

# AGENDA

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**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 12 January 2022

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Ellen Ghey, of Democratic Services, County Hall, Bythesea Road, Trowbridge, email [ellen.ghey@wiltshire.gov.uk](mailto:ellen.ghey@wiltshire.gov.uk)

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

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## 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

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## 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

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## **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 10 January 2022 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
- Please wear a face-mask (unless exempt) when in public spaces and transiting through the building.

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.

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for an online meeting you are consenting that you will be recorded presenting this, or this may be presented by an officer during the meeting, and will be available on the public record. The meeting may also be recorded by the press or members of the public.

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### **County Hall, Trowbridge**

**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 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 1 December 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 10 January 2022 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 10 January 2022**.

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 join the online 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 5 January 2022 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 7 January 2022.

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 Appeals and Updates**

To receive details of completed and pending appeals, and any other updates as appropriate.

### **7 Planning Applications**

To consider and determine the following planning application.

7a **19/11459/OUT - Land at Elm Grove, Drynham Lane, Trowbridge, Wiltshire, BA14 0PL** (*Pages 25 - 66*)

Erection of up to 261 dwellings following the demolition of Elm Grove Farmhouse; erection of multi-use community facility (Class F.2); strategic landscaping; access and drainage works; and demolition redundant former agricultural outbuildings

### **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

None

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### Strategic Planning Committee

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#### **MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 1 DECEMBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Robert Yuill and Cllr Bridget Wayman (Substitute)

#### **Also Present:**

Cllr Gavin Grant and Cllr Tony Jackson

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#### **46 Apologies**

Apologies for absence were received from:

- Cllr Ernie Clark
- Cllr Elizabeth Threlfall, who was substituted by Cllr Bridget Wayman.

#### **47 Minutes of the Previous Meeting**

The minutes of the meeting held on 3 November 2021 were presented for consideration, and it was,

#### **Resolved:**

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

#### **48 Declarations of Interest**

There were no declarations of interest.

#### **49 Chairman's Announcements**

There were no Chairman's announcements.

#### **50 Public Participation**

The rules on public participation were noted.

#### **51 Planning Appeals and Updates**

There were no updates.

52 **Planning Applications**

The following planning applications were considered.

53 **21/01155/OUT Land at Restrop Road, Purton, Swindon, Wiltshire, SN5 4BP**

Public Participation

Chris Fairfax spoke in objection to the application

Hywel James (agent), spoke in support of the application.

Professor Richard Pagett, on behalf of Purton Parish Council, spoke in objection to the application.

Andrew Guest, Head of Development Management, presented a report which recommended that authority be delegated to the Head of Development Management to grant planning permission with conditions and subject to a s106 agreement for 21/01155/OUT, Land at Restrop Road, Purton, Swindon, Wiltshire, SN5 4BP.

The officer detailed a late representation from Professor Richard Pagett on behalf of Purton Parish Council which drew attention to a previously refused application near this site. The representation stated that the valid reasons for refusal on that occasion could also be used to refuse this application. Despite the issues with the shortfall in five year housing land supply the representation stated that balance was tilted towards refusal as the site was outside the limits of the village and was not sustainable, this could be supported by case law.

The officer gave a brief description of the site which was a parcel of land on the edge of the large village of Purton. The site was largely within an area identified within policy 14 of the Purton Neighbourhood Plan as an area of search for dwellings. Land immediately to the North of the site had planning permission granted for 38 homes. The number of homes provided in Purton exceeded policy expectations. The application did conflict with some core policies and key issues included the 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 and drainage impact.

The officer referred to the fact that the Planning Authority could not demonstrate a five year housing land supply. The National Planning and Policy Framework (NPPF) at paragraph 11 stated:

“...where the local planning authority cannot demonstrate a five year supply of deliverable sites (with the appropriate buffer) ...” then “policies which are most important for determining the application are out of date”, and permission should be granted unless:



- i) There is a clear reason for refusal due to protection policies as listed in footnote 6 e.g. Green Belt; Local Green Space; Area of Outstanding Natural Beauty; designated heritage assets; or
- ii) Any adverse impacts would significantly and demonstrably outweigh the benefits

This was sometimes referred to as the 'tilted balance' affecting the weighting awarded to policies. The officer stated that there were no assets or designated areas affected by the application and that there were no adverse impacts when the application was assessed against the NPPF as a whole.

The officer drew the Committees attention to a planning application 20/06684/OUT in Calne which had been refused and overturned at appeal. The officer quoted some of the recent appeal decision (APP/Y3940/W/21/3275477) made by the [Planning Inspectorate](#), including:

- The Council's housing land supply position was dated, and the most recent position was now 2.5 years old. Therefore, it was unclear what the housing land supply position was now, except, that at a minimum, there was a significant shortfall of 928 homes.
- That the range of housing land supply fell between 4.22 years and 4.56 years.
- That notwithstanding existing site allocation plans, there appeared to be no other practical plan led solution to remedy the shortfall.
- The Council would be required to rely on windfall sites.
- The persistent shortfall in market housing was not insignificant and there was a substantial shortfall in affordable housing. There was no obvious remedy to the shortfall and this overall position indicated that the development plan was failing to meet its strategic challenges. Thus, its settlement strategy and limits of development were not working effectively. These policies were therefore of limited weight.
- Taken together, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the material considerations indicate a decision other than in accordance with the development plan.

The Officer stated that the approach taken by the Planning Inspector when considering the appeal on the Calne application was equally applicable to the application currently being considered. Hence the recommendation to approve with conditions, subject to a s106 agreement.

The Chairman stated that he was passionate about Neighbourhood Plans. The appeal decision was alarming to him as in recent months the Committee had refused other applications which were now subject to appeal. The Chairman also highlighted another recent appeal where the decision to refuse was overturned. The Chairman stated that it was a difficult situation as the figures were out of date and it was hoped updated figures, which took a lot of resources to produce, would be available by March 2022. It was also highlighted that when

officers were fighting appeals, they were taken off 'business as usual' work. The costs involved in appeals were significant at around £70,000 to the Council, even without costs being awarded against the Council. The Chairman felt that the Committee should be cognisant of the appeal decision and should try to ensure there were conditions to mitigate applications.

In response to technical questions from Members, the officer stated that it would not be reasonable to suggest a condition at this point that the buffer be kept in perpetuity as a green belt as this was an outline application. The Committee could consider however imposing an informative that the buffer should be kept in the reserved matters application.

Some Members stated their disappointment at the appeals decision and queried the 928 houses that the Council were short of. Members listed housing numbers of recently approved applications, and it was stated that it would be good if Planning Inspectors could be advised of those. The officer explained that both officers and the Planning Inspectorate have to go from the latest Housing Land Supply Statement as a starting point even if it was out of date. Approved applications would already be accounted for in adjusted figures. It was also confirmed that as the Wiltshire Core Strategy was over five years old, the housing land supply had to be considered over the whole County and not by housing market areas.

The case law cited by the CPRE in their objection was queried. It was thought that this was probably different case law to that cited on page 38 of the agenda.

Members queried whether Neighbourhood Plans were referenced in the appeal decision described earlier. The officer stated that the tilted balance and reduced weight of Neighbourhood Plans was referred to.

In response to a further question the officer explained that if approved, subject to the s106 agreement the conditions required that the development be begun before the expiration of 1 year from the date the reserved matters application was approved. Therefore, this proposal would contribute to the shortfall in housing land supply.

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

The unitary division member, Cllr Jacqui Lay was unable to attend and therefore the Chairman read her statement in objection to the application on her behalf, stressing that the views contained within the statement were Cllr Lay's own. Cllr Lays statement urged the Committee to refuse the application for reasons including that it did not conform to policy 14 of the Purton Neighbourhood Plan.

Tony Trotman proposed the officer's recommendation detailed at pages 43 – 50 of the agenda, with the addition of an informative that the buffer zone be kept in perpetuity. This was seconded by Cllr James Sheppard.

A debate followed where Members discussed at length the lack of housing land supply and the recent appeal decisions. The Committee were mindful of the Members of the public's comments and felt that Neighbourhood Plans should carry weight. They therefore felt conflicted by the situation with the lack of land supply and appeal decisions. The Committee hoped that they could get updated accurate figures on the housing land supply as soon as possible.

Members also discussed the proposed informative and the exact meaning of in perpetuity. The legal officer confirmed that 'in perpetuity' did not necessarily mean forever in legal terms. However, if there was an approval, the wording of the informative could be solidified to make it as permanent as legally possible. The legal officer suggested legal advice including case law on this matter could be provided to the Chairman at a later date if considered necessary by the Chairman. Cllr Sarah Gibson suggested an amendment to the informative so that the green corridor could be connected to the buffer zone for continuity. This was accepted as a friendly amendment to the motion.

At the conclusion of the debate it was;

**Resolved:**

**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 – £4,277**

**Early Years / Nursery education provision – £105,132**

**Open Space SUDS Management & Maintenance Provisions**

**Off Site Sports Contribution £12,972.00**

**PROW Enhancement contributions including £60K for the up-grade of the surfacing of PURT89 from its junction with the main road to where it meets its currently blacktopped length.**

**PROW future maintenance funding £6,000**

**Traffic Regulation Order funding £6,000**

**Affordable Housing Provisions:-**

**19 units with a tenure mix of 60% of the units (11 units) being for Affordable Rented housing, and 40% of the units (8 units) being provided for shared ownership.**

**Affordable Rented:**

**20% - 2 x 1 bed, 2 person flat, in a maisonette / house style, or bungalow**

**20% - 2 x 2 bed, 4 person house**

**20% - 2 x 2 bed, 4 person bungalow\* to be provided as adapted units**

**35% - 4 x 3 bed, min 5 person house**

**5% - 1 x 4 bed, min 6 person house**

**Shared Ownership:**

**50% - 4 x 2 bed, 4 person house**

**50% - 4 x 3 bed, min 5 person house**

## **CONDITIONS**

**1. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved**

**REASON: To ensure a prompt delivery if the site to contribute towards the identified shortfall in housing land supply and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

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

**(a) The scale of the development;**

**(b) The layout of the development,**

**(c) The external appearance of the development;**

**(d) The landscaping of the site;**

**(e) The layout of footpath links with the neighbouring development and highway.**

**Detail to be informed and supported by:-**

- Updated Tree Survey;
- Plan to show trees to be retained and removed;
- Plan to show all trees to be retained along with the canopy spread and root protection areas shown on the proposed layout;
- Arboricultural Method Statement (if required);
- Tree Protection Plan.

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

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

**3.** An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

**REASON:** To ensure a prompt delivery if the site is to contribute towards the identified shortfall in housing land supply and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

**4.** The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- Topographical Survey
- Site location Plan
- Site Access Arrangement
- Site Access Arrangement with traffic calming

All Received 03/02/2021

- Indicative Masterplan
- Parameter Plan

Received 19/10/2021

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

**5.** Notwithstanding the details set out in the description of development, the development hereby approved shall comprise of no more than 47 dwellings.

**REASON:** The maximum number of dwellings is required to be stated in order to ensure the development can be provided in an acceptable manner.

**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, 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.

**7.** No development shall commence, except ground investigations and remediation, until infiltration testing, groundwater monitoring (including seasonal variation) and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

The developer should provide the following information to discharge the condition:

#### **Drainage Strategy**

- A drainage layout plan with the proposed location of SuDS features.
- Confirm the drainage strategy approach (e.g infiltration or discharge to watercourse, or blended approach).
- Soakaway and/or network drainage calculations.
- A revised discharge rate with 20% betterment on greenfield run of rates (if discharge to watercourse is proposed)
- A groundwater flood risk assessment.
- A plan showing the finished floor levels of the properties.
- A plan showing the exceedance / overland flow routes.

