of the properties approved here. That said, due to the necessary landscape and ecological buffering, there would be large green gaps between these sites.

In all, the amenity of the existing occupants of Trowbridge would not have their reasonable living conditions materially harmed as a result of this scheme.

With regard to the amenities of future occupants, it is of note that this is a new build development and so the 'buyer beware' principle applies. Whilst it is appropriate to preserve the reasonable living conditions of existing occupants, the new development is not yet built, and therefore there are no existing expectations from its future residents. Accordingly, some flexibility can be accommodated with regards distance and outlook from windows, separation distances between dwellings and size of amenity spaces. That said, Core Policy 57 still expect a reasonable standard of amenity to be achievable within new developments. With this in mind, garden spaces in general accord with accepted norms to ensure future occupants will have adequate amenity space that is free from overlooking for sitting out, hanging out washing etc. Dwellings are in general sufficiently distanced apart to ensure no undue loss of light or overbearing impacts. Although some back-to-back properties are perhaps slightly closer than the 21m quoted previously (around c. 18-19m in some cases), it is still considered that reasonable standards of privacy would be maintained between the dwellings. In all, the development would ensure that reasonable standards of amenity are attained by the future occupants of the development site.

Whilst the Urban Designer does have some criticisms of the scheme and feels that in places there have been missed opportunities, he has removed the objection to the scheme. Whilst your Officer's do have sympathy with the comments raised by the Urban Designer and, indeed, would perhaps agree some opportunities have been missed, the applicants have been pressed on all issues raised by the Urban Designer and we are now at a stage where they consider they have done enough to comply with current local and national policy. Although 5YRHLS is not a trump card, it does weigh heavily in the planning balance with the provision of housing much needed across the Council's area. With this point in mind, it is considered that the design is in broad accordance with the requirements of CP 57 of the WCS. Any missed opportunities or outstanding comments from the Urban Designer on matters of fine detail do not amount to significant or demonstrable harm in planning terms that would merit withholding consent. Conditions raised by the Urban Designer and any other consultee in respect of design matters are considered necessary in the interests of

securing a high-quality build – notably, matters relating to the submission of materials, the parking court design and street tree planting details.

9.3 Landscape and Visual Impact

Landscape and visual matters have already been considered as part of the housing sites' allocation process. In summary, during this process, the sites that were deemed to be unacceptable to develop in landscape terms were removed at various stages of the plan's advancement with the final sites subject to a more detailed landscape assessment (Stage 4a Site Landscape Assessment). By way of information, page 27 of this document concludes on the site's ability to accommodate change as follows:

“Whilst development of this site would result in the loss of some farmland, remaining farmland would retain the gap between Trowbridge and Hilperton. Although the site is prominent, there is scope to screen and filter views from adjacent land-uses and PRowS in the site and to improve the appearance of Trowbridge's northeast settlement edge in views from the north and northeast, provided that development is sensitively designed within a greenspace framework, which allows space for mitigation planting. The greenspace framework should allow for the retention of existing landscape features such as field boundary vegetation and watercourses, the incorporation of PRowS crossing the site within greenspace corridors, the retention of the parkland character at the southern end of the site through its incorporation in green space, and the retention of vistas toward St Michael and All Angels Church. Additional planting should consist of new hedgerows, individual trees and tree groups with the aim of creating varied planting. It is recommended that consideration is given to the function of the narrow piece of farmland between the Hilperton Relief Road and the site. It would be beneficial for this to be incorporated into the green space network. This land would provide additional space for planting, which would soften the appearance of housing in the site and also the appearance of the new road. Overall the capacity to accommodate change is moderate-high.”

The initial assessment of the site in landscape terms suggested that the site was capable of accommodating development without having over-riding significant adverse effects. As such, in allocating the site, the Council has already made the assumption that residential development of the site in principle will not cause unacceptable landscape harm.

The appellants have submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has looked at both the impact of the development on the landscape character of the area and on the visual effect, assessing the amenity value of the views. The principal conclusion of this assessment is as follows -

“This study has included a base line assessment of landscape and visual character. The impact assessment was undertaken against accepted LVIA methodology which has allowed an objective assessment of the proposals against defined criteria. From this it is possible to conclude that the decision to consider this site suitable for development is well founded, and that in terms of landscape and visual impact there are no reasons why this land is not be promoted for residential development.”

The WC Landscape Officer is in broad agreement with the conclusions of the LVIA. The landscaping of the site has to a large extent evolved around ecological matters where bat habitat is needed to be created/enhanced to ensure their conservation. This has led to larger areas of proposed landscaping where core bat habitats areas are required to be retained. Looking at the landscape assessment in more detail, the following points are made.

In landscape character terms, the site is agricultural at present, but it is heavily influenced by the new relief road and the residential development forming the edge of Trowbridge. Beyond the site, the wider Hilperton gap is encapsulated by development on all sides (Trowbridge, Hilperton, Hilperton Marsh and Paxcroft Mead) and therefore, this is also an influencing factor on its character; so too is the outline consent granted on the parcel of land to the north of this (16/00672/OUT). Much of the site's tranquillity has been lost through the formation of the new relief road and its edge of settlement location also plays a part in this. It does have a network of PRoWs and watercourses running across it and some field hedging and trees – these features contribute to the character of the site and are features characteristic of the wider landscape type (Open Clay Vale). In terms of value, it is considered that the land west of Elizabeth Way is of lesser quality than that to the east due to it being a thinner slice of land and the fact that it is more closely associated with urban influences.

Development of this field will obviously see the loss of the sites agrarian character, but this in itself is not deemed to be significantly harmful. The agrarian character has already been much weakened by urban features/influences (housing and the relief road) which are very much framed in its view. Furthermore, this site represents only a portion of the overall Hilperton Gap – the larger part to the west is still to be retained in its current form. Furthermore, the site does not at present contain many significant features of this particular landscape type that require retention or indeed would constitute a harmful loss in character terms once removed. Due to mitigation requirements (landscape, drainage and ecological), planting will naturally need to occur e.g. dark corridors for bats and thicker boundary planting to soften the impacts of the built form which will complement the overall character of the Gap.

Overall, the site's character will inevitably undergo a lot of change, but this is not considered to be to a harmful extent. The effects on character change will obviously be felt the greatest at a localised level i.e. within Hilperton Gap itself. However, this would be the same with any development. Furthermore, in its defence, the wider area that makes up the rest of the Hilperton Gap would still retain its character despite this development and, as previously said, this site is one of the least sensitive parcels of land within the gap. When you move out to a wider area i.e. beyond the gap itself, the development's impact on landscape character becomes much less apparent. The scheme will very much be seen in the context of the wider built form of Trowbridge and the Hilperton relief road. As such, although there will be change (which is inevitable with all residential developments) this change would not be significant or demonstrably harmful.

