

AGENDA

Meeting: Strategic Planning Committee

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

Date: Tuesday 22 October 2024

Time: 10.30 am

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

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

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Membership

Cllr Howard Greenman (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Adrian Foster

Cllr Carole King

Cllr Stewart Palmen

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr James Sheppard

Cllr Elizabeth Threlfall

Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE

Cllr Richard Britton

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr George Jeans

Cllr Dr Nick Murry

Cllr Andrew Oliver

Cllr Nic Puntis

Cllr Bridget Wayman

Cllr Stuart Wheeler

Cllr Graham Wright

Cllr Tamara Reay

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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](#).

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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 - 26*)

To approve and sign as a correct record the minutes of the meeting held on 18 August 2024.

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.

Statements

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

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Tuesday 15 October 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm Thursday 17 October 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals and Updates** (*Pages 27 - 28*)

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

Planning Applications

To consider and determine the following planning applications.

7 **20/06554/FUL - Land At Empress Way, Ludgershall, Wiltshire** (*Pages 29 - 78*)

Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school.

Note: This text was amended following publication of the agenda to correct the description of the application.

Please refer to the amended report and map published in agenda supplement 1 for the correct details regarding the application.

8 **PL/2023/10205 - Land North of Southwick Road and South of The Rank, North Bradley, Wiltshire** (*Pages 79 - 112*)

Outline planning application for residential development of up to 66 dwellings and associated public open space with all matters reserved except for access.

9 **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

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 14 AUGUST 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Ernie Clark, Cllr Carole King, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Richard Britton (Substitute)

Also Present:

Cllr Jacqui Lay, Cllr Ian McLennan and Cllr Tony Jackson

50 **Apologies**

Apologies were received from:

- Cllr Adrian Foster,
- Cllr Christopher Newbury,
- Cllr Jonathon Seed who was substituted by Cllr Richard Britton, and
- Cllr James Sheppard

The Chairman also welcomed Cllr Stewart Palmen, who had been made a full Member of the Committee at the last Full Council. Cllr Palmen had replaced Cllr Sarah Gibson MP.

51 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 July 2024 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes of the meeting held on 10 July 2024 as a true and correct record.

52 **Declarations of Interest**

There were no declarations of interest.

53 **Chairman's Announcements**

There were no Chairman's announcements.

54 **Public Participation**

The procedure for public participation was noted.

55 **Planning Appeals and Updates**

The Chairman highlighted the appeals report in the agenda, which detailed an appeal decision regarding a Gypsy / Traveller site at Clackhill Yard, Bradenstoke. The Committee decision to refuse was overturned at appeal. The Chairman also explained that the Gypsies and Travellers Development Plan Document would be going out for consultation later in the year. The document had been informed by evidence including an up-to-date gypsy and travellers accommodation assessment (GTAA).

56 **20/11598/OUT - Land east of Church Road, Laverstock**

Public Participation

Judy Ward spoke in objection to the application.

Ian McDonald spoke in objection to the application.

Johanna Ailano spoke in objection to the application.

David Barnes spoke in support of the application

Cllr Nick Baker, Vice Chairman of Laverstock and Ford Parish Council spoke in objection to the application.

Lynda King, Senior Planning Officer, introduced a report which recommended that the outline application (all matters reserved except external access) for the erection of up-to 49 dwellings, accesses from Church Road, Green Infrastructure including landscaping and children's play, a sustainable urban drainage system and utility buildings be approved, subject to conditions and an S106 agreement.

Key details were stated to include the principle of development, highway safety and drainage.

Attention was drawn to the amended site map published in agenda supplement 1 and amended conditions published in agenda supplement 2.

The officer explained that in the current Local Plan - the Wiltshire Core Strategy (WCS) Laverstock was identified as a Small Village. As such development was limited to infill within the boundaries of the village. So, the application was contrary to current policy. However, in the emerging Local Plan the site was allocated for up to 50 houses. A previous iteration of the application was for 135 houses. During negotiation and due to the emerging Local Plan, the applicant had reduced the number of houses to a maximum of 49.

The proposal included an area of green space through the middle of the site so that views to Cockey and Laverstock Down would be preserved. Improvements to local highways were included as part of the application. The Laverstock and Ford Neighbourhood Plan included green buffers around the area and the site did not encroach on those. There had been lots of objection to the application from local residents and the parish council. Objections included that the

application was premature in relation to the Local Plan; development creep; adverse impact on landscape sensitivity; highways concerns and flooding.

Consultee responses were summarised. There had been no objections to the revised plan, subject to conditions and a S106 agreement.

In summary, the officer explained that whilst the application was contrary to current policy, there was a significant need across Wiltshire for more affordable housing. Salisbury was a constrained area and sites needed to be found for houses. Development of the site was not seen to be harmful, hence its allocation in the emerging Local Plan for development. The emerging Local Plan had been drawn up using the National Planning Policy Framework (NPPF). The government was proposing revisions to the NPPF and the direction of travel was to increase housing levels across the country. Wiltshire Council currently had a Housing Land Supply (HLS) of 4.2 years. Under the previous government the HLS had been reduced from 5 years to 4 years. It was likely that under the current government this would be reversed. Therefore, more land would need to be allocated for housing. Officers felt that it was better to do this via sites which had been assessed as part of a planning process, such as this site. Hence the recommendation for approval, subject to conditions and a S105 agreement.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on policies, school travel plans and whether this application was premature.

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

The unitary division member, Cllr Ian McLennan then spoke in objection to the application. Points raised included that this was contrary to policy; the increase in housing in Laverstock and Ford over recent years; the importance of the view to Cockey and Laverstock Down; that the site was previously deemed unsuitable and that in Small Villages development should meet local need, and there was none identified here. The Cllr praised the comments of Laverstock and Ford Parish Council, which were at pages 30-37 of the agenda. Further issues raised included that Cockey Down was a Site of Special Scientific Interest (SSSI); there would be a loss of grade 3 agricultural land; the local doctors surgery had closed in 2019; there was a need for crossing on London Road rather than Church Road; archaeological concerns and that the local primary schools were full. Cllr McLennan also noted that the current requirement was for a 4 year HLS and Wiltshire Council had 4.2 years. For all the reasons stated, Cllr McLennan urged Members to refuse the application.

In response to public speakers the officer stated that they had made a balanced judgement to recommend for approval. Strategic allocations could override policy in relation to Small Villages. It was highlighted that it was better to consider a site which had been through an assessment process as this one had, and that there were no technical reasons it could not be developed.

Cllr Ernie Clark proposed that the application be refused contrary to the officer recommendation, as it was contrary to current policy, particularly CP1 and CP2, and the Neighbourhood Plan. This was seconded by Cllr Howard Greenman.

A debate followed where many Members stated that it was not good practise to go against current policies. Whilst housing requirements in Wiltshire may be going up 81%, Members did not want that to be in Small Villages. The outcome of the emerging Local Plan was not yet known, and one should not disregard current policy due to what may or may not happen in the future.

Others felt torn as they could see both sides of the argument. It was highlighted that if towns and cities were growing, villages had to take their proportion of housing as well.

There was further debate on the reasons for refusal and officer advice was sought. The reasons for refusal which both the proposer and the seconder were happy with, were that the application was contrary to CP1 and CP2, amplified by CP23. The site lay outside the boundary of development in the current WCS and was unsustainable development in the open countryside. The application was also contrary to the Laverstock and Ford Neighbourhood Plan 2022. This was a Small Village where development was limited to infill. The final wording of the reasons for refusal would be delegated to the officer, encompassing the points above. The motion to refuse was put to the vote and it was,

Resolved

That planning permission be refused for the following reasons.

- 1. The development would be contrary to Core Policies CP1 and CP2, as amplified by CP23 in that the site lies outside of the boundaries of development in the current Wiltshire Core Strategy, and therefore constitutes unsustainable development in the open countryside. The development is also contrary to the provisions of the Laverstock and Ford Neighbourhood Plan (2022) which recognises that the settlement is identifies as a Small Village where development is limited to infill.**

Note: The meeting was adjourned for a short break. The meeting reconvened at 12.00pm.

57 **PL/2023/07368 - Old Sarum Airfield Limited, Lancaster Road, Old Sarum, Salisbury**

Public Participation

Susan Daniel spoke in objection to the application.

Ron Champion spoke in objection to the application.

Mark Uffindell spoke in objection to the application.

Tim Burden spoke in support of the application

Cllr Nick Baker, Vice Chairman of Laverstock and Ford Parish Council spoke in objection to the application.

Cllr Annie Riddle of Salisbury City Council spoke in objection to the application.