## **Ground Investigations**

- **Infiltration testing at the location and depth of proposed soakaway features.**
- **Groundwater monitoring taking into account seasonal variation.**

## **Ownership and maintenance**

- **Indicative ownership and maintenance regime of SuDS features.**

## **Construction**

- **A construction management plan showing how surface water will be managed during the construction phase.**

**REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.**

**8. The Indicative Masterplan which is included in Parameters Plan (received 19/10/2021) will be adopted as an Ecological Parameters Plan, with all features marked for the protection or benefit of ecology carried forward to Reserved Matters where the layout will be expected to fit within these parameters without erosion or overlap. The Ecological Parameters Plan will not be altered without agreement from the LPA's ecologists.**

**REASON: To ensure adequate volume of habitat is retained within the site to support mitigation and management for ecological receptors and to maintain the integrity of the ecological function of the retained and created habitats within the site.**

**9. 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.

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.

10. 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.

11. No external light fixture or fitting will be installed within the application site until a lighting strategy, including lux plot, has been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate that a level of 0.5 Lux or less can be achieved at the interface with all sensitive ecological habitat areas.

**REASON:** to avoid illumination of habitat used by bats and other sensitive wildlife species.

12. Prior to the start of construction, the Defra Biodiversity 2.00 Metric (or current version) will be used to calculate Biodiversity Net Gain for the site. The unlocked spreadsheet must be submitted alongside a brief report and detailed site plans indicating the location and volume of all existing habitat and of new habitat created as net gain.



**REASON:** to ensure that biodiversity net gain is incorporated into the development, in line with NPPF current requirements.

**13.** 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 development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

**14.** No dwelling shall be occupied until details of visibility splays for the access and zebra crossing have been submitted to and approved by the Local Planning Authority and have been provided in accordance with the approved details. The access should be provided with a visibility splay of 2m x 90m to the nearside carriageway edge, cleared of obstruction at and above 900mm.

**REASON:** In the interests of highway safety.

**INFORMATIVES TO APPLICANT:**

**15.** The applicant should be aware that the off-site highway works will need to be the subject of a Section 278 Agreement with the Highway Authority to secure the approval of the works to the highway. The design of the access arrangement will also need to be the subject of a Safety Audit.

The off-site Highway Works would include the following:-

Zebra Crossing in proximity to the indicative location shown on the masterplan

An improved entrance/gateway feature at the location of the current changeover of speed limit.

The provision of a 3m shared use path on Restrop Road to the North of the access, from the crossing point to the site.

The applicant should be aware that the on-site highway works will require adoption by the Highway Authority and a S38 agreement will be required in this respect.

**16. 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.**

**17. 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.**

**18. 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.**

**19. 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.**

**20. 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].**

**21. 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.**

**22. 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.**

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

**Informatives:**

24. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Wiltshire Council's land drainage bylaws and the land drainage consent application form and guidance notes can be found on our website.

25. The applicant is advised that the 'green' buffer land on the south and west sides of the overall site, and as shown on both the Parameters Plan and the Illustrative Layout Plan, must be incorporated into the reserved matters submissions to ensure satisfactory transitions between the built elements of the development and the countryside beyond. The applicant is advised that as part of the reserved matters submissions the green space/LAP at the centre of the site should be more closely aligned with the existing allotments to achieve continuity of open space on the north-south line created by the allotments. The applicant is also advised to ensure that the final road layouts make allowance for potential access from/through the site to the land to the site (and so to the school beyond).

Cllr James Sheppard requested that it be minuted that he gave thanks to Mike Wilmott, former Head of Development Management who had retired, for

everything he had done for Wiltshire Council. This sentiment was reiterated by the whole Committee.

54 **20/08341/OUT Land South West of Park Road, Malmesbury**

Public Participation

Catherine Doody, on behalf of Paul Smith, spoke in objection to the application  
Erica Whatton, on behalf of Campbell Ritchie, spoke in objection to the application.

Catherine Doody, on behalf of Jeremy Ollis from Malmesbury River Valleys Trust, spoke in objection to the application.

Glenn Godwin (agent) spoke in support of the application.

Cllr Frances Smith on behalf of Cllr Kim Power of Malmesbury Town Council spoke in objection to the application.

John Bartholomew representing Brokenborough Parish Council spoke in objection to the application.

Andrew Guest, Head of Development Management presented a report which recommended that planning permission be approved with conditions, subject to first entering into a legal agreement.

The officer highlighted that the appeal decision described under the last agenda item was also relevant to this application.

The officer gave a brief summary of the application. The site was a parcel of land classed as being in the countryside although it lay against the outside edge of Malmesbury. The application was in outline form and was for 26 dwellings. The site was not allocated in the Development Plan or the Malmesbury Neighbourhood Plan (made 2015). Planning permission had been refused on the land to the North of this site which was now subject to an appeal. As with the previous application, agenda item 7a, the officer detailed the lack of a five year housing land supply, the tilted balance invoked by paragraph 11 of the NPPF as a result and the recent appeal decisions. The officer stated that there were no adverse planning effects from the proposal. The Neighbourhood Plan was also over 2 years old so carried less weight. Therefore, the recommendation was for approval, with conditions, subject to a s106 agreement.

Members of the committee then had the opportunity to ask technical questions of the officer. Many Members sought details regarding the emergency access to be used in the event of flooding. The officer stated that there were no houses in the flood zone, but that the low end of the site and access road occasionally flooded. The emergency access was for emergency vehicles in the event that the usual access flooded. Pedestrians and cyclists could also access the site via this emergency route. That route had not been deemed appropriate as the usual access to the whole site, as the road approaching that access was convoluted and narrow. Matters regarding the how the barrier or bollards at the emergency access would be activated were for the management company to consider and costs should be covered by the s106.

In response to a question regarding the Malmesbury Neighbourhood Plan the officer stated that the review of the plan was progressing but as this was still in process the plan had limited weight.

In response to a query regarding the road being shown as part of the application it was confirmed that the road was a public road, but as changes to the road would take place as part of the proposal, it was shown as part of the application.

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

The unitary division member, Cllr Gavin Grant, spoke in objection to the application. Cllr Grant raised issues including the strength of local feeling against the application, that the proposal was not acceptable in principle in terms of the development plan and conflicted with many core policies, that there was no local need for more affordable housing in that area, there was a lack of pre-school provision in the area, there was significant flood risk as flooding was a regular occurrence on the road and that the application would cause planning harm. Cllr Grant urged the Committee to refuse the application.

Further technical questions were raised by Members. In response to queries regarding the landscape officer and spatial planning's comments in the agenda report, the officer explained that the comments were considered as part of the planning balance, but the lack of a five year housing land supply tilted the balance and changed the weighting of arguments, hence the recommendation for approval.

Members questioned whether the officer could see any reasonable reasons for refusal that were defensible. In response the officer stated that he agreed with the recommendation to approve. It was acknowledged that there was landscape impact, but this was not considered to be defensible in the context of the lack of a five year housing land supply. The refusal on the neighbouring site had a more defensible case, however as this site was on the edge of the settlement boundary, it would be less defensible if it was refused and it went to appeal.

Many Members had questions regarding flooding. The officer stated that the houses were in flood zone 1. The officer did not have data on how often the access road flooded, but expert advisors had not objected due to the proposed mitigations. The legal officer clarified and confirmed that the Environment Agency and Council as Lead Local Flood Authority did not object to the application. The land was not in the Environment Agency flood zone. Therefore, a refusal on the grounds of flooding would be very difficult to defend at appeal. The planning officer explained that the site had to "wash its face" to deal with run off. The Sustainable Drainage System (SuDS) scheme had to be designed to ensure that the situation was not worsened and ideally was improved.

A debate followed where Members highlighted that local knowledge stated the road flooded regularly and almost all year round, apart from in the summer. Members discussed that this site was different to the application considered

earlier in the meeting, the site was on the edge of Malmesbury, the houses were packed in on the site, the road was in flood zone 2, London Boroughs now had to provide detailed flood assessments even for applications in flood zone 1 due to previous errors predicting flooding, the increase in flood events due to climate change, and that at certain times the site would only be accessible on foot due to the flooding.

During debate a motion to refuse the application was moved by Cllr Sarah Gibson due to conflict with various Core Policies (CP) including 1, 2, 44, 67, 41 and 51. This was seconded by Cllr Adrian Foster.

Further debate followed whereby some Members stated they would be unable to support the motion as whilst the site had issues, these were all mitigated for, it was felt that if challenged a refusal would be very hard to defend at appeal for the reasons considered in the report, that there would not be planning harm caused and there was the lack of a five year land supply.

Other Members felt there was demonstrable planning harm and therefore refusing on the basis of conflict with Core Policies was acceptable. Members also discussed the lack of a five year land supply and how difficult decision making was when the housing land supply figures were out of date. Some Members felt that they did not want to approve applications with little merit due to the lack of a five year land supply.

At the request of the Chairman the reasons for refusal were clarified.

At the conclusion of the debate it was;

**Resolved:**

**That planning permission be refused for the following reasons.**

**REASONS:**

- 1. The proposal is outside of the settlement boundary for Malmesbury, so it is located in the open countryside and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), The Wiltshire Housing Sites Allocation Plan (February 2020) or the Malmesbury Neighbourhood Plan (2015). The development fails to meet any of the special circumstances for the creation of additional residential development in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. Therefore, the proposal is contrary to Core Policies 1, 2, and 13 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and the Malmesbury Neighbourhood Plan. The proposal is in conflict with the development plan taken as a whole. As such, the proposal fails to constitute and secure sustainable development as required by the NPPF, specifically paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 15 and 47 and is contrary to the development strategy of the development plan. In accordance with paragraph 11d (ii) of the NPPF the benefits of the proposal have been**

fully considered but the adverse impacts would significantly and demonstrably outweigh those benefits, when assessed against the policies in the NPPF taken as a whole.

2. The proposal would result in the urbanisation of this rural site in this prominent and elevated position which would result in harm to the local character, appearance and visual amenity of the immediate locality. The proposal would therefore fail to accord with Wiltshire Core Strategy (2015) Core Policies 51 (points i, ii, iii) and 57 (points i, iii, vi, ix), as well as paragraphs, 8, 124 130 and 174b of the NPPF.
3. The principal access to the application site would be from Park Road. Park Road lies within Flood Zone 3 and is prone to flooding being both low-lying and adjacent to the River Avon. At times of flooding an emergency access to the site (for pedestrians and emergency vehicles only) would be provided from White Lion Park at the rear of the site. These arrangement for access - and in particular the emergency access - are considered to be contrived, providing unsatisfactory accessibility for the future residents of the development, and so do not amount to 'good design' in the context of Core Policy 57 (point ix) of the Wiltshire Core Strategy and paragraphs 126 and 130 of the NPPF.
4. The proposed development does not make any provisions for securing affordable housing on the site; financial contributions towards education provision, public open space and play equipment and the on-going maintenance and waste and recycling facilities. The application is therefore contrary to Core Policies 3, 43, 45 and 52 of the Wiltshire Core Strategy (2015) and paragraphs 8, 34, 55, 56, 64 and 92 of the NPPF.

55 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.30 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

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

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	12 January 2022
<b>Application Number</b>	19/11459/OUT
<b>Site Address</b>	Land at Elm Grove, Drynham Lane, Trowbridge, Wiltshire, BA14 0PL
<b>Proposal</b>	Erection of up to 261 dwellings following the demolition of Elm Grove Farmhouse; erection of multi-use community facility (Class F.2); strategic landscaping; access and drainage works; and demolition redundant former agricultural outbuildings
<b>Applicant</b>	Coulston Estates Ltd
<b>Town/Parish Council</b>	Trowbridge TC
<b>Electoral Division</b>	Drynham CP – Cllr Piazza
<b>Grid Reference</b>	386037 156338
<b>Type of Application</b>	Outline
<b>Case Officer</b>	Martin Broderick / Andrew Guest

### Reason for the application being considered by Committee

This application was ‘called in’ for Committee to determine at the request of the previous elected local ward member for the following reason:

- Environmental or Highway Impact

### 1. Purpose of Report

The purpose of this 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 should be approved.

### 2. Report Summary

The key determining planning issues are considered to be:

- The Principle of Development;
- Impact upon the Area and wider landscape;
- Drainage;
- Biodiversity;
- Archaeology and Heritage Matters – Listed Buildings;
- Neighbouring amenity;

- Highway Impacts;
- S106 contributions (Affordable Housing, Education, Health, Air Quality, Cycleway Improvement, Public Art, Bus Stop, Street Trees, Public Open Space, Waste, Biodiversity).