With regards to the visual effects, these too would naturally be felt to the greatest degree at a very localised level e.g. the PRoWs that cross the site, and to a lesser extent from the roads and surrounding urban area e.g. Elizabeth Way. Despite additional landscaping the development would still be visible from the remainder of the Gap and obviously when traversing the site itself. That said, the LVIA and previous assessments of the site have noted that visible development is part of the makeup of the Hilperton Gap i.e. one can already see housing within most of the framed views within the gap. Therefore, to hide the development completely would be uncharacteristic. When you move outside of the Hilperton Gap the views of the development site would become almost non-existent as the Gap is pretty much encapsulated by development on all of its sides.

Overall, it can be concluded that the visual effects of the development are very localised upon the Hilperton Gap itself and do not relate to a wider geographical area. This is, however, the case with most new development. When you consider that these localised views are already heavily influenced by urban development and noise, it is considered that the additional development would not be significant or demonstrably harmful to the views and visual amenity experienced at this localised level. Coupled with the fact there are no

longer distance views of the site, it is not considered there to be sufficient grounds to refuse the application on landscape and visual grounds.

Core Policy 51 requires all new development proposal to conserve Wiltshire's landscape character and providing sufficient mitigation where necessary to combat any negative effects. Sufficient landscaping proposals (mitigation) have been submitted, coupled with the other illustrative materials to enable officers to reach the conclusion that the development would, overall, preserve landscape character. Development will need to be carried out in accordance with the approved landscaping proposals to ensure this remains the case. Such matters can be conditioned and when in place, would make the development acceptable in planning terms.

9.4 Heritage Impact

Whilst there are several Listed buildings within the vicinity of the site, the closest buildings are Grade II Listed (known as 15 & 17 Victoria Road) and lie approximately 200 metres to the west of the proposed site. The Church of St Michael and All Angels (also grade II) lies approximately 300 metres northeast of the proposed site and the Hilperton Conservation Area lies at the closest point approximately 210 metres northeast of the proposed site.

The proposed layout ensures that no significant harm would be caused to these designated heritage assets and the conservation area. There are intervening fields, residential properties and gardens, and proposed new landscaping on the application site itself, situated between the site and these heritage assets. These intervening features, coupled with the distances referred to above provide the necessary buffering/protection. It is therefore considered that the proposal would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS. In terms of the NPPF 'tests', the effects of the development on heritage assets would be neutral.

9.5 Agricultural Land

The majority of the site is classified as grade 3a - i.e. Best and Most Versatile Land (BMV). However, Natural England's concerns over loss of best agricultural land generally only applies where areas greater than 20ha would be lost. This portion of land falls well below that threshold and, therefore, its loss is considered acceptable.

Furthermore, as this site has been promoted through the plan-led system (the WHSAP), it is relevant that the issue of loss of best agricultural land has already been accepted.

9.6 Drainage

Based on the final plans and documents submitted, the Lead Local Flood Authority (LLFA) is still not fully in support of the development. However, the LLFA is satisfied that its outstanding concern can be addressed by planning conditions. As such, it can be concluded that there is no 'in principle' reason why a decision to approve the application cannot proceed with the recommended conditions in place. With such conditions in place to control the remaining issues, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere. The conditions are necessary and reasonable to impose. The background to the LLFA's outstanding concern is set out in the following paragraphs.

The surface water discharge route has yet to be finally agreed but, in principle, there are two options available which, subject to detailed design, would both prevent increased flood risks from occurring elsewhere. The presence of a useable drainage ditch in the north west corner of the site as promoted by the LLFA is challenged by the applicants, and their

preference is to use a Wessex Water surface water drain in the same location. Wiltshire Council does have a surface water discharge hierarchy and within this, the ditch connection would be preferable. As a last resort, connection to a surface water drain can be considered where all other discharge routes are not achievable, and so it is clear that other options can be employed where a ditch connection is not possible. The preference for the ditch connection will be expected to be pursued at condition stage as this is considered to provide better opportunities to slow the flow rate. However, should it be fully and satisfactorily demonstrated that the ditch is not a feasible drainage option for the site, then Wessex Water's infrastructure could be utilised subject to their requirements (for upgrading, etc.). As such, the fact that the final discharge route has not been agreed yet is not a reason to withhold planning consent as it is clear that, one way or another, a discharge point can be secured that would ensure compliance with flood risk policy.

The applicant did not initially maximise the opportunities for SUDs integration throughout the development, but following negotiations during the application's course has now provided various SUDs features. Paragraph 167 of the NPPF does not specifically state that SUDs features must be integrated throughout the development, rather that in areas at risk of flooding, it must be demonstrated that SUDs features have been incorporated. CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). Again, this policy does not stipulate the quantum of SUDs that needs to be provided on site, just that measures need to be provided. In this case, the applicant has provided some rainwater harvesting gardens, swales, permeable surfacing on a lot of the private driveways, and stipulated that water butts would be installed within the gardens of properties. Although it would have been preferable to see SUDs as an integral part of the evolution of design process, based on current planning policy, it would be difficult to argue that this development hasn't now complied with the requirements.

9.7 Ecological Impact

Initially the development was subject to a holding objection until it could be demonstrated that it would have an acceptable impact on ecology, notably local bat populations – both in terms of habitat loss (building on the green fields of Hilperton Gap) and by recreational pressure placed upon nearby habitats by new residents of the development (e.g. walking in Biss or Green Lane Woods where significant bat roosts are located).

Through the evolution of the masterplan for the whole allocation the core bat habitats have been identified and sufficient buffers put in place to ensure these habitats remain favourable for local bat populations to continue to be used post development. The WC Ecologist has accepted the masterplan.

The evolution of the application has resulted in additional information being submitted to support the Ecologist's earlier comments (notably, a metric to ensure 100% biodiversity net gain). The net result of these processes has allowed the Ecologist to remove the initial objection to the scheme, subject to conditions, s106 contributions and the satisfactory completion of an Appropriate Assessment (AA). With regard to the AA, the WC Ecologist has come to a positive conclusion for the development, and Natural England are content with the conclusions this authority.

The following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with the site layout plan, supported by the Biodiversity Net Gains report and soft landscaping proposals to be secured via condition

- that development shall not commence until the submission of a Lighting assessment of the final scheme, a LEMP and a CEMP.

The conditions are reasonable and necessary to make the development acceptable in planning terms. Section 106 contributions are also required towards the Trowbridge Bat Mitigation Strategy, to be paid before commencement with no option for return after ten years. As part of the s106 agreement there is also a requirement ensure that bat mitigation is a consideration for any management company. The validity of this request is set out in a later section of this report.

Overall, with these conditions and s106 in place, and the positive recommendation on the AA, it can be concluded that the development can proceed without unacceptable harm to biodiversity.

9.8 Archaeology

An archaeological evaluation has been undertaken on site and the report was submitted with the documentation. Having reviewed this, the Country Archaeologist raises no issues with this application. The proposal is therefore considered to comply with the relevant criteria of CP58.