Richard Hughes, Development Management Team Leader, introduced a report which recommended that the application for an outline application with all matters reserved, except means of access to site, for the demolition, modification & renovation of existing buildings, structures & site development. Provision of approx. 315 residential dwellings, & mixture of employment, commercial/leisure, & aviation uses, including a "flying hub" comprising control tower, heritage centre, visitor centre, café/restaurant, parachute centre, aviation archives & aircraft hangars. Provision of new vehicular access to surrounding highways network, car parking, & connections to surrounding footpath/cycle networks. Green infrastructure provision, including open space, play space, foot & cycle paths, & landscape enhancement areas; & sustainable urban drainage system & waste water treatment works. Associated vegetation removal, ground modification & engineering works be refused.

Attention was drawn to additional consultee responses, which were available in agenda supplement 2. It was highlighted that Ecology had no objections, subject to conditions.

The officer ran through the slides relating to the application which were published in agenda supplement 3. The application was for a very large site on the edge of the Old Sarum development and adjacent to Ford. There were 2 conservation areas linked to the application, 1 covered the Old Sarum Monument and the other was the airfield itself, which had several Grade II* listed buildings which were highlighted.

CP25 in the current Wiltshire Core Strategy (WCS) was detailed. Furthermore, it was explained that the green buffers identified in the Laverstock and Ford Neighbourhood Plan did not conflict with CP25. Also, the Ford Amenity Green Space was not affected by the application. Noise from the site had previously been an issue, but this had been concluded positively with conditions to limit noise. There would be a pathway and cycleway around the perimeter of the site and there was also mitigation for Skylarks.

The various areas of the site were detailed (Areas A, B and C). The dwellings proposed for Area A, had been reduced from over 300 to 160. The line of the old roman road within the site would be delineated within the application. Suggested designs of the dwellings were shown, with the apartment roofs mimicking the hangers on site. Proposed highways works and creation of access points were detailed in the report.

Details were given on Area B, which was in front of existing industrial units and would contain a new aviation building. This area also contained the listed hangers. Some of which, in particular hanger 3, was in a poor state or repair. A separate permission had already been granted to rebuild / repair hanger 3.

Area C was on the Ford side of the site. Green Lane, which was referred to in the report ran down the side of the site. There was also an old firing range at the side of the site which was still in use, this has caused some concern with

Public Protection. There was some land protected within the Leverstock and Ford Neighbourhood Plan (NP) which was excluded from the application. The proposed number of dwellings for Area C had been reduced to 155. Water treatment works would be required due to phosphate issues. There was a pedestrian crossing proposed from the Ford side of the development to the County Park. Area C would include dwellings ranging in size from 2 to 6 bedrooms. A new access to Area C would be created from Ford (Roman) Road and therefore improvements to the road were proposed including widening the carriageway in certain areas.

The officer referred attendees to the detailed report within the agenda. The officer recommendation was to refuse the application, on the basis of concerns regarding highways, conservation and public protection. The officer also highlighted an appeal decision appended to his report which included the comments of the planning inspector when the previous iteration of this application had been considered at appeal.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the restoration of Hanger 3 and community benefit of the application.

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

The unitary division member, Cllr Andrew Oliver (Old Sarum and Boune Valley Division) was unable to attend the meeting so had asked Lainey Barker (of Laverstock and Ford Parish Council) to read a statement in objection to the application on his behalf. Issues raised included that the site was a conservation area with 3 Grade II* listed hangers; the site was of significant historical importance with the grass airstrip one of only 3 surviving from World War 1. The majority of local residents were in objection to the application. The site was unsustainable and the existing rural road infrastructure surrounding the site was substandard and could not cope with the increased traffic movements. CP25 was detailed and the reasons why he felt that the application did not comply with it. The Committee was urged to refuse the application.

Cllr Ian McLennan (Laverstock and Ford Division) spoke as neighbouring division Member and highlighted that the site had been in his division until the boundary changes in 2021. Cllr McLennan was also strongly opposed to the application. Issues raised included the conservation status of the site; the historical importance of the site as a World War 1 airfield, which was unique due to the infrastructure still on site such as the listed hangers and the firing range which was still in use. Furthermore, changes to the landing strip could lead to noise complaints; Area C would double the size of Ford which would dramatically and adversely affect its setting; the community had not been consulted on a Conservation Area Management Plan (CAMP) for the site; CP25 had not been considered by the applicant and the previous planning appeal was overwhelming in its refusal. Therefore Cllr McLennan also urged the Committee to refuse the application.

Cllr Ernie Clark proposed the officer recommendation to refuse the application, this was seconded by Cllr Pip Ridout.

All Members were against the application, and it was,

Resolved

That planning permission be refused for the following reasons:

REASONS

- 1. The development location would result in significant increase in vehicular movements on a sub-standard rural road that provides no priority for walking and cycling in a location that is unsustainable in transport terms due to the high levels of car ownership and vehicle use associated with development in this area, and would not make the best use of existing infrastructure through effective design, management and maintenance. The Roman Road (C.278 road) is unsuitable in design terms due to its substandard nature and would result in the route being unsuitable for all road users, particularly sustainable modes, and further increase the risk of harm and perception of safety to vulnerable road users. The increase in vehicle movements on a substandard vehicular route with no dedicated walking or cycling facilities will discourage uptake of sustainable modes in this location.**

The proposal would therefore have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe, contrary to the aims of the NPPF paragraphs 109, 115 & 116, the general amenity improvement aims of CP25 at criteria (iv) and (vi), and Wiltshire Core Strategy policies CP60, 61 and 62, and objectives SO3,06, 08, 09, 010, 012, 013, 014, 015, 017 & 018 of the Wiltshire Local Transport Plan, and the Wiltshire Highways Asset Management Policy and strategy in relation to the site

- 2. The proposal is located within close proximity to and within the setting of the Old Sarum Scheduled Ancient Monument and its surrounding Conservation Area, and is located within the Conservation Area encompassing the Old Sarum Airfield, which itself contains several listed buildings. The site currently has an open character. The proposal is in outline form, with only access being a detailed matter, and the number of dwellings being approximately 315. Policy CP25 does not specify the number of dwellings or quantum of development. The development in all three areas would be of a significant height and scale, and the Council remain to be convinced that the number of hangar buildings, the uses, and their overall design, proposed for Area B would enhance the operation of the airfield. The development would visually amalgamate as seen from the Old Sarum monument, and from south of the site. The green buffer along the airstrip between Areas B & C would be visually diminished. Thus, the open character of the site would be significantly reduced and eroded.**

Consequently, it is considered that the scheme as proposed, which stems from the applicants submitted Master Plan and Conservation Management Plan, would have a significant visual impact, and be likely to cause less than substantial harm, to the character and setting of the surrounding heritage assets, including the historic landscape of Conservation Area surrounding the Old Sarum Monument, and the airfield Conservation Area itself, which is not outweighed by significant public benefits. The proposal would therefore be contrary to the aims of policy CP25 and CP58 of the Wiltshire Core Strategy, the Laverstock and Ford Neighbourhood Plan and associated Design Guide, and the guidance given in the NPPF, and sections 66 and 72 of Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

3. The application scheme suggests the provision of a large area of public open space, including pathways and cycleways, and interpretation information. Whilst these public benefits are welcomed in principle, at the current time, the viability assessment of the application has not yet been concluded. Thus, it is currently unclear what mitigation, and via what mechanism (ie a legal agreement) this mitigation and public benefit is able to be secured, in respect of the on-site provision of affordable housing, or towards mitigating the off-site impacts of the development in terms of educational provision, provision for public art, highway improvements and waste and recycling facilities, and other mitigation.

Consequently, and in the absence of a suitable legal agreement to secure such mitigation, it is considered that the scheme would not be able to provide required mitigation or offer significant public benefits, and would not be sustainable development, contrary to the aims of policy 6 of the Wiltshire Waste Core Strategy, policies CP3, CP25, CP43, CP57, and CP61- 64 of the Wiltshire Core Strategy, including saved policy D8 and R2, and the guidance given in the NPPF regarding planning obligations and the provision of sustainable development which mitigates its impacts.

4. Proposed Area C is located close to an active public firing range. There is currently conflicting information related to the intensity of use and operation of that firing range from the applicant and a third party. In the absence of further clarifying information from the applicant, it is considered that the proposal would be likely to result in noise impacts on some of the planned Area C dwellings to the south. On this basis, the proposal would be contrary to the aims of policy CP57 of the Wiltshire Core Strategy, and amenity and noise guidance in the NPPG.
5. The application is for a development of 315 dwellings in an area which has the potential to increase traffic within the Salisbury London Road Air Quality Management Area (AQMA). The air quality report confirms significant increases in nitrogen dioxide at the Salisbury London Road AQMA. According to the Council's draft Air Quality Management SPD,

the site would be classed as a 'Type 3' site and therefore additional documentation is required from the applicant. In the absence of such additional evidence, the Council must conclude that the scheme would have an unacceptable impact on air quality, contrary to the aims of policy CP55 of the Wiltshire Core Strategy, and related guidance in the NPPF and NPPG.

Note: The meeting was adjourned at 1.25pm for a half hour break. The meeting reconvened at 1.55pm.