### 3. Site Description

The application site measures 16.9 hectares and adjoins the existing built limits of the south-eastern edge of Trowbridge and the White Horse Business Park to the south. The site is bounded by the railway line to the east and existing residential development to the north west and the Queen Elizabeth II (QEII) recreation field which measures 2.89 hectares. The site is currently accessed via Drynham Lane from the north via Wiltshire Drive and to the west via Bradley Road. There are no public footpaths that cross the site but a recently constructed footway/cycle link over the railway lines connects the northern boundary of the site. The existing use of the land is agricultural with 2 dwellings.



**Elm Grove Site Location from DAS May 2021**

The site has two existing vacant dwellings and former associated agricultural outbuildings: the unlisted Elm Grove Farmhouse and its associated dilapidated agricultural buildings which it has been agreed to be demolished under a separate demolition application due to a recent fire; and the grade II listed South View Farmhouse and its associated dilapidated stone barns.

The Wiltshire Sites Allocation Plan describes the site as follows:

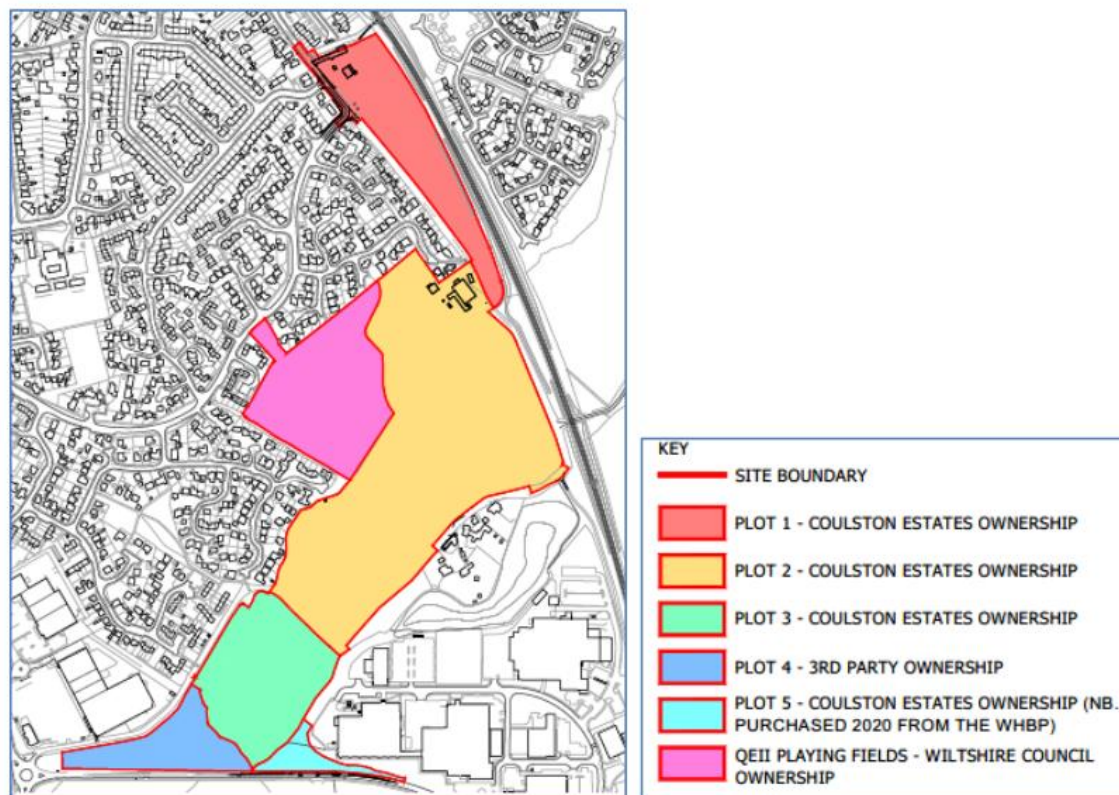
*“It is well located with regard to local facilities and services. Moreover, the site is enclosed to the north-west and south-east by existing development and development proposed further south.”*

### 4. Planning History of Application site

The application land has been actively promoted since 2015 and was allocated within the Wiltshire Housing Site Allocation Plan (WHSAP) which was adopted in February 2020.

Following on from the initial submission in November 2019 the Applicant has undertaken engagement with Trowbridge Town Council, North Bradley Parish Council, the MP, the local Wiltshire Councillor and groups of local residents. Following a review of the representations received in response to the initial application submission it was clear that the application would not be supportable at local level without the provision of a deliverable vehicular access on to the A363.

Following a feasibility study the applicant purchased an additional 0.42ha area of land (Plot 5) from the White Horse Business Park to facilitate a direct vehicular access from the A363.



*Map of Plots from Planning Statement Rev A*

The revised access proposal will provide a through route whilst also not prejudicing the future development of (Plot 4) should the third-party landowner wish to bring it forward as a separate planning application in the future.

The allocation-wide masterplan and associated site infrastructure has also been reviewed as part of an iterative process of design development that has been undertaken with the Council's Landscape and Urban Design Officers to define the key place-making principles and to demonstrate that the revised number of 'up to' 261 proposed dwellings can be accommodated on the application site.

2021/03276/DEM – Prior Notification of proposed demolition of Elm Grove Farmhouse and associated agricultural buildings - Withdrawn

2021/04087/DEM – Prior Notification of proposed demolition of Elm Grove Farmhouse and associated agricultural buildings – Prior Approval Granted 13/05/21

18/11979/SCR - Request for EIA Screening Opinion (EIA Required 23.01.2019).

16/01539/FUL - New access with the removal of 4m of hedgerow (Approved 19.04.2016).

W/93/00897/OUT - Construction of football pitch clubhouse, spectator stand and terraces, car parking and vehicular access (Refused 19.10.1993); MHCLG Ref:32242238 - Appeal against WC's EIA Screening Opinion (Appeal allowed 24.05.2019).

A list of other relevant planning history in the local area to the application site are set out within the separately submitted Planning Statement Rev A.

## **5. The Application**

This outline application is for:

- erection of up to 261 dwellings following the demolition of Elm Grove Farmhouse;
- erection of multi-use community facility (Class F.2);
- strategic landscaping;
- access and drainage works; and
- demolition of redundant former agricultural outbuildings.

Access and strategic landscaping have been requested to be determined as part of this application whilst appearance, layout and scale are to be left to the reserved matters process.

During the consideration process revised plans were submitted providing a through road for the application site; a footpath was also moved further away from existing residential properties; and the number of “up to” dwellings reduced from 270 to 261.



*Parameters Plan – Land Use*

## 6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,
- CP29 – Spatial Strategy Trowbridge,

- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP56 – Contaminated Land,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration):

U1a Foul Water Disposal and U2 Surface Water Disposal

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework July 2021 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- North Bradley Neighbourhood Plan 2018-2026 (made 19<sup>th</sup> May 2021)
- Trowbridge Bat Mitigation Strategy (TBMS) SPD

**7. Consultations**

Trowbridge Town Council – Supports the allocation of this site on strict condition that the applicant:

1. Achieves access to the A363 to the south, for all construction traffic (with no construction traffic from Wiltshire Drive or Drynham Road to the north, during the whole of the construction period) and that this access is the main access until at least 50% of the dwellings have been occupied.
2. Funds changes to the footway layout at the junction of Bradley Road with:
  - Silver Street Lane and
  - Wiltshire Drive
 to improve pedestrian crossing opportunities and eliminate confusion, including traffic lights with appropriate timings to improve traffic flows on Bradley Road.
3. Provides a dedicated off-road cycle/pedestrian surfaced route across the whole site from Bradley Road to the Drynham railway bridge.

4. Provides a dedicated off-road cycle/pedestrian surfaced route from Southview Farm to the White Horse Business Park access route to link to the new route from Southview Park, particularly to the north of Wiltshire Drive.
5. Provides an appropriate level of disabled parking adjacent to the leisure building.
6. Provides a wider buffer zone on the south side of the development adjacent to the Drynham Lane properties forming Drynham Hamlet, similar to the width to the north adjacent to properties in Lydiard Way.

North Bradley Parish Council – No objection subject to conditions.

The Parish Council accepts that this site was identified by Wiltshire Council in the WHSAP and is therefore inevitable.

At paragraph 8.14 of the North Bradley Neighbourhood Plan 2018-2026 (made May 2021) it states:

*In many ways, if development has to happen, this is an ideally located site, which seems likely to deliver sustainable development. It is therefore duly supported by this NDP as an acceptable location for housing or mixed-use development. Because the site is already being taken forward in the WHSAP it is not considered to be necessary to formally allocate it in this plan. However, the site needs to be carefully landscaped and there is also potential to incorporate significant public open space.*

North Bradley Parish Council fully endorses recent representations made to the Parish Council by residents of Drynham Lane. This application is a significant development affecting this rural hamlet. The priority for the residents is to protect the hamlet's separate identity from Trowbridge and the Parish Council appreciates and fully supports this. North Bradley Parish Council supports the allocation of this site on strict condition that the applicant:

- 1 Access to Drynham Lane Hamlet is made at the Elm Grove Farm House adjacent to Football Pitches and north of the Railway bridge to the boundary of North Bradley Trowbridge. As opposed to the current scheme's proposal to the South of the site.
- 2 Buffer zone radiating 50m from Drynham Lane Hamlet
- 3 Bat Protection Zone to be taken from the inner Hedge line and comply with the 15m Zc with The Trowbridge Bat Mitigation Strategy SPD
- 4 Access and egress to Drynham Farm's land to be maintained
- 5 Turning Hammerhead to be relocated from opposite 2 Drynham Cottages to a point Drynham Farm (being the last property).
- 6 Drynham Farm has HGV vehicles delivering supplies. At present they are able to enter Wiltshire Drive, complete their drop off and exit at the Bradley Road roundabout. As the will be converted into a dead-end, turning facilities will need to be provided.
- 7 Facilitate a design that discourages residents of the new development from using Drynham Lane as an overflow carpark. This can be achieved through good design. For example planting to ensure there is no space to park vehicles on verges or wooden steps. Furthermore, by not creating any foot paths from the new development into Drynham Lane Hamlet.
- 8 Should condition 1 not be delivered, the mix of building heights immediately in front of Drynham Lane Hamlet should be reduced to one storey.
- 9 The increase in residential development near Willowy Copse could result in the area to be more frequented by people. This in turn would disturb the important bat habitat. The proposal is to fence the Copse off.

Trowbridge Civic Society - Objection.

This is a premature application which will significantly increase queuing in Bradley Road and adjacent streets. The change in office to residential at the old Virgin site should be taken into consideration; queuing results in noise and air pollution and residents health and wellbeing will be adversely impacted. Concerns relating to Transport Assessment (TA).

Wiltshire Council Highways – No objection subject to conditions and S106 contribution. Heads of Terms (HoTs) agreed.

Wiltshire Council Archaeology - No objection subject to conditions. It was recommended that a programme of archaeological investigation is carried out in order to excavate and record these remains considered to be of archaeological interest. This is in line with the National Planning Policy Framework.

Wiltshire Council Drainage – No objection subject to the proposed development being subject to drainage conditions (and previous comments being addressed within the detail submitted to discharge these conditions).

Wiltshire Council Arboricultural Officer – Supports the landscape officer and makes no objections.

Wiltshire Council Leisure Strategy and Play Officer – No objections and supports Sport England's comments.

Wiltshire Council Play Officer – No objection subject to S106 contribution. HoTs agreed.

Wiltshire Council Public Protection Officer – No objection subject to conditions.

Wiltshire Council Air Quality Officer - No objection subject to conditions and S106 contribution. HoTs agreed.

Wiltshire Council Public Rights of Way Officer – No objection.

Wiltshire Council Landscape Officer – No objection subject to conditions.

Wiltshire Council Education Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Affordable Homes Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Urban Designer – No objection subject to conditions.

Wiltshire Council Conservation Officer – No objection.

Wiltshire Council Public Arts Officer - S106 contribution is required. HoTs agreed.

Sport England – Supports the application subject to conditions.

NHS Bath and North East Somerset, Swindon and Wiltshire CCG – S106 contribution required. HoTs agreed.