9.9 Public Protection

The Council's Public Protection team have no objection to the development provided the following elements are covered:

- A s106 sum of £5000 to go towards air quality monitoring;
- That the applicant submits a scheme of Ultra Low Energy Vehicle to the LPA for approval;
- That a construction management plan is submitted to the LPA for approval; and,
- that lighting at the site complies with the mitigation measures set out in the DPL Lighting Impact Assessment;
- That hours of construction are limited to 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300 hrs Saturday and no working on Sundays or Bank Holidays; and,
- That the mitigation measures prescribed in Section 4 and portrayed in Figure 1 of the submitted Noise Report are conditioned to be complied with.

These requirements are reasonable and necessary to make the development acceptable in planning terms.

9.10 Highways / Rights of Way

Whilst concerns were raised by WC Highways throughout the application process, these have been addressed through the submission of revised plans and documentation. The LHA no longer have any objections to the scheme subject to conditions and s106 contributions. In other words, the development is capable of being served by a safe and suitable means of access, and that the traffic generated from the site can be accommodated within the highway network without causing severe harm. The layout of the internal roads, parking spaces, footways and lighting are matters that have undergone detailed design changes to reflect the position of the LHA and to accord with relevant planning policy. Where relevant and necessary, conditions have been sought to control the finer aspects of the above.

The s106 contributions are covered in detail further on in the report. The following conditions have been recommended by the LHA:

- No development commencing until detailed drawings are provided of all estate roads, footways, footpaths, verges, junctions etc. to ensure the roads are laid out and constructed to a satisfactory manner
- Access and parking for each dwelling provided before occupation
- Roads and footpaths etc. to base course to ensure each dwelling has access to the highway
- Garages not be converted to habitable accommodation to ensure parking standards are maintained
- Cycle parking implemented prior to completion of development
- Submission of a construction management plan
- The submission of a revised travel plan
- Cycle and foot way connectivity to Middle Lane, Osbourne Rd and site to the North prior to first occupation
- The laying out of the access onto Elizabeth Way prior to first occupation.
- Details of material treatment of footways and junction transition to ensure pedestrian priority is given along key corridors within the development.

These conditions are reasonable and necessary, and it is therefore recommended that they are imposed on any permission given. With such conditions in place, coupled with the s106 contributions, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

The existing PRow crossing the site are to be retained, and WC Rights of Way support this, with the connection point on to Middle Lane (HILP33) and Osbourne Road welcomed. However, they have noted that an additional access point onto HILP33 should be provided in the southwest corner of the site to cater for residents of that part of the development who would wish to walk/cycle into Trowbridge as such a link would provide a direct route on the desire line. Whilst there may be logic in this, the hedge is to act as a dark corridor for bats and as such, needs to incur as little intervention as possible. For matters of overriding ecological importance, this connection point has not been sought.

9.11 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL. The site would fall under charging zone 2 where the sum equates to £55 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

10. S106 contributions

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 55 of the National Planning Policy Framework. These are:

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

Affordable Housing

CP 43 states that on dwellings of 5 or more affordable housing provision of at least 30% should be provided. The applicant has agreed to provide 56 affordable housing units which meets the 30% required and will be transferred to a Registered Provider. Based on current housing need figures for Trowbridge these should be a mix of 60% affordable rent and 40% intermediate housing.

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF. 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 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 enhanced open spaces which will be included within the S106.

The proposal generates a public open space requirement of 6862.53m² of which 300.99m² is to be an equipped play provision all of which should be secured in perpetuity. LEAP play area 400m².

Whilst there appears to be 0.99m² difference in what the Council is seeking and what the developers are offering, this is such a minor difference that the Council has not sought amendments.

A leisure contribution of £44,132.00 is required to go towards upgrading the Changing Hilperton Village Hall and Recreation Ground. This is considered a reasonable request as the Village Hall lies within walking distance of the site and is likely to be used by residents of the new development as one of the nearest community facilities.

Education

The NPPF (paragraph 72) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

Early Years - A contribution of £385,484 (22 qualifying places x £17,522) is required to go towards the development of Early Years provision in this area. The Early Years Officer has advised that the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and Childcare in this area.

Primary School – There is a shortfall in places across this part of the Trowbridge Area. This development would result in a need of 52 primary school places which amounts to a required total sum contribution of £975,416 (46 x £18,758). New primaries/sites are to be provided as part of the Ashton Park development, and so the new places funded by this development will be provided there.

Secondary School – There is currently no spare capacity at a secondary level in the Trowbridge area (Clarendon, John of Gaunt and St Augustine's RC Schools). The proposal would generate a need for 37 places at a cost of £22,940. A total contribution of £848,780 would therefore be required which will be put towards the provision of a new secondary school to serve the East of Trowbridge.

Refuse

A contribution of £17,017 (£91 per dwelling x 187) 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 and is listed in Core Policy 3 as an infrastructure priority theme 1.

Air Quality

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and as such a financial contribution towards Air Quality Monitoring is required. A contribution of £5000 to cover the cost of real time air quality monitoring equipment is being sought. This is considered reasonable and necessary as part of the Council's commitment to reducing emissions.

Public Art

The indicative public art contribution figure (based on £300 per dwelling) for this site would be £56,100 for 187 dwellings. It is expected that no more than 10% of this figure is spent upon the production of a public art plan.

Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be $187 \times £777.62 = £145,414.94$.

The contribution towards the TBMS, are to be paid before commencement, with no option for return after ten years. Setting up and remit of management company is also required for maintaining the bat habitat (marked on a plan) in a suitable condition for bats in terms of the ability of habitat to support invertebrate prey for bats and maintaining it in a dark condition.

These requests are considered under Core Policy 3 of the WCS as an infrastructure priority theme 1: specific projects needed to ensure compliance with the Habitats Regulations. As there is a direct link between the residual effects of additional housing on bat habitats the money is necessary to make the development acceptable and it also shows how it directly relates to this development. It is reasonable in scale and kind as it directly relates to the number of dwellings proposed for the site.

Highways / Rights of Way

CP 61 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. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The proposed development will be required to contribute £177,182.50, to the wider Transport Strategy (the contribution for the whole allocation totalling £336,364).

In addition to the above, the LHA have also requested green travel vouchers and monitoring monies totally £54,250 (£46,750 for travel vouchers and £7,500 for the monitoring of them) as a site-specific contribution. However, whilst green travel vouchers are a necessity, it is noted that on the scheme to the North (16/00672/OUT), such vouchers were included within the wider Transport Strategy contribution that they made (a sum of £150,000 based on a scheme for up to 165 dwellings). In order to be consistent in decision making with the above, and to be fair and reasonable, your officers consider this contribution cannot be requested in addition to the £177,182.50 but rather must form part of it.