58 **PL/2023/10394 - Land south of Salisbury Road, Homington, Coombe Bissett**

Public Participation

John Jarvis KC spoke in objection to the application.

John Jarvis KC read a statement on behalf of Linda Buckley in objection to the application.

Matt Lomax spoke in support of the application.

Joe Richardson, Senior Planning Officer, introduced a report which recommended that the application for construction and operation of a solar photovoltaic farm and associated infrastructure, be approved.

The site was in the open countryside about three quarters of a mile from Coombe Bissett and Homington and was comprised of 2 interconnecting agricultural fields. Slides of the location and proposed plans were shown.

The officer drew attention to the 'Rochdale Envelope Principle' which allowed for design flexibility through the assessment of maximum design parameters and worst-case environmental impacts in the early design phase. This principle was being used on this application and was explained in detail in the agenda report. As such the site had been split into 2 development zones, to ensure sufficient flexibility.

An agricultural analysis had been undertaken on the site and the whole site was comprised of grade 3 agricultural land. 49% was grade 3a (good quality) and 51% was grade 3b (moderate quality). In total the proposed scheme would remove 0.01% of agricultural land in Wiltshire.

The solar farm would generate approximately 30 megawatts (MW) of power, which would be enough to supply approximately 9,642 homes.

It was noted that the Point of Connection (POC) to the national grid was not part of the application, however there was a condition if this application was approved that the POC would be subject to a future planning application. There was however a substation to the South of the site near Homington which could be used, and the applicant had an agreement in place with the national grid to do that.

The site was shielded from the road by mature trees and there would also be further landscaping as part of the proposal. There would be 2 accesses to the site. There was a Public Right of Way (PRoW) through the middle of the site which would be retained. The site was also surrounded by a network of PRoW's. The site would not be overly visible from most viewpoints as it sat in a dip of land.

There had been no objections from statutory consultees in terms of Landscape and Ecology, and the Climate team was satisfied that the benefits of the scheme outweighed any harms. Therefore, the scheme was recommended for approval with conditions.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the PRoW through the site, the POC and how the site would connect to it and the ministerial statement.

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

The unitary division member, Cllr Richard Clewer (Coombe Bisset and Honnington Division) was unable to attend the meeting, so the Chairman read a statement on behalf of Cllr Clewer. Comments included that whilst broadly in support of solar farms, this application had 2 main issues. The lack of a grid connection, which would likely involve tunnelling under the River Ebbles and could have negative impacts on the river was one. The other related to the fact that the site was approximately 50% grade 3a (good quality) agricultural land. Therefore, the application went against current policy, and Cllr Clewer urged Members to refuse the application.

Cllr Elizabeth Threlfall proposed a motion, contrary to the officer recommendation, that the application be refused due to the lack of detail on the connection to the National Grid. This was seconded by the Chairman.

A debate followed where Members discussed that there was new technology coming through which would likely render current solar panels obsolete within about 10 years. Members noted that the size of the site was just below that which Natural England would comment upon. Furthermore, it was raised that there was no battery storage facility within the application and no connection to the National Grid. The appeal decision contained within the agenda pack was discussed, and it was highlighted that the inspector had put a lot of weight whilst making his decision that there was a grid connection for that application. This application did not have a POC and the Committee felt unable to evaluate the impact on the area without details regarding the connection. Concerns were raised that the site was at the edge of an Area of Outstanding Natural Beauty (AONB). The quality of the land was also discussed.

Members sought officer advice and further discussed the reasons for refusal. The final proposal, which was agreed by both the proposer and the seconder of the motion was to refuse the application due to the absence of details relating to connection to the national grid and any battery storage. The council considered

that the application would have an adverse impact on the wider landscape, biodiversity and ecology, including the river system. Therefore, the application was contrary to CP42, CP50, CP51 and CP52 of the Wiltshire Core Strategy (WCS). This motion was put to the vote, and it was,

Resolved

That planning permission be refused for the following reason:

- 1. In the absence of details related to the connection of the panels to the national grid, and the details of any battery storage facilities, the Council considers that the proposal would have an adverse impact on the wider landscape, the river system, and its biodiversity, contrary to the aims of policies CP42, CP50, CP51, and CP52 of the adopted Wiltshire Core Strategy and the NPPF.**

59 PL/2023/05363 - Dreamlea, Cricklade Road, Purton Stoke, Swindon

Public Participation

Denise Simpkins spoke in objection to the application.

John Crawford spoke in objection to the application.

Hannah Cameron spoke in support of the application.

James Rigley spoke in support of the application.

James Rigley (Senior) spoke in support of the application.

Cllr Jacqui Lay read out a statement on behalf of Purton Parish Council in objection to the application.

The Development Management Team Leader (North), Adrian Walker, introduced a report which recommended that the application for the change of use of land from equestrian to two Gypsy and Traveller pitches, be approved. Approval would be subject to conditions and a legal agreement to secure a financial contribution to the North Meadow Special Area of Conservation Mitigation. He noted that the proposals included the change of use of an equestrian storage building to a shared day room. Key details were stated to include the principle of development as well as the highway, landscape and ecological impacts.

Attention was drawn to the location of the site within the inner zone of influence for the North Meadow National Nature Reserve (NNR), a Site of Special Scientific Interest (SSSI). However, in the officer's view, the proposed development would not cause demonstrable harm to the landscape. In addition, a contribution to the North Meadow Special Area of Conservation would mitigate against any ecological harm. The proposed development was not found to have an adverse impact on highway safety and would contribute to addressing the shortfall in Gypsy and Traveller pitches across Wiltshire.

The officer explained that, subject to the suggested conditions, the proposed development would comply with the provisions of Core Policy (CP) 47 (Meeting the needs of Gypsies and Travellers), which he outlined in turn. The proposed

development was therefore considered acceptable under special circumstances for CP2 (Delivery Strategy).

As well as the conditions stipulated in the report, the officer recommended specifying that the proposed development was not bought in to use until a scheme for the supply of water and electricity was in place. This extra condition was to ensure that the proposed development, if approved, would be satisfactory and habitable.

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

Details were sought about the requirement for the number of Gypsy and Traveller pitches as shown on page 249 of the agenda pack. The officer explained that the requirements listed on page 249 were the requirements outlined in the Wiltshire Core Strategy (WCS). A recent assessment of pitch provision across the county had found a need for additional pitches beyond the Core Strategy particularly for the period 2022-2038, so the target was likely to change. The emerging Wiltshire Local Plan identified a need for an additional 81 pitches by 2029, although this figure had reduced slightly due to recent approvals. The Director of Planning, Nic Thomas, emphasised that there was a deficit in the number of pitches being provided and that there was a need to think about long term provision beyond 2029.

In response to a question about the additional proposed condition regarding the supply of water and electricity, the officer confirmed that Condition 13 specified that petrol or diesel generators should not be used on site at any time. It may be possible to use solar panels, but this would be subject to further approval.

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

Cllr Lay then raised concerns about the application in her capacity as the Unitary Division Member. She urged the Committee to defer consideration of the application pending further information about possible alternative sites for pitches within the local area, such as Rein and Shine.

In response to a question about whether it would be possible to add a condition specifying that the pitch should only be used by the applicant's family and their dependants, the officer explained that it was not necessary but could be included.

Cllr Stewart Palmen, seconded by Cllr Pip Ridout, proposed that the application be approved subject to the conditions and legal agreement suggested by officers, including the condition relating to the provision of water and electricity at the site.

A debate followed where issues such as the sustainability of the site and potential for flooding by contaminated water were discussed.

During the debate Cllr Ernie Clark proposed an amendment specifying that the pitch should only be used by the applicant's family and their dependants. This was accepted as a friendly amendment by the proposer and seconder and so added to the substantive motion.

The officer advised that, if this condition were to be applied, and the application was approved, he did not think that the two proposed pitches could be counted towards Wiltshire's Gypsy and Traveller pitch provision targets. He noted that similar conditions had not been applied by the Inspector in similar cases won on appeal.

Following advice from the officer, the amendment to add an extra condition, restricting the use of the proposed pitches to the applicant's family, was withdrawn from the substantive motion. At the conclusion of the discussion, it was:

Resolved

That planning permission be granted subject to the following conditions:

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

**Location Plan 2023-132-LP rev A
Proposed Site Plan 2023-132-SP Rev B
Existing Block Plan 2023-132-EBP
Proposed Plans and Elevations 2023-132-100 B
Proposed Block Plan 2023-132-BP Rev B
Existing Plans and Elevations 2023-132-101
Planning Statement
Groundwater Flood risk Technical Note B (AWP dated 26th April 2024)
Flood Risk Assessment (AWP dated 20th June 2024)**

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

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

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

- 3. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.**

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.**

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

- 5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.**

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

- 6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

REASON: In the interests of highway safety

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans shall be erected or placed anywhere on the site.**

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

- 8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.**

REASON: In the interests of conserving the functionality of the local area for biodiversity and to minimise unnecessary light spillage above and outside the development site.