Network Rail – No objection in principle subject to conditions.

Natural England - As submitted, the application could have potential significant effects on Bath and Bradford-on-Avon Bat SAC. Natural England required further information in order



to determine the significance of these impacts and the scope for mitigation. The following information was required: *Habitats Regulation Appropriate Assessment (AA)*.

On 5/11/2021 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) on the Bath and Bradford on Avon Bat SAC.

Salisbury and Wilton Swifts – No objection subject to condition.

## 8. Publicity and Subsequent Representations

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 deadline for any correspondence was 25<sup>th</sup> March 2021. 27 letters of objection were received on the amended plans. The application has been the subject of consultation exercises (Statement of Community Engagement November 2019), 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.

The comments made are summarised as follows:

### Principle

- Why is the proposal so densely populated with houses

### Impact upon the area

- Bland, uninspiring mix of styles and materials of the proposed dwellings
- No local feature or places where people can gather

### Impact on Amenity

- Grateful that the road has been moved further away from residential properties
- The upgraded play area will be remote from many houses and parents will be reluctant for children to play there unaccompanied
- Will the new football pitches and support facilities be flood lit and what measures will be put in place to limit noise and not end up home to Trowbridge FC.
- We have asked the developer why there is no landscape buffer between the footpath and the existing residents and why the footpath cannot be moved – the answer was that this could be dealt with at a later stage

### Access

- There is no potential future access to the eastern side of the railway line
- The provision of the access onto the A363 should be welcomed
- The through route will act as a rat run
- No indication for the charging of electric cars

### Other

- There is some land to the front of my property that is not owned by myself and has been missed off any land registry – how can I ensure that this land does not get dug up

- No clear proposal has been made for the management of the landscaping
- The QEII land is already secured – why is this being double counted
- Why is there no school being provided on this site

In addition to the above, 42 letters of objection were received on the originally submitted plans which made the following comments (summarised):

#### Principle

- This is overdevelopment
- Is there really a need for more houses in the area
- Why is there a rush to build on greenfield land when there are brownfield land sites available to build on in Trowbridge
- The QEII land has been counted as part of the acreage which gives the impression that there is more space for houses than there actually is

#### Impact on the area

- The existing drainage ditch has been poorly maintained causing the bank to erode and subsidence in my garden. It also causes flooding to the field – where will this water go if houses are built on the land
- The hedges need to be maintained for wildlife and birds
- Design of the dwellings are not in keeping with the character of the area
- This corner of North Bradley supports bats, great crested newts, toads, frogs, adders, foxes, woodpecker, nightingales, buzzards and birds of prey and deer
- The lane includes a Grade II listed building and it seems a shame to put it at risk for the sake of new dwellings
- This area does flood after heavy rain and more dwellings will increase this flooding
- The bat mitigation strategy recommends a minimum width of 15 metres for the buffer zone but the gardens of houses are in this area and the hedgerows and trees have not been included
- There are a number of new dwellings in close proximity to the willow copse which is used as a foraging area for bats – the new houses will put greater pressure on the use of the woodland and would like to see a fence preventing access to this area in the future
- The land behind us was classed as greenbelt
- The proposed properties near the hamlet are 2 and 2.5 storey – we request that these are reduced to 1 and 1.5 storey.
- Building heights to the east of Drynham Road and the railway seem excessively high – the existing three storey homes east of the railway are already an eye sore
- The application states that foul water connection will be via the existing sewers which constantly flood and Wessex Water have had to deal with the resulting mess on 6 occasions in the last 20 years.

#### Impact on neighbouring amenity

- My privacy will be affected both front and back
- I don't want to be overlooked by the houses directly behind my house
- No buffer between the community hub and my house – more people will use it and therefore there will be more noise impacting upon the enjoyment of my property and garden
- What are the opening hours for the community hub
- The land as existing acts as a buffer between the existing houses and the trading estate
- Can the road be moved away from the rear of our property so that noise is reduced

- The proposed cycle way/footpath to the rear of existing houses will mean that security is at risk

#### Highways

- Increase the amount of vehicular traffic and cause serious health issues
- The proposed changes to the junctions will not improve traffic flow sufficiently – why is there not an exit by the trading estate
- More congestions due to an increase in cars where there are already lots of accidents
- The existing roads will be used as a rat run
- Inadequate parking levels are proposed
- There are no cycle paths on the proposed plan and no cycle paths that join up with existing
- Parking spaces are inadequate for the community hall
- We wish to retain historic access and object to the removal of vehicular rights from the section of Drynham Lane running south from the distributor road near the parish boundary. This road helps preserve the character of our hamlet and would make Drynham lane less attractive to overspill parkings
- A 20mph speed limit should be enforced
- The proposed hammerhead on Drynham Road is right outside number 2 and 3 – can this be moved beyond their properties as this will result in no parking for the existing occupiers

#### Other

- Devalue my property
- Ruin the view I have across the fields
- Where will the new children find school places – primary schools are already over subscribed and the secondary schools will be at capacity in a few years time
- There is insufficient doctors and dentist surgeries in the area
- During the site allocation hearing, plot 4 was to be included within the site and therefore a through road was going to be created – without plot 4 and a through road the application fails the original agreement
- Why is plot 4 no longer in the application
- What assurance will the council give that the proposed swales will be properly maintained

A petition containing 325 signatures objecting to the application was also received by the Local Planning Authority.

## **9. Planning Considerations**

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

### 9.1 Principle

The principle of this site being used as housing has already been approved through the site allocation policy plan document that was adopted by Wiltshire Council in February 2020. The North Bradley Neighbourhood Plan also supports the development of this site at paragraph 8.14 but did not consider it necessary to formally allocate it in its plan.

The application site is an allocated housing site known as H2.1 in the Wiltshire site allocations policy document and this application is to determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF. Policy H2.1 states that the site has been allocated for a mixed use development comprising of the following elements:

- *Approximately 250 dwellings;*
- *A multi-purpose community facility co-located with existing or improved open space;*
- *A significantly improved and consolidated public open space area incorporating the existing Queen Elizabeth II field to provide a play area, a junior level sports pitches and changing facilities for local community teams to utilise;*
- *A road from the A363 through to an improved junction of Drynham Lane and Wiltshire Drive; and*
- *Improvements to cycling, walking routes through the site to link into the existing network and the proposed Ashton Park Strategic Allocation site and the White Horse Business Park.*

The current application seeks up to 261 dwellings, improved open space with sports pitches, changing facilities and associated parking, a through route, improved junction and improvements to cycle and walking routes, and as such, and in principle, complies with Policy H2.1.

The site allocation policy document also states that the development will be subject to the following (assessed later in the report):

- *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 enhancement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements;*
- *Core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the 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; 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.*

Objections have been received as to why there are so many houses being built on the land subject of this application. Policy H2.1 requires approximately 250 dwellings. The proposal requests up to 261 dwellings which is marginally greater. The Wiltshire Core Strategy 'Delivery Strategy' explains that indicative requirements are set out only. This allows a "flexible approach", "... to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to delivering the strategic objectives of the plan". For these reasons the overall housing requirement is shown as 'at least', while the area strategy figures are 'indicative'. The application demonstrates that 261 units can be accommodated, and are accordingly sustainable in the context of the WCS.

Concerns have been raised regarding why the QEII (Queen Elizabeth II) land that is already safeguarded for open space has been included in the site acreage. When the Planning Inspector for the sites' allocation policy document assessed the site, he concluded that it

was suitable for a development of approximately 250 houses, but that the fields should be included within it to ensure the necessary improvements were included.

Concerns have also been raised regarding why 'Plot 4' as shown on the plans, whilst being part of the allocation in the sites allocation policy document, has not been included in the current application. The reason for this is due to land ownership, and specifically the current owner of Plot 4 - who is separate from the application applicant - not wanting to release the land. Additional land has been acquired by the applicant to allow for this in order to accommodate the through road (which will be assessed later in the report). If Plot 4 was to come forward in the future then it is considered that there would only be sufficient space for an extra c.10 dwellings due to that land's constraints and the ecology mitigation measures that would be required.

## 9.2 Impact upon the character and appearance of the area

Core Policy 51 states that:

*Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. This advice is echoed in paragraph 174 of the NPPF.*

Core Policy 57 states that:

*New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.*

The exact number of dwellings, their layout, design and external appearance are to be considered at the reserved matters stage. It follows that they are not relevant to the determination of this outline application now.

There are no national or local landscape designations across the site, and despite neighbour objections, the site has never been designated as Green Belt. A landscape strategy and a tree retention and removal parameter plan have been submitted with the application.

It is accepted that approval of this application would change the character and appearance of the site in isolation as it is currently 'greenfield' land, and this will be lost and replaced with dwellings and associated landscaping. However, the circumstances of the site are such that this change will be limited to just the site itself; the wider landscape beyond the site – which to a greater extent is influenced by the urban form of Trowbridge to the north and west, the White Horse Business Park to the south, and the Ashton Park Allocated Site to the east – would not be adversely affected.

A condition is recommended requiring that the proposal and all reserved matters submitted pursuant to this permission shall accord with the parameters of the:

- Design and Access Statement – 10027-A2-DAS (May 2021),
- Parameter Plan – 038-022J (May 2021) and
- Masterplan – A-P10-001 (0) (May 2021).

The Council's Arboricultural and Landscape Officers have raised no objections to the proposal, and it is therefore considered that it would not result in a detrimental impact upon the local area.

### 9.3 Drainage and Flooding

Core Policy 67 seeks to ensure all new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental factors make these measures unsuitable. The NPPF at paragraph 167 requires all major development to incorporate SUDS unless there is clear evidence this would be inappropriate. The advice also requires advice from the LLFA to be taken into account and should have minimum operational standards and maintenance and where possible have multifunctional benefits.

The sites' allocation plan states:

*Proposals to develop the site will need to be supported by a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy. The existing natural features of the site are significant in the landscape and would need to be incorporated within a detailed layout. These features also provide wildlife corridors that link habitat features within the local area; in particular, 'dark corridors' for foraging bats. These elements should be protected and enhanced where possible by additional planting with native species.*

The application has been submitted with a Flood Risk Assessment and it confirms that the site lies within 'flood zone 1' (least likely to flood). However, part of the site lies within the surface water flood risk levels 2 and 3. It has been identified by the Applicant that the current known flooding of this site and to nearby residential properties is exacerbated by the existing configuration of the culvert that runs under the railway line. Improvements to this culvert are therefore proposed as part of this application. In consultation with Network Rail, a scheme has been designed to hydraulically improve the railway culvert which includes opening up the existing upstream culvert within the development site and constructing an improved transition to the railway culvert. A trash screen is also proposed to minimise the risk of blockage to the culvert. These works have been agreed with the Wiltshire Council Drainage Team and Wessex Water subject to further details that will be separately sought under the Land Drainage Consent application.

Due to the clay geology of the site which limits the potential for infiltration it has been agreed that some Sustainable Urban Drainage Systems (SuDS) are not acceptable in this location. The surface water drainage for this site has therefore been divided into a number of sub-catchments which include swales and piped drainage leading to attenuation basins. The calculations provided demonstrate no increase in stormwater run-off from the site. Some of the swales appear to be located within the 1 in 1,000 year floodplain which would render them ineffective during flood events and as such conditions would be required to ensure that the level of storage provided cannot be compromised by any flooding of the watercourse which can only be done once the design of the layout has been finalised.

There are a number of foul sewers running through or adjacent to the site and the foul drainage from this site will connect directly into these sewers. There is known limited capacity in the foul network and Wessex Water have confirmed that they will review this network upon grant of planning permission and will plan and construct any necessary network improvements to provide foul sewer capacity for the permitted development.

The proposal does include changes in levels to parts of the site which include raising the land south of the brook by 300mm and lowering the land north of the brook to compensate.

This, in principle, is considered acceptable by the Council's Drainage Team and Wessex Water, subject to conditions. It is recommended that finished floor levels should be set at 300mm above the 1 in 100 year plus climate change flood level, and a condition requiring this detail to be provided at reserved matters stage is necessary alongside a plan showing flow routes.