In summary the money identified above is required to contribute to the following elements of the Transport Strategy:

- B3105/B3106 Staverton Bridge - complimentary works to make Holt Road one way north bound except for buses and cyclists is to be researched and implemented where possible. Alternative financial support to a wider scheme to address Staverton bridge may also be sought.
- Capacity enhancements to the A361/B3105 Roundabout
- Provision of a Non-Motorised User (NMU) Scheme for St. Thomas Road
- Wyke Road Public Transport improvements
- Local on-highway upgrades to NMU Routes
- Secure future access arrangements to land to the north of the site via an internal estate road, to be secured via S106.
- Upgrade Hilperton Road Zebra Crossing to a Toucan.
- Provision of a Toucan Crossing over Elizabeth Way in the vicinity of Middle Lane.
- Green travel vouchers

The Public Rights of Way Team have requested that £80,000 is provided towards the upgrade of HILP33 (Middle Lane) to provide a hard surface which could then be adopted. As a PRoW that will be used by future occupiers of the development as a link for walking into town, these upgrades are considered to comply with CIL tests with regards it being necessary and related to the development.

Such contributions are necessary to mitigate the impacts of the development on the surrounding highways network and to encourage more sustainable travel movements to and from the development.

11. Conclusion (The Planning Balance)

It should be noted that at the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11 of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

In the case of this application, the proposal, after significant amendment since submission, is considered to accord with the development plan policy and is thus acceptable. Accordingly, planning permission is recommended.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant full planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.

DRAFT CONDITIONS AND INFORMATIVES

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 and documents:

- Site Location Plan 1_1250 P19-2592_01 REV A
- Site Location Plan 1_500 P19-2592_01 REV D
- Site Layout P19-2592_09AA
- Housepack P19-2592_08C
- Materials P19-2592_10F
- Ex Works P19-2592_11H
- Enclosure details P19-2592_19A
- Adoption and Management P19-2592_12F
- Parking Strategy P19-2592_13F
- Refuse Strategy P19-2592_14E
- Building Heights P19-2592_15E
- Affordable Housing P19-2592_16E
- Existing Survey 525-004 Rev F
- Engineering for Planning Rev F 525-050-01
- Engineering for Planning Rev F 525-050-02
- Engineering for Planning Rev F 525-050-03
- Engineering for Planning Rev F 525-050-04
- Engineering for Planning Rev F 525-050-05
- Drainage Strategy for Planning Rev F 525-075-01
- Drainage Strategy for Planning Rev F 525-075-02
- Attenuation Pond Rev F 525-320
- Road and Sewer Long Sections Rev A 525-200-01
- Road and Sewer Long Sections Rev A 525-200-02
- Road and Sewer Long Sections Rev A 525-200-03
- Road and Sewer Long Sections Rev A 525-200-04
- Road and Sewer Long Sections Rev A 525-200-05
- Vehicle Tracking Rev F 525-405-01
- Vehicle Tracking Rev F 525-405-02
- Vehicle Tracking Rev F 525-405-03
- Impermeable Area Plan Rev F 525-505
- Flood Exceedance Routing Rev F 525-510
- Flood Risk Assessment & Drainage Strategy Rev A
- Soft Landscape Proposals GL1271 01G
- Soft Landscape Proposals GL1271 02G
- Soft Landscape Proposals GL1271 03G
- Soft Landscape Proposals GL1271 04H
- Tree Pit Details GL1271 05A
- Lighting Plans P20417-01-rF
- Lighting Plans P20417-02-rF
- Lighting Plans P20417-03-rC
- Lighting Plans P20417-C15-MF0.87

- Lighting Base Line Survey And Proposed Street Lighting P20417-rep-01 Issue D
- Arboricultural Impact Assessment & Method Statement BDWB21071 Rev B
- Tree Protection Plan BDWB21071-03B
- Noise Assessment P17-053-R02v3
- Travel Plan 13919-HYD-XX-XX-RP-TP-6001 P02

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme details shall include any required off-site improvements needed to allow the site to be served (e.g. ditch clearance and maintenance), and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the development can be adequately drained without increasing flood risk elsewhere as required by paragraph 167 of the National Planning Policy Framework.

4. No development shall commence on site until a construction management plan, detailing drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. The plan must make provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the development can be adequately drained without increasing flood risk elsewhere as required by paragraph 167 of the National Planning Policy Framework during the construction phase.

5. No development shall commence on site (including demolition, groundworks, 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 be based on the Habitat Management Plan (BSG P19-962, June 2021) but it will remove reference to any long term management of habitats more appropriately covered in the LEMP. The CEMP will in addition cover the following:

1. Measures, such as fencing and professional oversight, to ensure all land included within communal landscaped areas on the Site Layout plan (Pegasus Drawing P19-2592_09 Rev Y, 22/09/2021) is excluded from any temporary or construction related use throughout the entire period of construction. Works permitted for these areas will be limited to SuDs creation, landscaping and essential utilities.

2. Location of temporary work compounds throughout the construction phase

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details. Details of the Ecologist supervising the ecological works will be forwarded to the Local Planning Authority before vegetation clearance works commence.

This condition will be discharged when a Completion Report prepared by an

independent professional ecologist is submitted to the Local Planning Authority by the end of the next available planting season after the date of substantial completion of the development. The Completion Report will certify that the required mitigation and/or compensation measures identified in the CEMP have been completed to the ecologist's satisfaction.

REASON: To ensure the protection of wildlife, retained and newly created habitats during the construction period.

6. 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 LEMP shall be based on the Landscape Management Plan (Golby & Luck 16 October 2020, Ref GL1271) submitted with the application, revised to address the following:
 - The role of the Landscape Architect in ensuring landscape works are delivered in accordance with the LEMP
 - A plan showing the distribution of habitats that require management across the site.
 - Collate paragraphs 1.29 and 1.73 to clarify acceptable cutting regimes for the various types of hedgerows across the site. Provide minimum height and spread for each type. Clarify what acceptable management of trees will be.
 - At paragraph 1.50 clarify that throughout the lifetime of the development, failed tree and shrub planting must be replaced on a ratio of at least 1:1
 - Para 1.75 clarify the role of wetland / marginal planting for biodiversity and the maximum and minimum extent to which it will be maintained or reference to where this information is found in a relevant drainage management plan for the site.
 - Revise Maintenance Schedule to include reference to items in the above three bullet points.
 - The LEMP shall be implemented in full in accordance with the approved details for the duration of the development.

REASON: The application contained inadequate information to enable this matter to be considered prior to granting planning permission to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

7. 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 construction phase of the development. It shall include details of the following:
 - i. The movement of construction vehicles;
 - ii. The cutting or other processing of building materials on site;
 - iii. Wheel washing and vehicle wash down facilities;
 - iv. Measures to control the emission of dust and dirt during construction;
 - v. The transportation and storage of waste and building materials;
 - vi. The recycling of waste materials (if any);
 - vii. The loading and unloading of equipment and materials;
 - viii. The location and use of generators and temporary site accommodation;
 - ix. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- x. Routing plan
- xi. Traffic Management Plan (including signage drawing(s))
- xii. Number (daily) and size of delivery vehicles.
- xiii. Number of staff vehicle movements.
- xiv. Details of temporary Traffic Regulation Orders
- xv. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts; and,
- xvi. Pre-condition photo survey
- xvii. Phases plan

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

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 in accordance with Core Strategy Policy 62.