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:

- Details on the material specification.
- Details on the level of compaction required, and
- Cross sections through proposed gravelled area

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as impermeable surface.

10. No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:

- Evidence that the EA's General Binding rules have been met in full.
- Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant
- Supporting calculations to demonstrate compliance with Building Regulations for any drainage field / mound.

REASON: To prevent pollution of nearby water courses.

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

- a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities; all hard and soft surfacing materials

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

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a

period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

13. No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

14. The development hereby permitted shall not be first occupied/brought into use until the site is connected to both mains water and electricity, or an alternative scheme for the supply of water and/or electricity to service the development, details of which are first submitted to, and approved in writing by the local planning authority.

REASON: To accord with the requirements of Policy CP47 of the Core Strategy, and so that services are provided to ensure a satisfactory and habitable site, conditions are necessary in relation to the provision of a water supply and electricity.

15. INFORMATIVE TO APPLICANT:

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

16. INFORMATIVE TO APPLICANT:

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

17. INFORMATIVE TO APPLICANT:

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

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

18. INFORMATIVE TO APPLICANT:

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

19. INFORMATIVE TO APPLICANT

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will 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. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

20. INFORMATIVE TO APPLICANT

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.

60 **PL/2023/00900 - Charlie's Place, Land off Sodom Lane, Grittenham**

Public Participation

Ben Pearce spoke in objection to the application

Claire Speed spoke in objection to the application

Marc Willis spoke in support of the application
Cllr Alastair Fairgrieve from Brinkworth Parish Council spoke in objection to the application.

Victoria Davis, Principal Planning Officer, introduced a report which recommended that the application for the change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn, be approved subject to conditions. Key details were stated to include the principle of development as well as the highway, heritage, ecological and visual impacts.

The officer highlighted that a typo on page 279 of the agenda pack incorrectly stated that the proposed barn was intended to be used by the applicant's storage business, when the applicant actually ran a landscaping business.

Attention was drawn to the location of the site outside of the defined limits of development, in open countryside between Royal Wootton Bassett and Lyneham. However, as the application was for specialist accommodation provision, as defined under the exception policies within the Wiltshire Core Strategy (WCS), it was considered to comply with Core Policy (CP) 47 (Meeting the needs of Gypsies and Travellers).

A condition would be applied to the development, if approved, to restrict occupation of the four proposed pitches to the applicant's family and their dependants. As such, the proposal was likely to be more sustainable than a development occupied by multiple families as it was expected to require fewer vehicle journeys.

The officer explained that since her report had been drafted, the Planning Policy for Traveller Sites 2024 had been published which superseded the requirements for the number of pitches as set out in CP 47. Although the applicant's family were not identified in the 2024 needs assessment, Wiltshire Council's Spatial Planning Team had confirmed that the four pitches would contribute towards the revised target, even with a personal permission.

It was considered by the officer that, subject to conditions, there were no barriers to the development in relation to flood risk, ground stability or contamination. Wiltshire Council's Public Protection Team had raised no objections to the application. A flood risk assessment undertaken on behalf of the applicant had been assessed by Wiltshire Council's Drainage Team and the Environment Agency. It had been assessed that the four pitches were at low risk, being in Flood Zone 1. A condition had been added to prevent the storage of caravans in the barn and to ensure it was designed in such a way as not to impede flood flow.

In addition to the conditions outlined in the report, the officer recommended specifying that the proposed development was not bought in to use until a scheme for the supply of water and electricity was in place. This extra condition was to ensure that the proposed development, if approved, would be satisfactory and habitable.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were asked about the conditions limiting the use of the proposed barn. It was confirmed that, if approved, the barn could only be used for the applicant's landscaping business and/or to manage the surrounding agricultural land in their ownership.

It was explained that the Environment Agency had provided a design specification for the proposed barn, which the applicant had replicated in their plans. The officer also confirmed that it would be reasonable to impose a condition restricting the use of generators on site.

In response to questions about the occupancy restrictions in the conditions, it was confirmed that a new application to vary the conditions would be required if the family wanted to create an additional pitch, or pitches, on the site. There would not be a requirement to vary the permission if some of the pitches were unoccupied, as long as one of the named individuals under Condition 11, or their dependents, resided at the site.

Details were also provided about how nearby sites that had been granted permission on appeal compared to the subject application.

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

The Unitary Division Member, Cllr Elizabeth Threlfall (Brinkworth Division), then spoke in opposition to the application. Issues raised included flooding at the site; concerns regarding screening as new planting would take years to establish; Greatwood (adjacent to the site) had recently been acquired by the Wiltshire Wildlife Trust as a nature reserve; that the site would alter the character and appearance of the area; it was inappropriate in terms of scale; the application was contrary to criteria (v) within CP47; concerns regarding enforcing conditions and concerns regarding the distance of the site from services, such as schools and health care.

In response to the points raised by the public and Unitary Division Member, the officer reiterated that recent appeal decisions were material considerations. Although an application was refused on the site of the subject application in 2021 (PL/2021/05660), there were significant differences in design between it and the application before the Committee. The current application was better designed than the 2021 application, which had proposed to clad the day room in UPVC, rather than reconstituted stone.

The officer also confirmed that development would not commence on site until a scheme of hard and soft landscaping had been approved in writing by the Local Planning Authority.

Cllr Threlfall, seconded by Cllr Richard Britton, proposed that the application be refused contrary to officer recommendation. The Committee then discussed the reasons for refusal and sought officer advice.

The officer advised that it was open to the Committee to conclude that the proposed development was contrary to WCS CP 47 (v and viii). Furthermore, the Committee could decide that the impact on landscape of the proposed development meant that it would not accord with the provisions of WCS CP 47 (vi and viii), CP 51 (ii and vi) and CP 57.

The officer recommended that access to sustainable transport options was not included amongst the reasons for refusal, as a recent appeal decision relating to an application at Clack Hill Yard had distinguished between sustainable transport options and distance to services.

Following advice from the officer, the proposer and seconder were happy to accept those as the reasons for refusal. At the conclusion of the debate, it was:

Resolved

That planning permission be refused for the following reasons:

REASONS

- 1. The site is not considered to be within reasonable distance of services and facilities, in particular schools and essential health services, and is therefore contrary to Wiltshire Core Strategy Core Policy 47 (v and viii).**
- 2. The proposed development fails to integrate effectively into its surroundings, to conserve and/or enhance landscape character, or relate positively to its landscape setting. The development therefore fails to accord with the provision of Wiltshire Core Strategy Core Policy 47 (vi and viii), Core Policy 51 (ii and vi) and Core Policy 57.**

61 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 4.55 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352, e-mail tara.hunt@wiltshire.gov.uk

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

**Wiltshire Council
Strategic Planning Committee
22nd October 2024**

There are no Planning Appeals Received between 02/08/2024 and 11/10/2024 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2021/03749	Land at Glenmore Farm, The Ham/Hawkeridge Road, Westbury, BA13 4HQ	Heywood/ Westbury	Residential development (use class C3) for up to 145 homes, community orchard, children's play areas (LEAP), tree planting, habitat creation and ecology buffers and mitigation; site drainage and associated infrastructure. All matters reserved except for access	Hearing	Refuse	23/08/2024	No

Planning Appeals Decided between 02/08/2024 and 30/08/2024 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/08155	Land to the West of Semington Road, Melksham, Wilts	Melksham Without	Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved	Inquiry	Refuse	Allowed with Conditions	30/09/2024	None

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22nd October 2024
Application Number	20/06554/FUL
Application type	Full planning permission
Site Address	Land At Empress Way, Ludgershall, Wiltshire
Proposal	Outline application for the erection of up to 205 dwellings, community hub, public open space, access, infrastructure and associated works (access to be approved with all other matters reserved)
Applicant	Foreman Homes Limited
Town/Parish Council	Ludgershall Town Council
Electoral Division	LUDGERSHALL NORTH & RURAL – Cllr Christopher Williams.
Case Officer	Adam Madge

1. Purpose of Report

The purpose of this report is to update the committee on changes that have been made to this application since it was last heard at committee in August 2022. Additionally changes have occurred following publication of the revised NPPF in December 2023 (and related revised Planning Practice Guidance published in February 2024) and it is therefore for the committee to consider the recommendation that the planning application be approved subject to conditions and the signing of a S106 agreement.

2. Background

On 10th August 2022, the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1); work commenced on the legal agreement, although it has not been completed and so the planning permission has not been granted. In making its decision to approve subject to the legal agreement the Committee took account of all matters relevant at the time. These included the development plan policies and national legislation/guidance.

Planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In addition since the point that the committee previously resolved to grant planning permission the applicant has asked the local authority to consider a number of changes to the application which include a proposal to withdraw the previously proposed Skylark and Lapwing mitigation scheme and instead to provide six Skylark plots on arable land at Beacon Hill Cholderton. The applicant has relocated the LEAP from that shown on the previous plans and updated the plans to accommodate various highway provisions. The number of bedroom dwellings have been increased in floor size to 72sqM from 70sqM to meet the requirements of the affordable housing providers. The

applicant has proposed a revised trigger for condition 20 relating to a second access to the site so that this is triggered at the 180th dwelling rather than the 160th as well as a change in wording to condition 5 which relates to foul drainage.

Changes to the application since it was last considered at committee

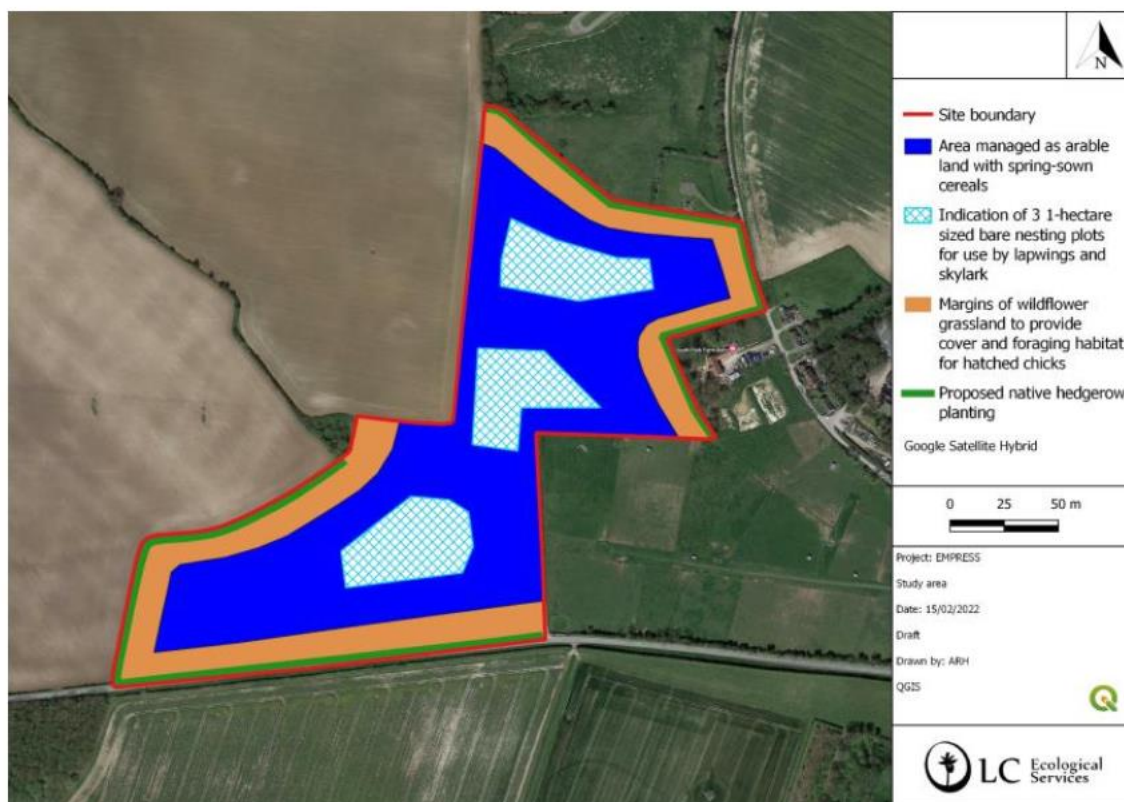
The following changes have been made to this application at the applicants request since it was last considered at committee

Withdrawal of the Skylark and lapwing mitigation scheme on site and replacement with a scheme off site further away.

The proposal previously considered by members in August 2022 proposed an off-site habitat for ground nesting birds. These proposals were summarised within the Committee Report (see appendix 1) at 9.4:

9.4...To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species. As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement.

APPENDIX X: Lapwing and skylark mitigation area (off-site)



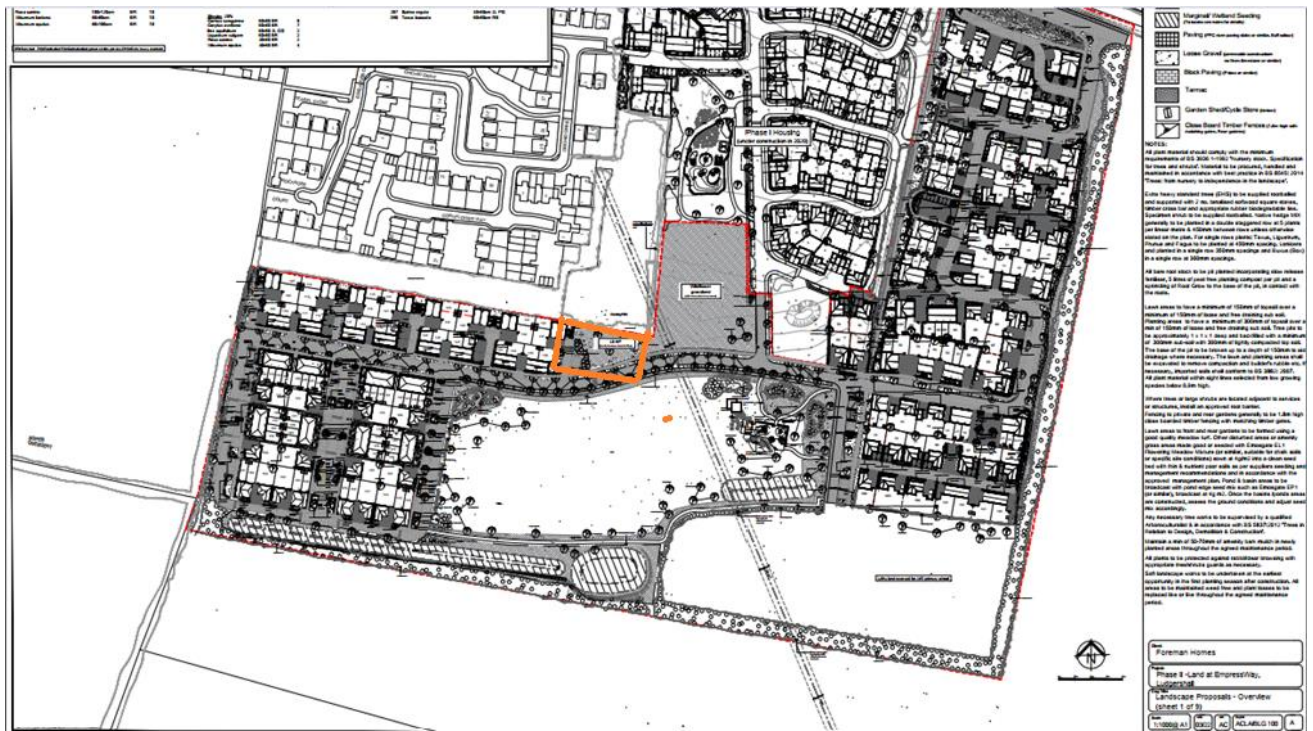
Previously proposed Skylark and Lapwing provision

As this was an over provision of habitat the applicant now proposes an enhancement is to be provided as part of the development, whereby six skylark plots will be created permanently on arable land in the ownership of the same farmer, approximately 10km away at Beacon Hill Farm, Cholderton, Wiltshire. These plots will be created in fields exceeding 5ha in size which is the minimum threshold for skylark suitability. The plots will be created and managed as per the guidance in the RSPB skylark plots farming for wildlife document. The provision of these plots will

accord with Core Policy 50 that sets out that all development should seek opportunities to enhance biodiversity, whereby major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. The councils ecologist has accepted that this an appropriate alternative location for these mitigation measures that were previously proposed closer to the site.

Relocation of the proposed LEAP

The leap previously proposed has been moved slightly south as shown the two drawings below. The specification will be the same and this location is considered acceptable.



Previous location of the LEAP



New location of the proposed LEAP.

Enlargement to the 2 bedroom dwellings

The 2-bedroom affordable dwellings have been marginally increased in size to meet the requirements of the affordable housing providers. The original plans showed the 2-beds at 70sqm, whereas there is a requirement for each to be 72sqm. So these have now marginally increased in size.

Request to remove condition 20 from the proposed decision

The applicant has asked that condition 20 which requires the creation of a second access to the site be removed from the list of conditions as they consider it unnecessary. However the councils highways officers consider such a second access is necessary for the development as such a large development to rely on a singular access would be inappropriate.

It has been pointed out that there was a small conflict in the previous officer report which stated that the access should be implemented prior to the occupation of the 160th dwelling. Whereas the highways officer had stated elsewhere in the report that this should be before the occupation of the 18th dwelling.