Existing drainage ditches are to be retained, and a requirement for their ongoing maintenance and management included within a S106 legal agreement through the introduction of a management company, although it may be the intention of the Applicant that these areas are transferred to the Town Council to manage in the future.

There is confirmed capacity in the water supply network to supply this residential development and Wessex Water can provide new water mains and supply connections.

The Council's Drainage Team and Wessex Water in their joint response have confirmed that the level of detail provided as part of the outline application demonstrates that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk, and therefore they support the application in principle. However, at the reserved matters stage when the detailed layout and landscape proposals are available and in consultation with the urban design team they state that further details on layout and form will be required to provide clarity on whether adequate space is available for all aspects of the proposed flood mitigation works – particularly those in proximity to the floodplain – and as such no objection to the proposed development is raised at this stage subject to drainage conditions being applied to any approval.

Subject to this it is not considered there is conflict with Core Policy 67 or guidance within the NPPF.

### 9.3 Biodiversity

CP50 states that:

*Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.*

*All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.*

*Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 of Wilshire Core Strategy where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.*

The sites' allocation plan states:

*The site is in an area likely to be used by Bechstein's bats associated with the Bath and Bradford on Avon Bats SAC. Sensitive habitat features on and adjacent to the site will be identified through survey and assessments guided by the requirements of the TBMS and include: Drynham Lane/Road, the railway line, woodland belts associated with the White Horse Business Park and the small tributary to the River Biss. These features should be retained and/or buffered from development (including residential gardens) by wide, dark, continuous corridors of native landscaping which will allow for their long-term protection and favourable management in order to secure continued or future use by Bechstein's bats. The design and layout of development, including the size and location of landscape corridors, lighting, other physical mitigation measures and management protocols, will be informed by the guidance set out in the TBMS and from appropriate surveys and assessments. Development may also be subject to requirements relating to off-site mitigation, management and monitoring measures as necessary*

There are ecological constraints on this site and any development must accord with the Trowbridge Bat Mitigation Strategy.

To do this, the southern hedgerow boundary is to remain and dark corridors have been provided, and no roads have been provided facing onto the green buffer so that light spill is kept to a minimum.

The inclusion of wide buffer zones against retained habitat was embedded in the design from the start. These buffer zones have been retained and expanded throughout the design process and have been designed to incorporate habitat that will be valuable for foraging horseshoe and Bechstein's bats. The main functional corridor through the site will be along a tributary of the Biss Brook. This corridor is up to 45m wide and provides a direct link with the strategic landscape corridors through the planned residential developments to the east. The retention and protection of habitat along the site's southern boundary provides a 15m buffer to retained habitat and ensures that there are functional east-west links on the site's northern and southern edges. The railway line is protected by another 15m buffer, which will include a new hedgerow (where currently there is only a fence line). The loss of arable land and species-poor grassland, which is bat foraging habitat, is offset by the enhancement of retained habitat and the creation of new foraging habitat.

The development also has potential to impact on protected species and other wildlife including dormice, otters, water voles, grass snakes, great crested newts and birds. There are also bat roosts in the two farmhouses within the site.

Construction-stage impacts on these species can be avoided through the implementation of a Construction Ecological Management Plan (CEMP). Long term impacts on wildlife are avoided through the provision of new habitat and the retention and enhancement of existing habitats.

The development would result in the loss of habitats of little botanical value. The proposed landscape design would provide a net increase in biodiversity through the provision of extensive areas of well connected, high value habitats. These include multi-functional spaces with benefits combined for people and wildlife including allotments, public open space and sports pitches. All of the retained, enhanced and newly created habitats will be protected from artificial lighting in accordance with the lighting strategy for the site.

The current proposal meets the requirements for protecting functional bat habitat and delivering a net gain for biodiversity.



As submitted, the application could have potential likely significant effects on the Bath and Bradford on Avon Bat SAC. Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. The following information was required:

- Habitats Regulation Appropriate Assessment (AA).

On 5/11/2021 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) on the Bath and Bradford on Avon Bat SAC.

Overall it is not considered there is conflict with Core Policy 50 and BNG requirements.

#### 9.4 Archaeology

An archaeological evaluation was carried out at the proposed development site in May 2019. A number of features possibly representing pit-kilns for the production of charcoal were found, one of these which contained the large proportion of a single cooking vessel dated between the 11th to 12th century AD. Another part of the site revealed structural deposits including part of an agricultural building and related features associated with a former homestead. This building is depicted on the 1837 tithe map but no longer present after the late 19th century. In view of these findings the County Archaeologist recommends that a programme of archaeological investigation is carried out in order to excavate and record the remains which are considered to be of archaeological interest. A condition is recommended accordingly. This is in line with the National Planning Policy Framework.

#### 9.5 Impact upon the setting of the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 199 of the NPPF states that:

*“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 200 of the NPPF states that:

*“Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification.”*

Paragraph 201 of the NPPF states that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*

Core Policy 57 of the Wiltshire Core Strategy states:

*“A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a*

*positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings”*

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

The following points are taken from the Historic England document “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3) that are considered to be particularly relevant:

HE GPA3 Part 1:

*“The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.”*

*“The extent and importance of setting is often expressed by reference to visual considerations. ...views of or from an asset will play an important part...”*

*“While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time.”*

*“The importance lies in what the setting contributes to the significance of the heritage asset or to the ability to appreciate that significance.”*

The sites’ allocation plan states:

*In addition, development will need to minimise the potential to harm the significance of the Grade II Listed Drynham Lane Farmhouse along with Grade II listed Southview Farmhouse and, where appropriate, their settings.*

Southview Farmhouse is Grade II listed and sits within the northern end of the application site. The significance of this listed building lies in its architectural and historic design and materials. Through the submission of the amended plans, the proposed houses by Southview Farmhouse have now been set back which allow the listed building to remain a prominent building in the immediate area and mark the entrance to the new development. Tree planting is also proposed in the front corner which would give a defined curtilage; this is a positive sign that the building will maintain have its own character and immediate setting.

The proposal would site a range of 1½ storey dwellings between the farmhouse and the railway line to the east to give an impression of a farmyard and associated buildings. This part of the site has not had built form previously, and is currently open down to the boundary with the railway. The Conservation Officer is of the opinion that creating a small range of low buildings here would have an impact on the setting of the listed building. But if designed with care and with high quality materials, it is unlikely that the buildings would result in harm of such significance to warrant a refusal decision for this reason (or in other words the level of harm would not override the public benefit arising from the delivery of further housing (under the terms of the NPPF ‘tests’)). The level of harm will depend on the detailed designs which is a matter for the reserved matters stage.

As part of the proposal, Southview Farmhouse itself is to be re-instated and upgraded – it is necessary that a condition is placed on the outline planning permission to ensure that these works are undertaken at an appropriate time.

The proposal is therefore considered to comply with CP58 of the WCS and the NPPF.

#### 9.6 Impact upon neighbouring amenity

There are many existing dwellings that border the site allocation and these are mainly located to the North West although there are a group of existing dwellings that utilise Drynham Lane.

The submitted layout is indicative only and so is not necessarily in a form that will provide the basis for the reserved matters application. Detailed consideration of the amenities of existing and future occupiers in terms of matters such as internal layouts, private amenity spaces and separation distances is, therefore, for the reserved matters applications.

There is a minimum of a 15 metres dark corridor between the site and those properties nearest the site in Lydiard Way and Everleigh Close to the north west which would allow a sufficient barrier to ensure that the proposed dwellings should not have an adverse impact on them, although the exact layout of the proposed dwellings and their designs will be assessed at the reserved matters stage. Concerns have been raised regarding a public footpath within this dark corridor. This public footpath has been moved further away from the existing residential properties in the revised plans and in its current position is considered to be acceptable.

Noise from the proposed junior pitches has been assessed as they would lie close to existing properties located in the cul-de-sacs off Lydiard Way, Wiltshire Drive and Champion Drive. It is considered that there would be no increase in noise associated with this area of land than would currently exist as the land can already be used for recreational purposes. It is accepted that the land may be used more intensively but this would not justify a reason to refuse the application.

Drynham Lane is to be closed to vehicular traffic and as such a turning head to the front of the most southern property in this small group is to be provided. This is to allow vehicles to turn. Concerns have been raised regarding the impact this will have on the amenities of the existing occupiers, particularly in terms of noise. However, this has to be balanced against the reduction in noise the property will experience by the lane becoming principally a public right of way and not generally open to through traffic. It is considered that the benefits outweigh the impacts, and on balance the location of the turning head is therefore acceptable.

The amenity of future occupiers also needs to be assessed especially as the site is located close to main roads, the railway line (Wessex Main Line) and the White Horse Business Park. A noise monitoring report has been submitted as part of the application which assesses the railway and the A363 which are the two principal sources of external noise. Measures to ensure the amenities of future occupiers are not adversely impacted include acoustic glazing to dwellings near the railway. Building orientation will also be key in ensuring minimal impact (again, a detailed layout matter for the reserved matters). The Public Protection Officer has confirmed that in principle these measures are likely to be acceptable, although a further noise mitigation strategy will be required with the reserved matters applications. This can be requested via a relevant condition.

Noise from the proposed changing facility would be left to the reserved matters stage as it is not yet known what the changing facility will consist of and the opening hours. This detail

would come forward during the reserved matters stage and an appropriate assessment would then be made.

### 9.7 Highway Impact

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the stated ways of achieving this is by planning developments in suitable locations.

Paragraph 111 of the NPPF states that:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The Inspector for the sites' allocation policy document confirmed that with appropriate mitigation there was no clear evidence to suggest that the cumulative impact of these allocations along with other growth planned for the areas, would be severe in relation to highways, local services, facilities or biodiversity. This opinion is echoed by the Council's Highways Officer when assessing this application.

The sites allocation plan states:

*Access to the site would need to be holistically planned with upgrades required to Drynham Lane, along with the construction of a connection to the A363 designed as a through-route anticipating future traffic growth. New and improved walking and cycling routes to existing and planned local services would encourage future residents to use sustainable forms of transport.*

The development will be approximately 1.7km to the south of Trowbridge town centre with the railway station being 1.9km, local primary and secondary schooling being 900m and 1.8km distant respectively and local convenient shopping being within approximately 700m. The employment facilities of White Horse Business Park are close to the development, and the development will also be close to the planned Ashton Park development with pedestrian links between these areas. Existing cycling and rail accessibility of the development are considered to be reasonably good. There are also considered to be a good range of facilities within walking distance of the site.

The site is served by a reasonably frequent bus services to relevant destinations. The distance from parts of the development to bus stops is greater than ideal but in future it is expected that some buses could be routed through the development when a through route is achieved.

A pedestrian/cycle link is proposed from Wiltshire Drive to the White Horse Business Park as well as other key connections to Drynham Lane and the Ashton Park Urban extension.

The application through the submission of amended plans now proposes a through route from a ghost island right turning Lane on the A363 to the south to the existing road network to the north. The through route is proposed as a 6.5 metre wide spine road, traffic calmed to give a 20 mile per hour design speed. The 6.5 metre carriageway width is considered appropriate by the Highways officer to enable future bus routeing through the development. It is important the spine road is traffic calmed to assist in deterring excessive rat running through the development which has been a concern raised through the public consultation and the submitted masterplan is considered to provide appropriate measures to cover this

concern. Achieving the through route is important for reasons of accessibility including future public transport accessibility and also to ensure dispersed distribution so that development traffic to and from the south will not need to use the congested Bradley Road. The modelling work undertaken for this application including modelling undertaken before submission and the modelling carried out for the WHSAP process shows that a through route is the most beneficial overall way of serving this development allocation. However, the highways officer has confirmed that there will still be some network detriment as set out in the Network Modelling section below.

#### Network modelling –

The development has been assessed in traffic terms across the network by use of the SATURN model for a growth year of 2026. The model takes account of committed developments around the town, and the development has been inputted as a through route between the A363 and Wiltshire Drive / Drynham Road. Trip rates have been agreed with the Highway Authority. The development has been assessed on a figure of 280 dwellings rather than 261 to take account of possible future development on Plot 4. This means that the current application for 261 units can be considered to have been assessed robustly. The proposed development can be expected to generate 137 trips in the AM peak hour, and 166 trips in the PM peak hour (where a trip is a one-way vehicular movement). These trips will distribute across the available routes of the access to the A363, Wiltshire Drive and some via Drynham Road.