8. 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. The 180th dwelling shall not 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 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.

9. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. These plans will be in line with the approved plans of Adoptable Street Lighting.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure core bat habitat meets the requirements of the Trowbridge Bat Mitigation Strategy.

10. No dwelling shall be occupied until the approved refuse storage provision for that dwelling has been made available for use by the occupiers of that dwelling. These facilities shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development. 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. Following all hard and soft landscape works being carried out in accordance with the approved details, a 'hard and soft landscape establishment' survey shall be submitted to and agreed in writing by the Local Planning Authority at the end of the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner.

REASON: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development in accordance with the aims of Core Policies 51, 52, 55 and 57 of the Wiltshire Core Strategy 2015.

12. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans and maintained as such in perpetuity.

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

13. Hours of construction shall be limited to 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300 hrs Saturday and no working on Sundays or Bank Holidays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of residential amenity.

14. No development shall commence on-site above ground floor slab level until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority and thereafter be permanently retained.

REASON: In order to satisfy requirements in Core Policy 55 where it states that development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

15. No development shall commence on-site above ground floor slab level until the exact details and samples of the materials to be used for the external walls (facades and boundaries) and roofs (including of porches and bays) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

16. Notwithstanding information shown on the supporting plans, Plots 127 & 128 shall not be occupied until boundary treatment, external lighting, soft and hard landscaping for the private parking court to Plots 127 & 128, and a management plan for the power supply and maintenance of these, have been submitted to and approved in writing by the local planning authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed upon with the Local Planning Authority in the interests of addressing visual amenity, security and natural surveillance.

17. Notwithstanding the information shown on the submitted plans, no SUDs features shall be installed until a section drawing of the SUDs structures together with details of the appearance of any above-ground structures (i.e. inlets, barriers and retaining structures) or amenity features (i.e. seating, natural play, bridges, recreational platforms) have been submitted to and approved in writing by the local planning authority.

REASON: Insufficient information was submitted to ensure due regard to the character and appearance of the area and in the interests of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CP57 Wiltshire Core Strategy and CIRIA SUDs guidance on best practice.

18. Notwithstanding the information shown on the supporting plans, no dwelling shall be occupied until the detailed design and specification for all trees to be planted within the highway or adjacent to it in public verges or private landscape strips (e.g. landscape breaks which separate parking and driveways) has been submitted to and approved in writing by the local planning authority. Details shall include:

- a scaled plan showing all trees to be planted, with a schedule detailing sizes of all proposed trees/plants, and area of space provided for the tree pit.
- Typical plan and section drawings of the street tree, including type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) surrounding hard surface and edging
 - b) tree pit design
 - c) use of guards or other protective measures
 - d) underground modular systems
 - e) Sustainable urban drainage integration
 - f) Use of Root Barrier Protection Areas (RPAs)
- A management plan confirming liability for maintenance and pruning and replacing of trees within or adjacent to the street.
- Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the National Planning Policy Framework (2021) and Core Policies 50, 51, 52, 55, 57 and 67 of the Wiltshire Core Strategy 2015.

19. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where light spill has the potential to impact core bat habitat, the lighting impact assessment of the reserved matters application(s) must meet the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy in terms of the methodology for predicting post-development lighting condition; maintenance of illuminance zones A, B and C, and; lighting design solutions. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure core bat habitat meets the requirements of the Trowbridge Bat Mitigation Strategy.

20. Notwithstanding the submitted details, prior to first occupation a revised travel plan shall be produced and submitted to and approved in writing by the Local Planning Authority. The revised travel plan shall include annual targets and monitoring, inclusive of annual reporting, the provision of travel vouchers and coordination between an appointed travel plan coordinator and Wiltshire Council. The travel plan shall incorporate specific measures to be secured in the event that targets are not met and to coordinate with the Wiltshire Council for the implementation of these. The travel plan and all relevant measures shall be operational prior to first occupation and shall be operational up to an including the submission of a final 5-year report produced against monitoring and survey detail secured following the 5th anniversary of the first occupation on site.

REASON: To maximise the priority of sustainable modes of transport within the development and to maximise mode shift in the interests of highway sustainability and in accordance with Core Strategy Policy 60, 61, 62 and 64.

21. 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 Demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

22. The development hereby approved shall be carried out in accordance with the mitigation measures prescribed in Section 4 and portrayed in Figure 1 of the submitted noise Assessment by Hepworth Acoustics P17-053-R02v3.

REASON: In the interests of residential amenity.

23. The development will be completed in accordance with the Biodiversity Net Gain Calculation Report (BSG 28/06/2021) and spreadsheet (G Lang and S Betts 28/06/2021) or a subsequent revised metric calculation submitted to and approved by the Local Planning Authority. This condition will be discharged when a report has been submitted to and approved by the Local Planning Authority which demonstrates that the development has been completed in accordance with the approved metric calculation. The report will demonstrate for habitats and hedgerows that the development will achieve at least 100% mitigation (i.e. no net loss) for land lost to development. Any shortfall in mitigation within the application site up to a maximum of 5% will be made up through contributions to the Council's Trowbridge Bat Mitigation Scheme.

REASON: to meet the requirements of the Trowbridge Bat Mitigation Strategy.

24. The development shall not be first occupied until as-built drawings have been submitted to the Local Planning Authority in CAD drawing format.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the drainage scheme has been built in accordance with the approved Flood Risk Assessment and Drainage Strategy.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

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

26. The 180th dwelling shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

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 base course level between the dwelling and existing highway.

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

28. Notwithstanding the submitted details, no dwelling shall be commenced until details of material treatment of footways and junction transition areas have been submitted to and approved in writing by the Local planning Authority. The material treatment shall illustrate priority of pedestrian movement along key corridors and shall provide a contrast to adjacent carriageway areas. Prior to occupation of any dwelling, the

footways and junction transition areas shall be completed in all respects with the approved details and maintained as such thereafter.

REASON: To maximise the priority of sustainable modes of transport within the development in accordance with Core Strategy Policy 60 and 61.

29. Prior to first occupation, the cycle/footway connection routes through to Middle Lane, Osborne Road and the development site to the north shall be surfaced and completed to the satisfaction of the Local Planning Authority and maintained as such thereafter. The routes shall provide continuous thoroughfare to adjacent highway and development site networks and shall not be subject to ransom within the control of the applicant.

REASON: To maximise the priority of sustainable modes of transport and connectivity to adjacent highway networks and development sites in the interests of highway sustainability and Core Strategy Policy 60 and 61.