Therefore it is intended to still require the second access by condition but to change it such that it now reads -

20. Prior to first occupation of the 180th dwelling hereby permitted, the proposed link between the site and Moyne Drive(Empress Way) /Roberts Road / Simonds Road, including its carriageway and footways as detailed on plan number ITB15328-GA-022 RevA – to provide a second vehicular and pedestrian access to the site – shall have been constructed/completed (surfaced in final tarmacadam wearing course).

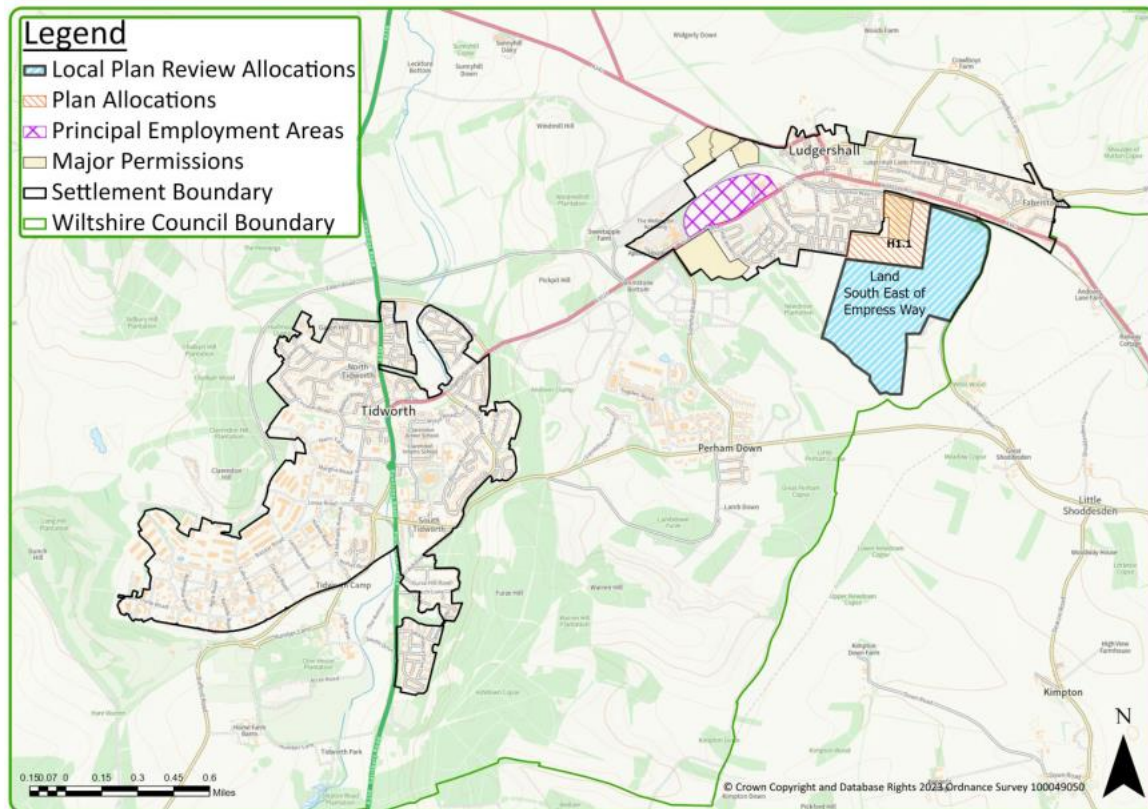
REASON: In the interests of good planning and to ensure resilience in the highway network achieved by a second vehicular access.

Changes to the NPPF since last consideration of the application

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must now be taken into account. The effects of the changes in relation to this planning application are minimal and are not considered to materially alter the recommendation for this application.

The site is allocated as part of the Wiltshire Housing Sites allocation plan.(policy H1.1) and as such the revisions to the NPPF are not considered to significantly effect this development. The 2023 NPPF required local planning authorities to identify a 4 year housing land supply and this proposal contributes to that supply within Wiltshire. At present the council can demonstrate a 3.85 year supply the approval of this scheme is therefore required.

Members should also note that the Wiltshire council draft local plan allocates the adjacent site at land to the South East of Empress Way for the development (the land in light blue below) so this site fits with that one that has been allocated for 1200 dwellings.



Site allocations in the Wiltshire Core strategy.

Other amendments were made to the NPPF at the time but it is not considered that those change the main considerations of this application which remain the same as in the original officer report at annexe 1

3. Conclusion

The site is one that is allocated for development within the Wiltshire housing sites allocation plan and as such provides 190 much needed dwellings for Wiltshire. The site is largely unaffected by the changes brought in, in 2023 by the revised NPPF and it is considered that the smaller changes made to the application since the original consideration of the application by committee are largely acceptable and as such it is recommended that planning permission be granted for the revised development.

RECOMMENDATION:

That subject to the completion of a Section 106 covering the matters set out in the report at annexe 1 and below, the Head of Development Management be given delegated authority to then grant planning permission, subject to the conditions listed below.

- o Air Quality monitoring - £10,000
- o Waste & Recycling Facilities – £17,290
- o Highways and Transport - £90,820
- o Public Art - £57,000
- o Sports -£77,976
- o Early Years / Nursery education provision - £385,484
- o Nutrient Neutrality - £831,850
- o Affordable Housing Provisions:-
 - 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
 - 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
 - Tenure to be as defined in the planning obligation, or otherwise agreed in writing.
 - Creation of skylark and Lapwing plots at Beacon Hill Farm, Cholderton.

And subject to the following conditions

New plans

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

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

2. The development hereby permitted shall be carried out in accordance with the plans list attached to this permission.

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

3. No development shall commence until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routing details

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

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

4. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 3rd March 2022, Reference 15675-HYD-XX-XX-RP- D-5001.

Prior to commencement of development the following additional drainage information shall be submitted to the local planning authority for approval in writing –

- calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving groundwater. This can be undertaken based on the Simple Index Methodology outlined within the CIRIA SuDS Manual.
- revised hydraulic modelling calculations setting the MADD value to 0m³/ha in order to ensure that the on-site attenuation storage is not overestimated. If the applicant believes that a value of 20m³/ha is appropriate, quantitative justification should be provided to support this.
- evidence of the applicant's engagement with the Water Company for the adoption of Sustainable Drainage Features.
- plans showing finished floor levels (FFL) and threshold levels set to minimum FFLs at 150mm above adjacent infrastructure thoroughfare levels.

The development shall be carried out in strict accordance with the approved additional drainage information.

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.

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

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

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

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

REASON: 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.

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

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

8. 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 will align with recommendations in Section 5 and Appendix IX of the submitted Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022) and 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) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles and bats.
- c) 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.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) 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.

9. 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 align with recommendations in Sections 5.3, 5.8 and 5.9 and Appendices XII and IX of the submitted

Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022). It 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.

10. Prior to construction commencing details of existing and proposed new lighting shall be submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate that a level of 0.5Lux or less can be achieved at the edges of sensitive habitat features as defined in Section 4.2.2 and displayed on Appendix VII of the Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) including, but not exclusively; H2 along the northern boundary, H1 along the south western boundary, retained woodland shelter belts and new planting at the eastern and southern boundaries.

REASON: To avoid illumination of habitat used by bats.

11. Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and integral swift bricks within

buildings. The agreed Plan shall show the specification of the swift bricks and bat roosting features to be provided on a minimum of 20% of the new dwellings (approximately 38) and where they will be located, together with a timetable for implementation.

REASON: to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

12. Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

13. No development shall commence within the red line boundary of application 20/06554/FUL until:

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

REASON: To enable the recording of any matters of archaeological interest. This is in accordance with Paragraph 205 of the NPPF, which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance

and the impact, and to make this evidence (and any archive generated) publicly accessible'.

The programme of archaeological work should provide for the investigation in advance of the commencement of development of an area in the north-east of the application area where exploratory geophysical survey and archaeological investigation identified evidence for Roman settlement. This should be followed by a programme of assessment, analysis, reporting, publication, and archiving commensurate with the significance of the results to achieve the public benefit of the exercise.

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

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

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

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

accordance with the agreed remediation strategy.

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

15. Prior to the commencement of development the applicant shall undertake an Air Quality Assessment (AQA) or Screening Assessment, to be approved in writing by the Local Planning Authority prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any recommended measures to effectively mitigate emissions shall be implemented in accordance with the AQA.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

16. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

17. Within 6 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. 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.

18. Prior to first occupation of any dwelling hereby permitted the access from the development to the extension of Empress Way shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 90 metres to the west. The visibility so provided shall thereafter be maintained.

REASON: In the interests of safe and convenient access.

19. Prior to first occupation of any dwelling hereby permitted the extension of Empress Way including its verges and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been provided to base course level and lit by street lighting.

REASON: In the interests of safe and convenient access.

20. Prior to first occupation of the 180th dwelling hereby permitted the extension of Empress Way including its carriageway and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been surfaced in tarmacadam wearing course.