The modelling results indicate that travel time across the Trowbridge network will increase by some 1.2% with a total delay by between 2 and 2.3% but the average network speed is forecast to remain unchanged. The development is therefore considered to not to have a severe impact upon the existing road network.

The following are the individual junctions:

Woodmarsh Road / Bradley Road roundabout - The junction would continue to operate satisfactorily in 2026 with the development in place.

Bradley Road / Wiltshire Drive mini roundabout - Without the development there will be significant delay on the Wiltshire Drive and Bradley Road North arms in the AM peak. The development will increase these delays by a small amount.

Bradley Road / Silver Street Lane mini roundabout - Without the development there will be significant delay on the Silver Street Lane and Bradley Road South arms in the AM peak. The development will increase these delays by a small amount.

Bradley Road / County Way roundabout - The assessments show that for the base year of 2019 the development was close to capacity for both AM and PM peak hours. That situation of course continues today. For the growth year of 2026, without the development, those capacity issues increase. There is a small degree of worsening when the development traffic is added in.

County Way / Dursley Road restricted T-junction - The junction would continue to operate satisfactorily in 2026 with the proposed development.

Drynham Lane / Wiltshire Drive Site access mini roundabout – The junction would operate satisfactorily in capacity terms.

Access from the A363 to the development - The proposed right turning lane junction from the development to the A363 would operate satisfactorily in 2026.

Development access roads, and local access considerations –

Under this submission the development would be accessed from the south by a right turning lane junction provided on the A363. At this point the A363 is subject to a 40mph speed limit, and has a footway on its southern side only. The road carries a high traffic flow. The development access scheme would provide pedestrian refuge crossing points of the A363 both sides of the access junction.

On the northern side of the development, the development would take access via a new mini roundabout junction to be constructed at the existing junction of Wiltshire Drive / Drynham Road. From this access junction, traffic to and from the development would either use Wiltshire Drive or Drynham Road. Both roads are well within the Trowbridge 30mph speed limit area. Wiltshire Drive is a good standard 7.3m width local distributor road with good footways to either side. Drynham Road / Dursley Road have a high degree of on-street parking which is broken by localised sections of double yellow lines such that the on-street parking creates a chicane traffic calming effect.

Drynham Lane currently runs through the whole development site area of land being an unclassified road at its north-eastern end; part way through the site it becomes a Byway reference NBRA43.

Construction access –

At 8.2 of the TA it is stated that:

*“it is not known whether construction will begin from the north end of the site with access from Wiltshire Drive, at the south end of the site with access from the A363, or given the elongated shape of the site, whether construction will begin from both ends and meet in the middle.”*

It is important that all development construction takes place via an access point from the A363 to avoid potential detriment to residents that would occur if construction takes place using Wiltshire Drive or Drynham Road and Dursley Road as access routes. This concern can be covered by a Construction Management Plan and related condition.

Access delivery phasing –

Section 8 of the TA considers at what point the through route will need to be provided if the development is first served from the north to avoid significant traffic disruption caused by serving too large a part of the development via a single access point. The assessments focussed on the Wiltshire Drive / Bradley Road junction as being the worst affected junction in capacity terms. The assessments set out the Applicant's view that if the development is first served from the north, up to 100 units can be accommodated before the through route is required. However, the Highways Officer considers this to be too high; the Highway Officer sets the limit at not more than 60 units.

Turning to a scenario in which the development is first served from the south the assessment determines that up to 170 units can be accommodated before the through route is required. However, as this assessment is determined by applying the 61% southern distribution to the 280 unit assessment, the Highways Officer considers the limit should be less (based on the 261 unit limit); the Highways Officer sets the limit at not more than 160 units.

It will be necessary to have a backstop limit in the event that the development is developed such that units are served from both north and south in the early stages. In accordance with

the Highways Officers conclusions the backstop should be no more than 50 units via Wiltshire Drive, and no more than 110 units via the south before a through route is provided (in the event that dwellings are occupied served from both north and south ends of the development).

Public Right of Way (PRoW) –

Drynham Lane runs through the site and part of it is a Byway Open to All Traffic (BOAT) number NBRA43. As the Applicant has suggested, it would be appropriate for this to be downgraded from a vehicular route to a pedestrian and cycleway only. The western end is barely wide enough for a vehicle and it is considered that this development will see a considerable increase in walkers and cyclists so vehicles will need to be removed. In order to do this legal orders would be required which would need to be funded by the applicant. The existing surfacing is poor in places, and as there would be a considerable increase in the use the applicant would be required to resurface the route in places.

All the detailed highway matters can be controlled by suitably worded conditions / S106 terms, and through determination of reserved matters applications.

### 9.9 Other Matters

Section 106 –

WCS CP3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising from the proposal.

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, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework 'The 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 sites' allocation plan also confirms that appropriate contributions would be likely to be sought to help fund an increase in capacity at local schools, local GP surgeries and dentist practices at the town in accordance with core policies of the Wiltshire Core Strategy.

The developer has agreed to the following Section 106 requirements (The calculation is on the net addition of new homes which is 260. The additional 1 no. home in the description is to replace the existing Elm Grove Farmhouse which was subject to an arson incident and subsequent demolition prior notification consent):

Affordable Housing –

CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided and transferred to a Registered Provider. CP45 also requires affordable dwellings to be address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people will be required. The proposal would therefore be required to provide 78 affordable housing units, 60% of which would be sought as affordable rented and 40% as shared ownership.

The applicant has submitted a Vacant Building Credit proposal which would reduce the number of affordable housing units down by 2 units.

The Applicant is proposing 46 affordable rented units 12 x 1 bed 2 apartments, 4 x 2 bed 4 person maisonettes with the 2 x ground floor units being M4(2) standard with level access showers. 2 x 2 bed 3 person bungalows which are to be provided at M4(2) standard with standard wet rooms, 14 x 2 bed 4 person houses, 12 x 3 bed 5 person houses and 2 x 4 bed 7 person houses

The application is also providing 30 shared ownership units (20 x 2 bed 4 person, 10 x 3 bed 5 person).

The affordable housing proposals are considered acceptable by the Councils Housing Officer.

#### Education –

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities. The Inspector when assessing the site for the site allocations policy document confirmed that a new primary school was no longer necessary and the additional school places could be achieved in other ways via appropriate contributions being made in line with WCS policies.

In order to achieve this the proposed development is required to fund 71 primary school places (£1,331,818 subject to indexation) which would be at Holbrook and other primaries within 2 miles safe walking distance of the site (including Bellefield, Castle Mead, Grove, Newtown, North Bradley, Oasis, Paxcroft, Studley Green and Walwayne Court).

50 secondary school places (£1,147,000 subject to indexation) which would be at John of Gaunt School or Clarendon and St Augustine's RC.

There would also be an 'early years' contribution required of 30 spaces (£525,660 subject to indexation).

#### Waste –

A contribution of £91 per dwelling 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. The total sum for the 260 dwellings would therefore result in £23,660.00.

#### Air Quality –

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and a submitted report identifies that the proposal would have a slight impact upon the air quality at local receptors and as such a financial contributions towards Air Quality Action Planning projects – based on £5.66 per unit i.e. 260 – are required which would result in a total contribution of £1,472.00.

#### Leisure and Play –

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space.



The requirement for this development has been calculated using the latest Sport England Guidance and is as follows: 260 dwellings generates a requirement for 9541.48m<sup>2</sup> public open space, with 460.20m<sup>2</sup> of this for equipped play. The Open Space Officer is satisfied with the open space and play equipment provided on the plans and this area would be secured in perpetuity. This land would not be adopted by Wiltshire Council.

The proposal includes retaining the QEII land as a recreation ground in its entirety, and a Neighbourhood Equipped Area for Play (NEAP) is proposed to replace existing equipment which is to be part funded by the Bradley Road development. Two junior grass unlit sports pitches are proposed to the north east of the QEII land along with a multi-use changing room facility with 20 car parking spaces. A communal allotment area with parking is also proposed on the eastern side of the development adjacent to the railway embankment. The landscape buffers required for ecology purposes will also be used as informal recreation. It is anticipated that the future maintenance of the junior pitches, allotments and changing facility would be by Trowbridge Town Council.

#### Public Art –

CP57 requires developments to integrate art and design into the public realm. CP3 promotes art as a type of place shaping infrastructure. Both the PPG and the NPPF state that public art can play an important role in making interesting and exciting places that people can enjoy using whilst it is also listed within the Planning Obligations SPD. Therefore a public art contribution of £300 per dwelling is requested for the applicant to deliver the integration of public art for this site and no more than 10% of this should be spent upon the production of a public art plan. The total sum for 260 dwellings would therefore be £78,000.00.

#### Health –

A total sum of £155,915.00 would be required based on a scheme of 260 dwellings based on a standard building cost of £2,271 sqm which would be dedicated towards Lovemead Surgery and Trowbridge Health Centre Practice who are combining to provide more integrated system working and operation.

#### Highways & Public Right of Way –

CP63 ensures that packages of transport measures will be identified in Trowbridge to help facilitate sustainable development growth through improved network routes, enhanced public transport, traffic management measures and road improvements, which will be supported and implemented through developer contributions. The contributions considered necessary for this development are as follows:

- £21,000 to provide improved bus stop facilities in the vicinity of the development
- £200,000 for the surfacing and upgrading to a shared use cycleway, including street lighting of the footpath between the south-eastern corner of the development and Aintree Avenue
- S38 Agreement to be agreed for highway adoption of the through route between the A363 and Drynham Road/Wiltshire Avenue
- Resurfacing and/or reconstruction of Drynham Lane / Drynham Road as appropriate for its whole length between its junction with Wiltshire Drive and the Bradley Road / Woodmarsh Roundabout, street lighting of the route, construction of a vehicle turning head at Drynham Lane, the physical closure of the route at various points to vehicles and the making of the necessary traffic orders to downgrade parts of the route to a Cycleway or restricted byway. (Masterplan and plan number 1008/008/A).

- £707 per tree cited within adoptable highway areas

#### Management Company –

A management company would be required to manage the landscape buffers and the on-going future maintenance of existing drainage ditches. Management Company means a private limited company to be established by the owner/developer (and registered at Companies House) the purpose of which would be (amongst other things) to manage and maintain relevant open space.

#### Biodiversity –

The proposed enhancements would only be successful if they are supported by effective long-term management. This is especially important for the success of the proposed grassland enhancement. A detailed management plan would be required for this as part of the wider Landscape and Ecological Management Plan that would be prepared for any subsequent reserved matters or condition discharge application.

Management would be required to continue in line with the requirements of the biodiversity net gain good practice guidance and the requirements of the legislation relating to biodiversity net gain as set out in *The Environment Act 2021*. The Environmental Act received Royal Assent in November 2021, meaning that the expectation for all planning permissions to include a biodiversity net gain of at least 10% will become a legal requirement.

The Environmental Act 2021 includes provision for biodiversity net gain to be applied to every planning permission. Schedule 14 of the draft Environment Bill sets out amendments to the Town and Country Planning Act 1990 for the inclusion of biodiversity net gain as follows:

#### *“Biodiversity gain objective*

- (1) *The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.*
- (2) *The biodiversity value attributable to the development is the total of—(a) the post-development biodiversity value of the onsite habitat, (b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and (c) the biodiversity value of any biodiversity credits purchased for the development. (3) The relevant percentage is 10%.”*

The implementation and success of these interventions would be monitored annually, with a review every five years.

The biodiversity requirements of the S106 agreement are, therefore, as follows:

1. Not to Occupy any of the Residential Units until the Owner has agreed in writing with the Council the person(s) (which it is agreed between the Owner and the Council may be the Management Company) who is to be responsible for the maintenance and management of the Biodiversity Habitat pursuant to the LEMP and the mechanism to ensure that such maintenance and management shall take place for the lifetime of the Development
2. Where it is agreed between the Owner and the Council that the Management Company will be responsible for the maintenance and management of the

Biodiversity Habitat pursuant to paragraph 1 above the provisions of paragraphs 11-13 of Part 1 above shall apply as through the Biodiversity Habitat was part of the Open Space.