30. Prior to first occupation, the vehicular access onto Elizabeth Way shall be completed in all respects in accordance with details to be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

REASON: In the interests of highway safety and Core Strategy Policy 60 and 61.

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 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 <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

INFORMATIVE TO APPLICANT:

With regards to condition 3 (surface water drainage scheme), there is an existing ditch to the North West corner of the site, although it is noted that this has not been maintained and it, therefore, silted up, overgrown and fallen into a state of disrepair over the years resulting in a limited capacity. The ditch does become more established and more accessible further along this route and connection to this from the site would be preferable in accordance with the surface water discharge hierarchy. For ease of maintenance and access, we would accept a piped connection along this route to discharge into the ditch further along this public right of way. This ensures that the route of discharge remains as existing (the site currently drains to this point) and does not

introduce an additional discharge into a sewer system that already surcharges and floods the road. Additionally, it provides additional longitudinal storage and treatment post-discharge from the site and ensures that the ditch does not get starved of water.

Wessex Water has already indicated that a requisition to cross third party land would be possible but that agreement with the riparian owner will be required to discharge to this ditch. Wessex Water and Wiltshire Council are in agreement that discharge to the ditch via a piped connection would be the preferable discharge option as this will safeguard the discharge route and minimise any impact on adjacent properties or public sewers. The applicant must explore more fully the connection to the ditch system before pursuing a connection to the adjacent surface water sewer. With respect of landownership enquiries to see whether or not a ditch connection would be feasible, the Council would expect to see the following:

- a. Confirmation in writing that they have undertaken inquiries to identify the landowner and that those inquiries must include an appropriate notice seeking the identity of the owner of the parcel of land (also must be identified) and the works to be undertaken to be placed in the London Gazette and a local newspaper (That will be the Wiltshire Times) with copies of the notices being provided to the Council.
- b. Confirmation that the developer has placed at least three notices on-site close to the parcel of land and at an access point for the attention of the landowner describing the and potential works to be undertaken with a small plan identifying the parcel of land on which the works will take place.
- c. Confirmation that the developer raised the question of land ownership with the Town or Parish Council, neighbouring properties and any utility companies likely to have assets or an interest in the land.

The developer should obtain appropriate insurance and indemnifies the Council against any potential future claims that may be made by the landowner arising from the Land Drainage Consent and the drainage works on the land should the ditch option be employed.

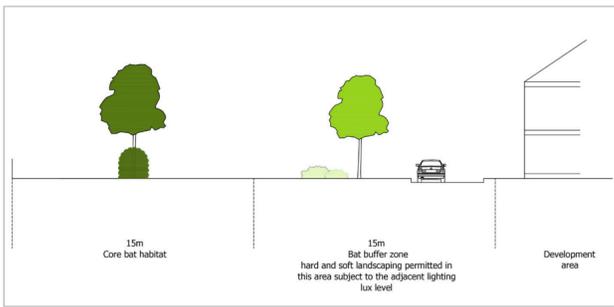
INFORMATIVE TO APPLICANT:

In respect of condition 7, the photographic pre-condition highway survey is to be carried out for the full extent of Elizabeth Way and junctions at either end and copies of pre and post condition survey are to be supplied to Wiltshire Council.

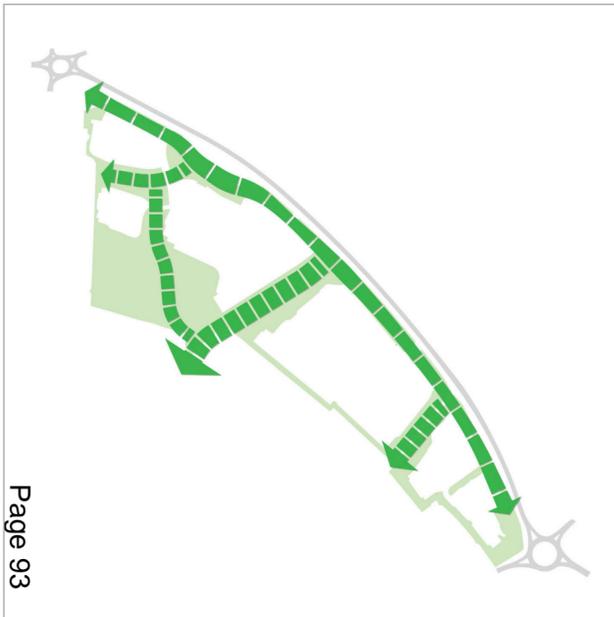
The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

Appendix 1

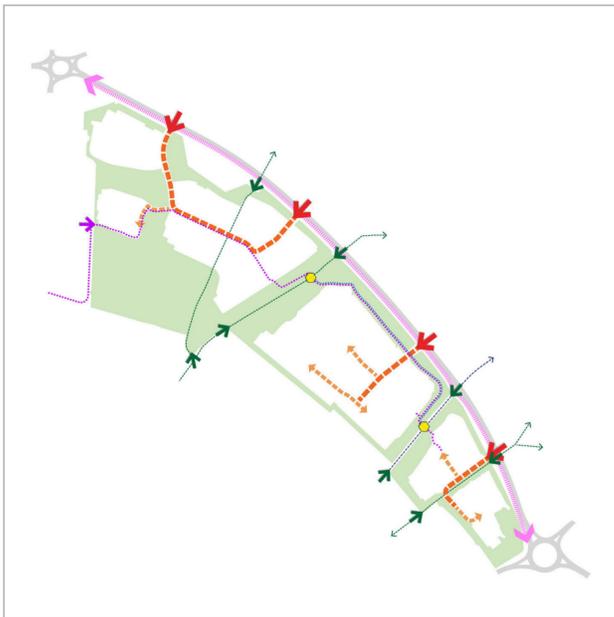
- Location Plan
- Concept Master Plan
- Layout Plan
- Illustrative Street Scenes
- Photographs of the site