REASON: In the interests of ensuring that the access road is properly completed. HIGHWAYS

21. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption level (which includes external water usage). Within 3 months of each phase being completed and the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local

planning authority for its written approval.

REASON: To ensure that the development will be nutrient neutral.

DRAINAGE INFORMATIVES:

1. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. 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
2. 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.
3. If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Southern 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.
4. Applicants should contact Southern Water for further information/ discussion. The Lead Local Flood Authority will support any applications brought forward through the Southern Water adoption process.
5. 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.
6. 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.
7. 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.
8. There are private soakaways proposed in the boundaries of properties. Homeowners will need to be made aware of their maintenance responsibilities and this should be written into the deeds of the properties
9. It is noted that if surface water drainage will be offered for adoption by Wiltshire Council and the Water Company; the applicant will need to apply for adoption of these assets separately to this planning application.
10. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.

INFORMATIVE:

Public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed, except where temporary closures or diversions are required to construct the second point of access, or a diversion order must be achieved to divert the footpath to an unobstructed route. The legal line of the PROW route must be kept open at all times, except where temporary closures or diversions are required to construct the second point of access. The definitive (legal) width of the route is 1m but a corridor of at least 2m must be kept open at all times, except in the above circumstance.

INFORMATIVE:

The traffic calming scheme shall be designed to achieve traffic speeds on the road no greater than 20mph.

Plans list

Drawing Title	Strategic Committee (2022) Drawing No.	Revised Drawing No. (October 2024)	Reason for Revision 2024
Site Location Plan	19.096.01B		
Block Plan	19.096.02F	19.096.02K	Reflect landscaping and highway revisions
House Type A – Floor Plans and Elevations	19.096.03		
House Type B – Floor Plans and Elevations	19.096.04		
House Type C – Floor Plans and Elevations	19.096.05		
Block A – Floor Plans and Elevations	19.096.06A		
Block B – Floor Plans and Elevations	19.096.07		
Block C – Floor Plans and Elevations	19.096.08	19.096.08A	Affordable home size
Block D – Floor Plans and Elevations	19.096.09	19.096.09A	Affordable home size
Block F – Floor Plans and Elevations	19.096.10A	19.096.10B	Affordable home size
Block G – Floor Plans and Elevations	19.096.11	19.096.11A	Affordable home size
Block H – Floor Plans and Elevations	19.096.12A	19.096.12B	Affordable home size
Block I – Floor Plans and Elevations	19.096.13D		
Block J – Floor Plans and Elevations	19.096.14C		
Block K – Floor Plans and Elevations	19.096.15A		
Block L – Floor Plans and Elevations	19.096.16		
Block M – Floor Plans and Elevations	19.096.17B		
House Type A Version 1 – Floor Plans and Elevations	19.096.18		
House Type B Version 1 – Floor Plans and Elevations	19.096.19A		
House Type D Version 1 – Floor Plans and Elevations	19.096.20		
Block E – Floor Plans and Elevations	19.096.21		
House Type A Version 2 – Floor Plans and Elevations	19.096.22A		
Block A Version 1 – Floor Plans and Elevations	19.096.23		
Block D Version 1 – Floor Plans and Elevations	19.096.24B	19.096.24C	Affordable home size

Drawing Title	Strategic Committee (2022) Drawing No.	Revised Drawing No. (October 2024)	Reason for Revision 2024
Site Location Plan	19.096.01B		
Block Plan	19.096.02F	19.096.02K	Reflect landscaping and highway revisions
House Type A – Floor Plans and Elevations	19.096.03		
House Type B – Floor Plans and Elevations	19.096.04		
House Type C – Floor Plans and Elevations	19.096.05		
Block A – Floor Plans and Elevations	19.096.06A		
Block B – Floor Plans and Elevations	19.096.07		
Block C – Floor Plans and Elevations	19.096.08	19.096.08A	Affordable home size
Block D – Floor Plans and Elevations	19.096.09	19.096.09A	Affordable home size
Block F – Floor Plans and Elevations	19.096.10A	19.096.10B	Affordable home size
Block G – Floor Plans and Elevations	19.096.11	19.096.11A	Affordable home size
Block H – Floor Plans and Elevations	19.096.12A	19.096.12B	Affordable home size
Block I – Floor Plans and Elevations	19.096.13D		
Block J – Floor Plans and Elevations	19.096.14C		
Block K – Floor Plans and Elevations	19.096.15A		
Block L – Floor Plans and Elevations	19.096.16		
Block M – Floor Plans and Elevations	19.096.17B		
House Type A Version 1 – Floor Plans and Elevations	19.096.18		
House Type B Version 1 – Floor Plans and Elevations	19.096.19A		
House Type D Version 1 – Floor Plans and Elevations	19.096.20		
Block E – Floor Plans and Elevations	19.096.21		
House Type A Version 2 – Floor Plans and Elevations	19.096.22A		
Block A Version 1 – Floor Plans and Elevations	19.096.23		
Block D Version 1 – Floor Plans and Elevations	19.096.24B	19.096.24C	Affordable home size

ANNEX 1: 1 November 2023 Committee Report

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 August 2022
Application Number	20/06554/FUL
Site Address	Land at Empress Way, Ludgershall, Wiltshire
Proposal	Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school.
Applicant	Foreman Homes Ltd
Town/Parish Council	Ludgershall
Electoral Division	TIDWORTH EAST & LUDGERSHALL SOUTH – Cllr Pickernell
Grid Ref	427046 150467
Type of application	Full Planning
Case Officer	Martin Broderick / Andrew Guest

Reason for the application being considered by Committee

This application was 'called in' for Committee to determine by Cllr Christopher Williams on 8 October 2020. Changes to Division boundaries since this date mean that the Division Member is now Cllr Tony Pickernell. However, the original call-in request stands. The reason for the call-in is:

- Environment and Highways

This is a large-scale residential site and as such is to be considered by the Strategic Planning Committee.

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;
- Flooding and drainage;

- Biodiversity;
- Archaeology;
- Nutrient neutrality;
- Neighbouring amenity;
- Highway Impacts;
- S106 contributions (Affordable Housing, Education, Air Quality, Public Art, Public Open Space, 2nd access, Waste, Biodiversity and Nutrient Neutrality).

3. Site Description

The Application Site ('The Site') is located at the town of Ludgershall, which is situated on the Wiltshire and Hampshire border, approximately 2.4 km north east of Tidworth (Figure1).

The L-shaped Site comprises land in arable agricultural use (cereal cropping) and extends to approximately 12.8 hectares, and is located to the south of the railway line that runs parallel to Andover Road (A342). The Site is positioned at the south-eastern edge of the settlement at the far eastern end of Empress Way and wrapping around to the east and south of the housing estate formed by Princess Mary Gardens, Camomile Drive, Orchid Drive and Cornflower Way (Figures 1 and 2).



Figure 1 Site Location

The Site is bordered to the north by the railway line (serving MoD facilities) and mixed hedgerows and to the east and south by open fields. To the west, leading from Empress Way, the site is bound by land which benefits from planning permission for 80 dwellings (under application 18/04346/REM), while further south, the far western boundary also adjoins a residential site and allocation (Garden Centre, Granby Gardens) for 181 homes currently being developed by Foreman Homes (planning permission 14/06522/FUL) which is accessed from Simonds Road and Astor Crescent.

The Site benefits from an existing vehicular access point at the eastern end of Empress Way, which connects to the main road network at the junction with Tidworth Road (A3026) to the west.

A Public Right of Way – reference LUDG2 – runs east / west across the northern edge of the site and parallel to the railway line from Empress Way, before turning to follow a route due south before

facing east towards Shoddesden Lane. Another Right of Way – reference LUDG1– runs north to south along the far western boundary to Sidbury Meadows.

Further to the north, beyond the railway, lies the wider built-up area of Ludgershall with a large employment area, the Castledown Business Park, located to the west of the A3026 Tidworth Road. The A3026 Tidworth Road and the Castledown Business Park site are located approximately 650m to the west, whilst the local shops and facilities on the A342 Andover Road are located approximately 650m to the north (Figures 1 and 2).