## **10. Conclusion (The Planning Balance)**

The site the subject of this application is an allocated site known as H2.1 in the Wiltshire Housing Site Allocations development policy document, and this application is to determine whether the proposal complies with this DPD alongside the relevant policies in the Wiltshire Core Strategy and NPPF.

The benefits of the proposed development include:

- to boost to the supply of land for housing; and
- to boost the provision of affordable housing

both of which can be afforded substantial weight given the site is allocated in the Wiltshire Housing Site Allocation Plan via H2.1 and given the current circumstances of 5 year land supply within the WCS area.

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 some weight.

It is considered that the proposal in principle would not cause a detrimental impact on the amenities of existing or future occupiers subject to relevant conditions and further information which will be submitted at the reserved matters stage.

The potential harm arising from the proposals arise from effects on:

**Character and Appearance** - The Council's Arboricultural and Landscape Officers have raised no objections to the proposal, and it is therefore considered that it would not result in impacts of such magnitude to justify refusal, particularly in the context of the site's allocation for development in any event. Any localised impacts can be mitigated through conditions for sensitive design and landscape measures. Accordingly character and landscape impacts are considered to carry very limited weight on the planning balance.

**Drainage and Flooding** -The Council's Drainage Team and Wessex Water in their joint response have confirmed that the level of detail provided as part of this outline application demonstrates that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk, and therefore support the application in principle.

**Biodiversity** - There are ecological constraints and any development must accord with the Trowbridge Bat Mitigation Strategy.

To address the constraints, the southern hedgerow boundary is to remain and dark corridors are to be provided, and no roads are proposed facing onto the green buffer.

As submitted, the application could have potential likely significant effects on Bath and Bradford on Avon Bat SAC. Natural England required further information in order to determine the significance of these impacts and the scope for mitigation, this including a Habitats

Regulation Appropriate Assessment (AA). On 5/11/2021 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) of the Bath and Bradford on Avon Bat SAC.

Archaeology - A programme of archaeological investigation is to be carried out in order to excavate and record those remains which are considered to be of archaeological interest. This is a matter for planning condition.

Listed building setting - In principle, the Wiltshire Conservation Officer concludes that the proposal would result in less than substantial harm to the Southview Farmhouse listed building and its setting, but the harm would be outweighed by the public benefit of increasing the supply of homes.

Highways - The highways officer has confirmed that there will still be some limited network detriment as set out in the Network Modelling section discussed above, but this is addressed through planned improvements and sustainable transport measures and contributions.

### **Overall Balance**

On balance, it is considered that the adverse impacts identified do not substantially and demonstrably outweigh the benefits that the development would provide. Therefore, in accord with the provision of paras 11 and 12 of the framework permission is recommended.

### **RECOMMENDATION**

**That planning permission be granted, subject to first completion of a planning obligation / Section 106 agreement covering the matters set out below, this within six months of the date of the resolution of this Committee; and subject to planning conditions.**

#### **S106 matters –**

- **Affordable housing - 29% of the Residential Units as Affordable Housing at Nil Subsidy; 60% of the Affordable Housing Units shall be Affordable Rented Units and 40% shall be Shared Ownership Units**
- **Education - Secondary education - £1,147,000; Primary education - £1,331,818; Early Years / Nursery education provision - £535,660**
- **Air Quality monitoring - £1,472**
- **Waste & Recycling Facilities – £23,660**
- **Highways - Bus stops - £21,000; Cycleway improvements - £200,000; PROW Maintenance as part of the general site maintenance; Street Trees - £20,503. Section 38. Works to Drynham Lane**
- **Healthcare - £155,915**
- **Biodiversity - Off-site biodiversity mitigation - £202,181; Terms for LEMP and future management**
- **Public Art - £78,000**
- **Open Space SUDS Management & Maintenance Provisions**

#### **Conditions –**

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two

years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

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

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

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

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

- 4 No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical phases for the entire development. Where relevant these phases shall form the basis for the reserved matters applications. Each phase shall include within it defined areas and quantities of housing and infrastructure (including open space and play areas, and where relevant, the allotments, the new sports pitches, the leisure/recreation changing facility and the upgraded NEAP) relevant to the phase. No more than 50% of the houses (or no more than a meaningful percentage of houses to be first agreed in writing by the local planning authority) to be built in any particular phase shall be first occupied until the infrastructure relevant to the phase has been completed.

The development shall be carried out strictly in accordance with the approved Phasing Plan.

REASON: To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the development has made necessary, in accordance with the overall proposal and good planning in general.

- 5 The development hereby approved shall make provision for the following –

- (i) Up to 261 dwellings;
- (ii) Existing play area at QEII playing field to be upgraded to NEAP;
- (iii) Allotments;
- (iv) New sports pitches;
- (v) Leisure/recreation changing facility, and associated parking.

The 'scale of the development', the 'layout of the development', the 'external appearance of the development', the 'external appearance of the development' and the 'landscaping (non-strategic) of the site' (as to be submitted and approved under condition no. 2) shall be substantially in accordance with the following plans and documents –

- 038-027\_B – Site Location Plan
- A-P10-001-D – Site Layout Masterplan
- A-P10-007B – Site Layout Demolition Plan
- 038-001\_P – Landscape Masterplan
- 038-R001\_J – Illustrative Landscape Plan
- 1178.P.0109G – Parameter Plan Land Use
- 038-038\_E – Parameter Plan Tree Retention and Removal
- 038-022\_J – Parameters Plan Levels
- 038-021\_R – Parameters Plan Landscape and Ecology
- 038-1D-108 (May 2021) – Landscape Strategy & Placemaking Guide
- Design & Access Statement Vol 2 (Oct 2020)

REASON: To ensure the creation of a sustainable development, in accordance with the requirements of the Wiltshire Core Strategy and the terms of the supporting documentation with the application, including the Master Plan, Parameters Plans, and Design & Access Statement.

- 6 The 'means of access to the site' shall be constructed in accordance with the following approved detailed drawings –

- 1008-008A – Proposed Footpaths and Cycle Routes
- 1008-009C – Proposed Wiltshire Drive / Drynham Lane Access Arrangement
- 1008-013A – Proposed Bradley Road Mini-Roundabout and Signal Improvements
- 1008-017 – Proposed Wiltshire Drive Pedestrian and Cycle Access
- 1008-018C – Proposed Drynham Lane Access
- 1008-021A – Proposed Drynham Lane Turning Head Arrangement
- 1008-023A – Proposed A363 Site Access via Business Park Land

The means of access shall be provided in accordance with the Phasing Plan to be submitted and approved under condition 4.

REASON: To ensure proper and timely delivery of the means of access in accordance with the agreed scheme and in the interests of highway safety.

- 7 No development shall commence in any phase until details concerning how waste collection will function within the phase are submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To meet the requirements of CP3 and WCS6.

- 8 Notwithstanding the Parameters Levels Plan, no development shall commence in any phase until plans showing finished floor levels (FFL) and threshold levels for the phase have been submitted to and approved in writing with the Local Planning Authority. These plans should set minimum FFLs at the 1 in 100 year plus climate change level with a 300mm freeboard OR the 1 in 1000 year flood level with downstream culvert blockage. The development shall be carried out in accordance with the approved details.

REASON: To limit the risk from flooding and minimise the risk to its occupant.

- 9 No development shall commence until a scheme for discharge of surface water from the site, including sustainable drainage systems, exceedance flow routes and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority/Lead Local Flood Authority. This scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 10 No development shall commence on site until a construction management plan and detailed drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority undertaker. The plan must make provision for the installation of flood mitigation works and attenuation storage prior to the installation of any upstream drainage infrastructure or hardstanding areas. The development shall be carried out in accordance with the approved details.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 11 No occupation of the development shall occur until a flood risk emergency plan has been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the occupants of the development and any public use of the amenity spaces therein. To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with section 14 of the National Planning Policy Framework.

- 12 **CONDITION 1:** The development shall only be carried out in accordance with the approved Flood Risk Assessment.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 13 No more than 110 dwellings hereby approved shall be served from the southern (A363) access point to the development, prior to the opening of the through route through the development.

No more than 50 dwellings hereby approved shall be served from the northern (Wiltshire Drive) access point to the development, prior to the opening of the through route through the development.

The through route through the development linking the A363 to Wiltshire Drive shall be fully open to traffic prior to occupation of the 161st dwelling hereby approved.

REASON: In the interests of good accessibility.

- 14 Construction access to the development shall be solely from the A363 at the southern frontage of the site. No construction traffic shall access the development via Wiltshire Drive or Drynham Road (or from any other point of access) at any time.
- REASON: In the interests of highway safety and road user convenience.
- 15 Prior to commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of construction vehicle routing, construction staff vehicle parking areas within the site, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway. The site construction shall be carried out in accordance with the approved plan.
- REASON: In the interests of highway safety and road user convenience.
- 16 Prior to commencement of the development a road condition survey shall be carried out of the unclassified road parts of Drynham Lane, Drynham Road and Wiltshire Drive, and also of the A363 between the existing roundabouts east and west to the development access point. A post development survey shall be carried out at the conclusion of significant development construction, and both surveys shall be supplied to Wiltshire Council. Any significant damage to the public highway identified and attributable to the development construction shall be rectified by the developer.
- REASON: In the interests of highway safety.
- 17 Prior to first occupation of any dwelling served from the A363 to the south of the site, the ghost island right turning lane outlined on drawing 1008-023A including 2 pedestrian refuges, any required street lighting and highway drainage alterations to accommodate the right turning lane, resurfacing of the A363 over the length of the right turning lane scheme, shall all be provided in accordance with details to be first approved under a Section 278 Agreement.
- REASON: In the interests of providing safe and convenient access to the development.
- 18 Prior to first occupation of any dwelling served from the A363 to the south of the site, a 2-metre-wide footway shall have been provided on the north side of the A363 and to the east of the development access, as outlined on the Masterplan drawing number A-P10-001-D, in accordance with details to be first approved under a Section 278 Agreement.
- REASON: In the interests of safe and convenient pedestrian access to the development.
- 19 Prior to first occupation of any dwelling served from the A363 to the south of the site, a 3-metre-wide cycleway shall have been provided on the north side of the A363 and to the west of the development access, as outlined on the Masterplan drawing number A-P10-001-D, and to a point approximately 200 metres west of the access centreline, in accordance with details to be first approved under a Section 278 Agreement.
- REASON: In the interests of safe and convenient pedestrian access to the development.
- 20 Prior to first occupation of any dwelling served from Wiltshire Drive / Drynham Road the site access mini roundabout, 3 metre cycleway and traffic calming as indicated in outline on drawing 1008-009-C, and including revised street lighting in accordance with BS5489-1;2013 BS EN 123201-22003, over the area of that plan, and resurfacing of Drynham Road and Wiltshire Drive over the area of that plan, and



necessary traffic orders and waiting restriction orders to give effect to the scheme, shall all have been constructed and made permanently available for use in accordance with details to be first approved under a Section 278 Agreement.

REASON: In the interests of providing safe and convenient access to the development.

21 Prior to occupation of the 100th dwelling the following shall have been constructed in accordance with details to be first submitted to and approved by the Local Planning Authority:

- The strategic pedestrian / cycle route outlined on drawing 1008-008-A;
- The network of 2 metre paths shown on Masterplan drawing A-P10-001-D across the existing Wiltshire Council owned designated open space;
- The 2 metre paths linking to the community leisure facility;
- The 2-metre path shown on Masterplan drawing AP10-001-D along the north-western side of the development.

REASON: In the interests of good pedestrian accessibility.

22 Prior to occupation of the 100th dwelling Drynham Lane shall have been planed-off 30mm, regulated and resurfaced between the junction of Drynham Lane and Drynham Road and a point 16 metres east of the centreline of the rail overbridge (on the eastern side of the development), in accordance with details to be first approved under a Section 278 Agreement.

REASON: In the interests of pedestrian accessibility to and from the Ashton Park development area.