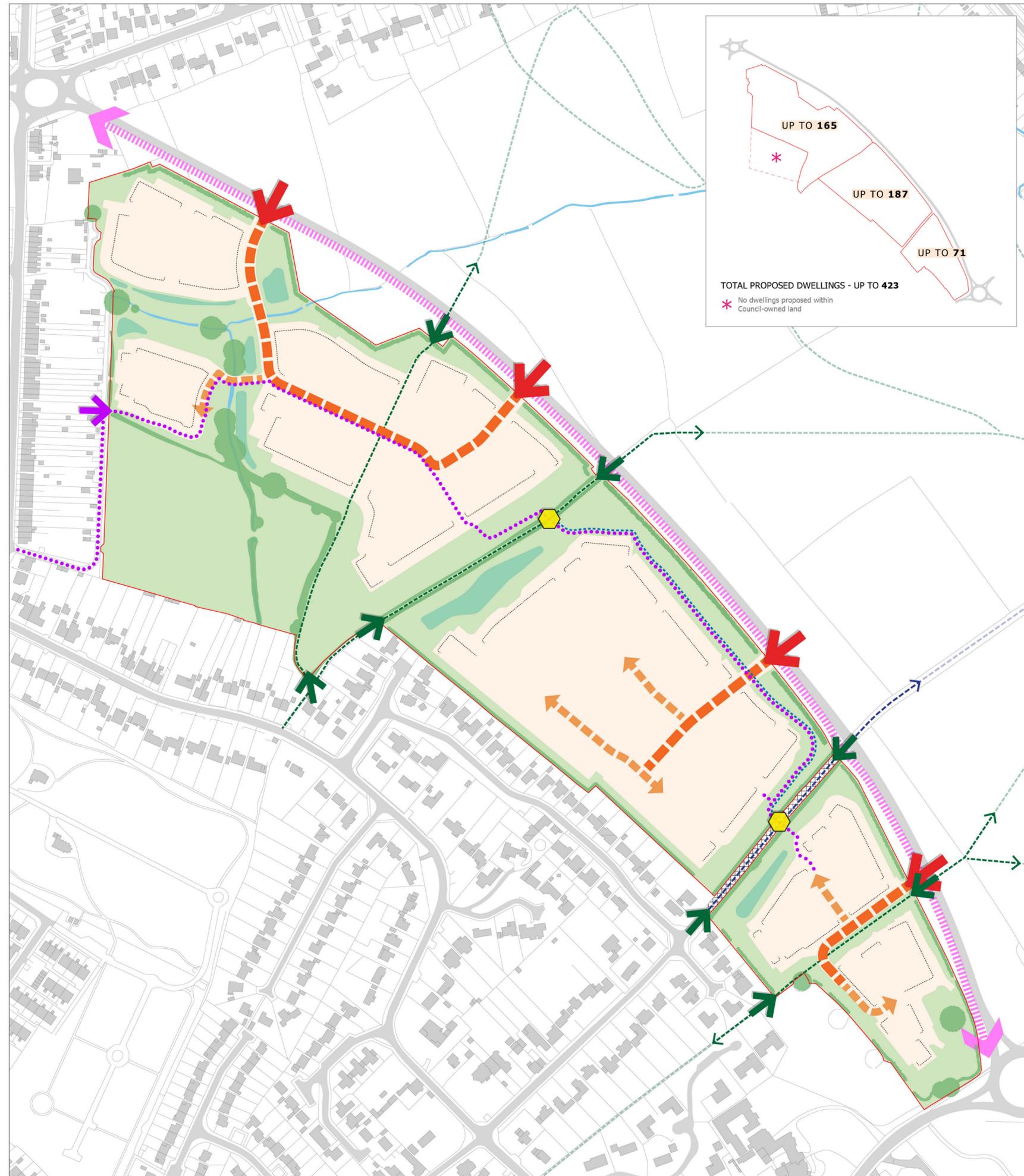
BAT MITIGATION ZONE (Indicative Cross Section)



GREEN LINKS - The concept diagram has been largely influenced by existing landscape assets, including vegetation, the watercourse, and PROW. These are linked together to create a green infrastructure network of public spaces that provide for local amenity, movement, drainage, and wildlife.



MOVEMENT NETWORKS - A network of retained and proposed routes connect the land interests within the allocation area. Four points of vehicular access are shown from Elizabeth Way, which features a strategic cycle route.



The scaling of this drawing cannot be assured

Revision	Date	Drm	Ckd
D - graphic changes	13/10/20	GR	AT

- Allocation Area
- PROW
- Bridleway
- Diverted PROW
- Development Area (including roads)
- Public Open Space
- Watercourse
- Existing Vegetation and Indicative Buffer Planting
- Primary Movement Route
- Secondary Movement Route
- Elizabeth Way Strategic Cycle Route
- Vehicle Access
- Retained Pedestrian Access
- Pedestrian/Cycle Access
- Potential Ped/Cycle Access Between Land Interests
- Potential Cycle Route
- Indicative Drainage Features

Project
Land South West of Elizabeth Way

Drawing Title
Concept Masterplan

Date	Scale	Drawn by	Checked by
12/12/19	1:2500@A2	GSB	AT
Project No.	Drawing No.	Revision	
24687	9300	D	

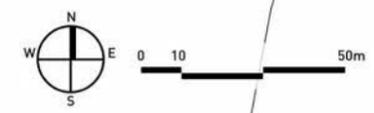
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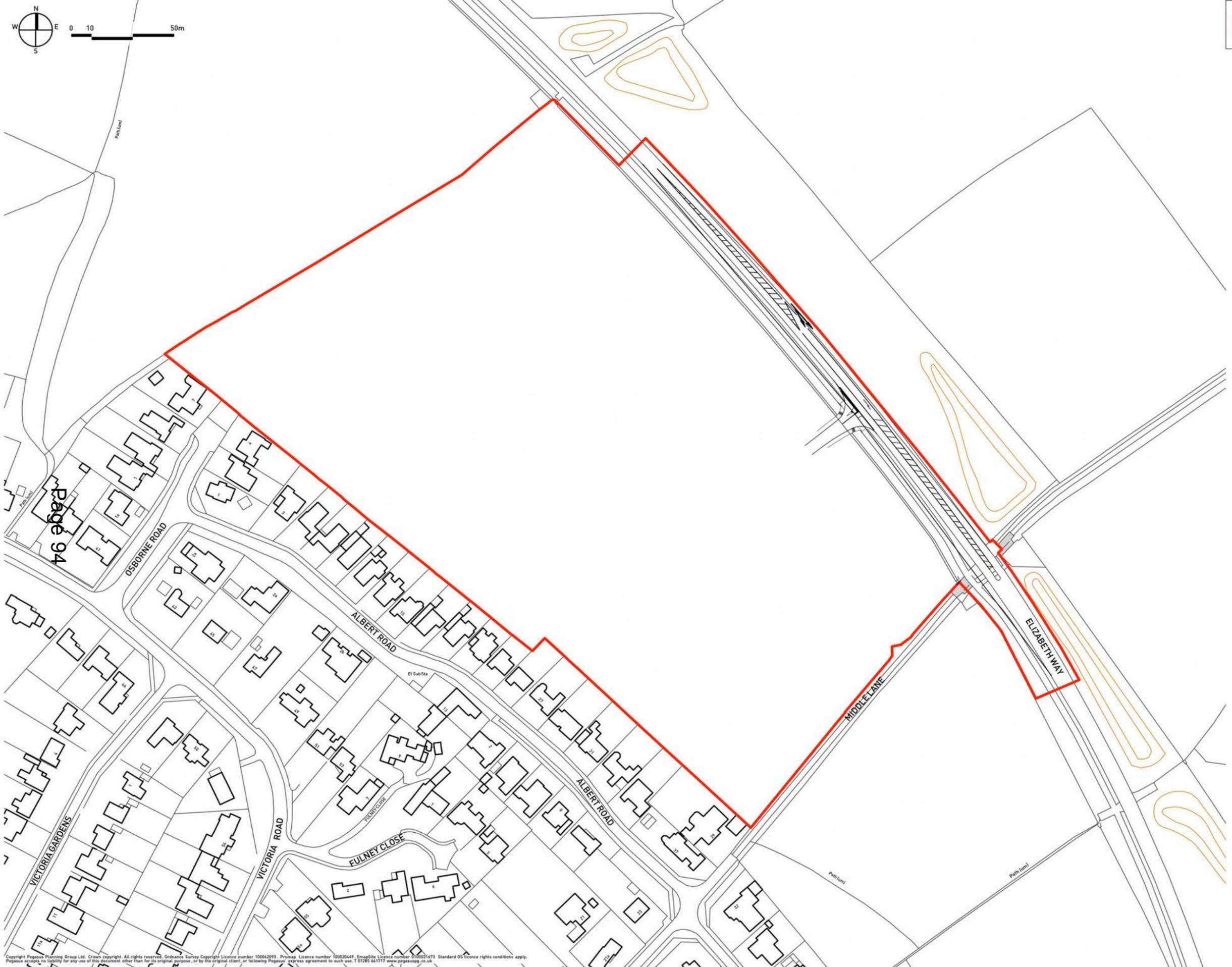
BSI ISO 9001 Quality Management

Offices at Birmingham Bristol Cambridge Cardiff Ebbw Vale Edinburgh Glasgow Leeds London Manchester Newcastle Reading Southampton



KEY: SITE LOCATION PLAN

 APPLICATION BOUNDARY

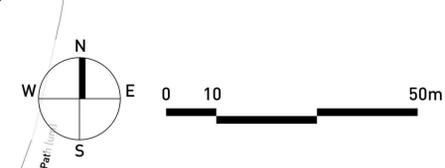


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ELIZABETH WAY, TROWBRIDGE - SITE LOCATION PLAN





- KEY: SITE LAYOUT**
- APPLICATION BOUNDARY
- SURFACE MATERIALS:**
- GARDEN/POS/HIGHWAY VERGE (SEE DETAILED LANDSCAPE PROPOSALS)
 - TARMACADUM
 - BLOCK PAVING
- MOVEMENT:**
- PRoW (PUBLIC RIGHT OF WAY LOCATION)
 - CYCLE WAY/PATH (SURFACED)
- ENCLOSURE DETAILS:**
- 1.8M HIGH BRICK WALL
 - 1.8M HIGH TIMBER PANEL FENCING
 - 1.8M HIGH CLOSE BOARDED FENCING
 - 1.2M HIGH TIMBER PANEL FENCING
 - 1.5M HIGH POST & WIRE FENCE
 - 1.5M CLOSE BOARD WITH 0.3M TRELIS
 - LOW LEVEL HEDGEROW (SEE DETAILED LANDSCAPE PROPOSALS)
 - 600MM COCK & HEN RECON STONE WALL
 - 900MM ESTATE RAILING
- LANDSCAPING:**
- ATTENUATION POND (SEE DETAILED ENGINEERING PROPOSALS)
 - SWALE/RAIN GARDEN (SEE DETAILED LANDSCAPE PROPOSALS)
 - INDICATIVE TREE PLANTING (SEE DETAILED LANDSCAPE PROPOSALS)
 - RETAINED VEGETATION (SEE TREE RETENTION PLAN)
 - RETAINED TREE (CATEGORY A)
 - RETAINED TREE (CATEGORY B)
 - RETAINED TREE (CATEGORY C)
 - ROOT PROTECTION ZONE
 - TREE REMOVED
- OTHER:**
- DWELLING PLOTTED AS SHOWN IN HOUSE PACK
 - DWELLING HANDED FROM HOUSE PACK
 - BIN COLLECTION POINT
 - GATE/PERSONNEL DOOR
 - AFFORDABLE HOUSING (SHARED OWNERSHIP)
 - AFFORDABLE HOUSING (RENTED)
 - DRAINAGE/SWALE CORRIDOR WITH EXISTING HEDGE REINFORCEMENT
 - 6 X 4ft TIMBER SHED
- ECOLOGY**
- 7.5m CORE ECOLOGICAL ZONE
 - 15m ECOLOGICAL BUFFER ZONE

HouseType	Sq.ft	Sq.m	St.	Beds	Pers	No's
OPEN MARKET HOUSING						
2B Kenley	614	57.0	2	2	4	19
2B Denford	614	57.0	2	2	4	19
2B Maidstone	830	77.1	2	3	5	15
2B Ellerton	830	77.1	2	3	5	14
3B Moraby	854	79.3	2	3	5	5
3B Ennerdale	917	85.2	2	3	5	15
3B Bewdley	927	86.0	2	3	5	8
4B Kingsley	1,080	100.3	2	4	6	9
4B Woodcote	1,217	113.1	2.5	4	7	21
4B Redleigh	1,317	122.4	2	4	8	6
sub total (Open Market)						131
AFFORDABLE HOUSING						
AFFORDABLE RENT						
1B Type 58	538	50.0	2	1	2	4
1B Type 59	584	54.3	2	1	2	4
2B Type 51	842	78.2	2	2	4	12
2B BEDALE	595	55.3	1	2	4	2
3B Type 52	926	86.0	2	3	5	8
3B ALTON	787	73.1	1	3	5	1
3B Type 55	957	88.9	2	3	5	1
4B Type 54	1104	102.6	2	4	6	2
sub total (Affordable)						56
SHARED OWNERSHIP						
2B Type 51	842	78.2	2	2	4	14
2B Type 52	926	86.0	2	3	5	4
3B Type 55	957	88.9	2	3	5	2
sub total (Shared Ownership)						20
sub total (Affordable)					30%	56
TOTAL						187

ELIZABETH WAY, TROWBRIDGE - SITE LAYOUT





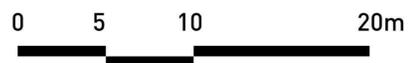
STREET SCENE A



STREET SCENE B



STREET SCENE C



ELIZABETH WAY, TROWBRIDGE - ILLUSTRATIVE STREETSCENE





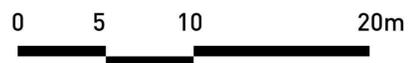
STREET SCENE D



STREET SCENE E



ELIZABETH WAY, TROWBRIDGE - ILLUSTRATIVE STREETSCENE



View down Osborne Road looking towards the site (North Easterly direction)



View looking up Albert Road behind the site (South Easterly direction) giving indication of housing types in the vicinity of the site.



View looking down Albert Road behind the site (North Westerly direction) giving indication of housing variety in the immediate vicinity



View looking Across the site from Elizabeth Way (Westerly direction).



View looking Across the site from Elizabeth Way (Southerly direction).



View looking towards the site from Elizabeth Way (South Easterly direction).



View looking towards the site from Elizabeth Way (North Westerly direction).



View from Middle Lane (South Westerly direction).



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