23 The spine road through the development from its junction with Wiltshire Drive to the A363 shall generally have a carriageway width of 6.5 metres, a shared use cycleway / pedestrian route alongside of 3 metres width and shall be of an alignment commensurate with 20mph Zone standards, but without excessive use of vertical traffic calming.

REASON: To enable convenient bus routing through the development while at the same time discouraging excessive through traffic use.

24 Prior to any closure of Drynham Lane to motor vehicles south west of the Drynham hamlet a vehicle turning head and associated measures as indicated in outline on plan number 1008-021-A shall have been provided to adoptable standards and put forward for adoption via a Section 38 Agreement Highways Act 1980.

REASON: To ensure that vehicles using the new cul-de-sac are able to turn in a convenient manner.

25 Prior to occupation of the 50th dwelling hereby approved Drynham Lane shall be permanently closed to vehicles south west of Drynham hamlet.

REASON: In the interests of safe and convenient access to the development.

26 Within 3 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan included in the planning application. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

- 27 No development shall take place unless and until:
- a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number 1178.P001 shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with
- The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.
- REASON: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy.
- 28 The playing field/artificial grass pitch shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- REASON: To protect the [playing field/artificial grass pitch] from loss and/or damage, to maintain the quality of and secure the safe use of sports pitch/es and to accord with LP Policy.
- 29 Prior to the bringing into use of the Playing fields, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Measures set out in the approved scheme shall be complied with in full.
- REASON: To ensure that new playing field is capable of being managed and maintained to deliver a playing field which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with LP Policy.
- 30 In term of ecology, the reserved matters application(s) will be in accordance with:
- Site layout masterplan (Sean Pembroke Associates A-P10-001 Rev D August 2020).
  - Ecology Survey and Assessment Report (Engain eg15715-REV04 29/07/2021)
  - Parameters Plan, Landscape and Ecology (Greenhalgh drawing 038-021\_R 23/08/2021)
  - Landscape Masterplan (Greenhalgh 038-001\_P 11/05/2021)
  - Ecological Technical Note (Engain eg15715-EN-REV00 10/08/2021)
  - Revision 7 of Biodiversity Metric 2.0 submitted 23 August 2021
- REASON: In the interest of proper planning.
- 31 A revised Biodiversity Metric Calculation using a metric agreed by the Local Planning Authority will be submitted with each reserved matters application. The revised metric will be in broad accordance with Revision 7 but recalculated to reflect the more detailed reserved matters application(s). The calculation will be supported by a revised plan for habitat creation and enhancements demonstrating the extent and

area of each habitat. Accurate development boundaries will be overlaid on the plan to allow accurate scaling and location of mitigation measures. The calculation will demonstrate that for habitats, hedgerows and watercourses the development will achieve at least 100% mitigation (i.e. no net loss) for habitats lost to development. 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. 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.

32 No development shall commence in any phase of the development hereby approved until a scheme of hard and soft landscaping for the phase has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land
- full details of any to be retained, together with measures for their protection during development
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities, together with details of how grassland habitats will be established
- finished levels and contours
- means of enclosure
- car park layouts
- 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 etc)
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc)
- retained historic landscape features and proposed restoration, where relevant
- All trees tree(s) shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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.

33 All soft landscaping comprised of the approved details of landscaping shall be carried out in accordance with a phasing plan submitted to and approved by the Local Planning Authority. The Plan will cover formal landscape works and informal public open space and will demonstrate there will be no more than 12 months between an area being stripped and the completion of an area of equivalent value of biodiversity habitat. 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 timely offsetting of habitat for protected species.

34 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- Measures such as fencing and professional oversight, to ensure all land to be retained for habitat enhancement 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.
- Location of temporary work compounds throughout the construction phase
- Consideration of the impacts of diverting / installing utilities especially in the vicinity of the access road
- Compliance checking and recording by a third party, which will be in place throughout the construction period to ensure conditions relating to biodiversity are complied with in a timely way
- Surveys, mitigation and translocation, which will be undertaken to ensure risks to badgers, water voles, bats, herptiles, hedgehogs, birds and other relevant species are minimized throughout the construction period.
- Results of climbing bat surveys for trees 8, 15, 17 and 18 on Figure 6 of the Ecology Survey and Assessment Report (Engain eg15715-REV04 29/07/2021) and the mitigation which will be undertaken as a consequence of the findings.
- Methods which will be used for creating and enhancing habitats to reach target conditions identified in the revised biodiversity metric. The approved CEMP shall be adhered to and implemented throughout the construction period strictly 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 a 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 or phase thereof as appropriate. The Completion Report will certify whether the required mitigation and/or compensation measures identified in the CEMP have been completed to the Ecologists satisfaction and whether remediation is required before the condition can be discharged.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

35 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

have been submitted to and approved in writing by the Local Planning Authority. The Plans will be 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), and Guidance Note GN08-18 "Bats and artificial Lighting in the UK" published by the Bat Conservation Trust and Institution of Lighting Engineers.

Where light spill has the potential to impact core bat habitat, the lighting impact assessment of the reserved matters applications(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 conditions; maintenance of illuminance zones A, B and C, and; lighting design solutions.

The approved lighting shall be installed and 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 maintain dark conditions at core bat habitat.

36 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 include:

- Information and map(s) to explain core bat habitats and how they will be managed to maintain their biodiversity
- Ecological and landscape objectives for parcels of public open space formal landscaped areas
- 1-5 year and long-term maintenance requirements for public open space and formal landscaped areas
- Replanting requirements after the 12 month planting contract
- Ongoing requirements for monitoring and reviewing effectiveness of the plan
- Details of SuDs management unless this is contained in a separate SuDs maintenance manual in which case this document should be referenced in the LEMP.

The LEMP shall be implemented in accordance with the approved details for the lifetime of the development.

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

37 Prior to the commencement of development, the design and location of nesting and roosting places for building dependent species of birds and bats that will be incorporated into the fabric of buildings shall be submitted to, and approved in writing by the Local Planning Authority and thereafter implemented and retained. The approved details shall be implemented before occupation of the final works and the condition will be discharged once photographic evidence of installed features has been submitted to and approved by the local planning authority.

REASON: To provide mitigation /enhancement for biodiversity.

- 38 No development shall commence within the area indicated (proposed development site) until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work will be carried out in accordance with the approved details.

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

- 39 The development shall be designed and constructed in accordance with the noise mitigation measures specified in the Environmental Noise Assessment by Entran Ltd dated 15/10/2020.

REASON: To ensure the amenities of occupiers of the development are safeguarded.

INFORMATIVES:

The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at [HighwaysDevelopment@wiltshire.gov.uk](mailto:HighwaysDevelopment@wiltshire.gov.uk)

The applicant should note that new Sewerage Sector Guidance (published 1st April 2020) enables Water Companies to adopt SuDS features as part of the surface water drainage network. Policies and Guidance on this can be found at <https://www.wessexwater.co.uk/services/building-and-developing/sector-guidance-onsewerage-and-water-adoption-agreements>

If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Wessex Water, prior to the submission of any drainage scheme details to the local planning authority, to ensure compliance under the new adoption codes and to formally commence the adoption process. Applicants should contact Wessex Water through [planning.liaison@wessexwater.co.uk](mailto:planning.liaison@wessexwater.co.uk) for further information/discussion. The Lead Local Flood Authority will support any applications brought forward through the Wessex Water adoption process.

There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse. An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows. Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).

The proposed access footbridges over the Drynham Brook within the site are predicted to flood, therefore in line with the National Planning Policy Framework, an emergency plan needs to be agreed with Wiltshire Council.

The applicants should be informed that there should be good parking provision (no reductions in either dwelling or visitor parking standards will be accepted) for dwellings in the area of the Drynham Lane hamlet – to prevent indiscriminate parking on this section of Drynham Lane.

The applicants should be informed that subject to Cabinet member approval trees within adoptable highway areas will attract a commuted sum of £707 per tree.

All reserved matters and full applications for the site will be considered under the Habitats Regulations. Further surveys may be required to support the Council's appropriate assessments.

The layout of sports pitches is such that future applications for floodlighting would have a high risk of impacting core bat habitat through direct illumination of the habitat and / or because lighting would be highly and visible to bats using core bat habitat safeguarded by this permission. Measures for mitigating impacts are likely to be limited in this constrained location

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

Application Submissions

Wiltshire Core Strategy

North Bradley Neighbourhood Plan

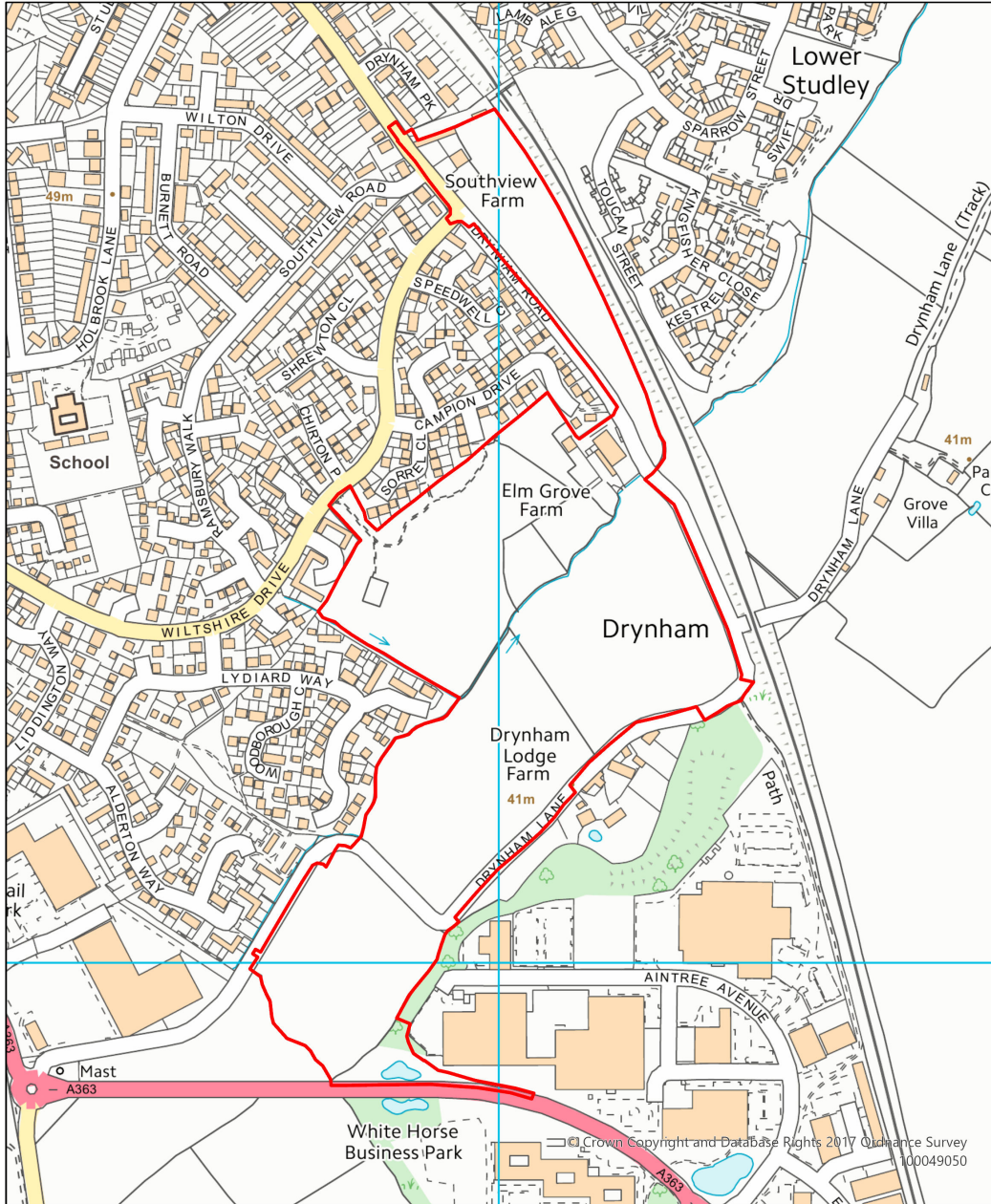
NPPF 2021

HLS Statement 2019

Draft S106 Agreement

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