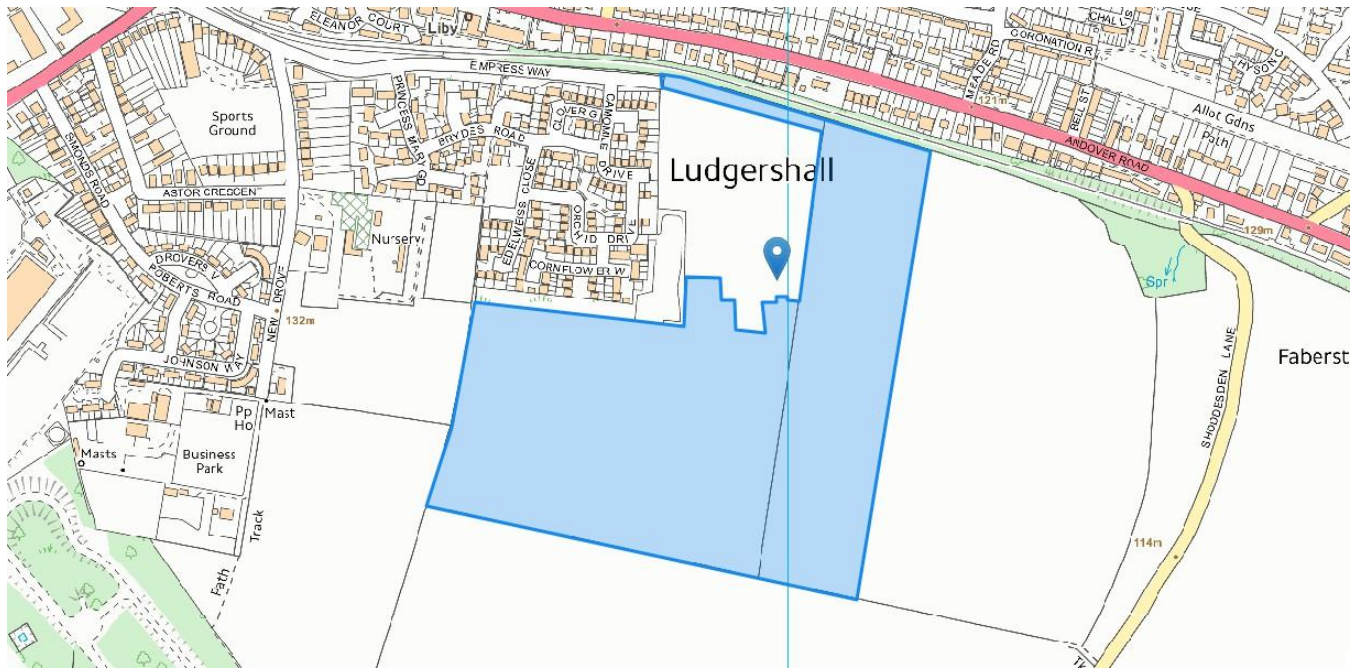


Figure 2 Detailed Site Location

4. Planning History of Application site

The application site now forms the larger part of the ‘Land at Empress Way’ housing site, as allocated under Policy H1.1 of the Wiltshire Housing Sites Allocation Plan 2020 (adopted February 2020).

The following planning application history is relevant:

Reference	Description	Decision	Date
K/59593/O	Erection of a garden centre incorporating associated landscaping, car parking and café	Approved	06.07.2012
E/2013/0234/OUT	Outline application for residential development (Class C3) of up to 109 dwellings with an extension to Empress Way, car parking, public open space and associated landscaping.	Approved	15.05.2015
18/04346/REM	Approval of the scale, appearance, layout and landscaping for the residential development of 80 dwellings with car parking, public open space and	Approved	03.06.2019

	associated landscaping pursuant to Outline Planning Permission E/2013/0234/OUT.		
16/10907/OUT	Outline application for up to 269 dwellings (Use Class C3), 2-form entry primary school, highways including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works – External Access from Empress Way not reserved	Refused & Dismissed	05.02.2017 06.02.2018
19/11699/DOC	Discharge of conditions 8, 10, 12, 13, 14, 16, 17 & 19, application reference E/2013/0234/OUT.	Awaiting decision	n/a

As set out in the above table, planning application 16/10907/OUT – which included land within the current application site – was refused and subsequently dismissed at appeal. 16/10907/OUT was submitted prior to the site's more recent allocation as a housing site under Policy H1.1 of the Wiltshire Housing Site Allocations Plan, and so it was concluded by the Inspector at the time that the proposal for 269 dwellings was not required and would not represent sustainable development.

It is important to note that the LPA's and the Inspector's consideration of 16/10907/OUT established common ground on all technical and environmental matters including highway safety, landscape impact, drainage, arboriculture and heritage. In respect of infrastructure matters the appeal scheme was the subject of a bilateral agreement concerning conditions and obligations that was subject to review by the Inspector.

Following the allocation of the site in the Wiltshire Housing Site Allocation Plan under Policy H1.1, the Inspector's issues on principle are addressed.

5. The Application

This Full Planning Application is made to Wiltshire Council in accordance with the plans (as submitted April/May 2022) for the following:

- 190 dwellings, including 30% (57) affordable homes;
- An extension of Empress Way to distributor road standards;
- Demonstrating a road connection within Foreman Homes' control to the boundary of the site to facilitate potential future connection of the road westwards into Granby Gardens and Simonds Road;
- A reserve 1.8-hectare site for a new two-form entry primary school;
- New substantial areas of public open space including tree and hedgerow planting, habitat creation and two children's play areas; and
- New pedestrian connections.



Site layout plan

Whilst the application does not seek to achieve planning consent for a new school, in line with Policy H1.1, land will be included to be safeguarded for Wiltshire Council to call on in the future to enable a school to be constructed, should this be required. As there remains significant uncertainty as to the need for a school on the site, other than ensuring the layout facilitates access to the safeguarded land, this application does not consider the impacts that may arise from a school being delivered. This instead will be for later planning applications in the event Wiltshire Council calls on the land.

Vehicular access to the site is proposed to be solely from Empress Way on the north side of the site. Although a road is proposed to be provided on the east side of the site, this would terminate short of the boundary and so not provide connectivity to the road beyond.

6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,

- CP26 - Spatial Strategy for the Tidworth Community Area,
- CP41 - Sustainable construction and low-carbon energy,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- 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

Retained saved policies of the **Kennet Local Plan 2011 (LP)** adopted June 2004.

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)
- The Revised Wiltshire Council Planning Obligations SPD was adopted in October 2016 and supports the policies of the CS, particularly Policy CP3 concerning infrastructure requirements. This SPD identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure.
- The Kennet Community Benefits from Planning SPG was adopted by the former Kennet District Council in 2005. The SPG remains relevant where it provides guidance to saved LP policies, namely HC34 and HC37.

7. Consultations

Ludgershall Town Council – Object because:

- The Traffic Survey A.3026/Astor Crescent was carried out during a holiday period, hence lower than normal traffic flows. The proposed new layout at traffic lights on the bridge has a potential for accidents to happen. Approaching the traffic lights from Astor Crescent is difficult due to parked cars and this stretch of road should have double yellow lines.
- I-Transport Statement where traffic lights at War memorial junction are mentioned at 6.11.3. The Council can see no benefit at all in this proposal and will be detrimental to all traffic through the Town can it be removed before any decision is made.
- There are no traffic calming measures along the main road through the proposed estate as this will encourage speeding and anti-social behaviour.
- Empress Way – only one access to the proposed development site for 190 dwellings, if this road was compromised due to accident/inclement weather emergency vehicles could not

access the site. This is of the highest importance for safety due to poor design of the traffic layout and breaches the Planning Policy Statement PPS3.

- Policy H1.1 states there should be a second egress/exit into Moyne Drive, Granby Gardens this road is also proving dangerous being a long straight stretch with play areas opening onto it. There has already been accidents involving children. Traffic calming measures have been removed due to flooding problems.
- The long sweeping design of the main site road could potentially cause speeding traffic (this already happens on Granby Gardens site) There should be traffic calming measures along this stretch of road.
- Drainage – no provision in the plans for site drainage (this is also a problem on Granby Gardens site) and could lead to flooding.
- Public Rights of Way – under Policy H1.1 there should be retention and enhancement of Ludg1 & Ludg2 footpath, especially over Network Rail property.
- Education – designated land for Primary education to remain until it is required, however there is a more pressing need for Secondary Education in the Ludgershall area.
- Loss of arable land and wildlife habitat.
- No consultation seen from Southern Water/Wessex Water/Veolia Water.
- Additional screening of boundaries on southern and eastern edges of the site are needed due to the site being on a high elevation and to enhance wildlife.
- With the recent weight restrictions in High Street/Castle Street more HGV's are having to use the traffic lights as through traffic and in bad weather could block the only access to The new development for emergency vehicles.
- To keep adding properties in Ludgershall, our infrastructure cannot cope without facilities being added.
- Over-development of the area.
- On Empress Way at the crossing which links the pathway to lady Jane walk, across the railway foot crossing behind the co-op, due to the amount of new traffic it would need a zebra crossing or traffic calming at this point on empress way.

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 been subject to the drainage conditions being applied (and their previous comments being addressed within the detail submitted to discharge these conditions).

Wiltshire Council Public Open Spaces – No objection subject to S106 contribution. HoTs agreed.

Wiltshire Council Public Protection Officer – No objection subject to conditions and S106 contribution. HoTs agreed.

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

Wiltshire Council Public Rights of Way Officer – No objection subject to condition.

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 – No objection , S106 contribution is required. HoTs agreed.

Natural England – No Objection

Natural England notes that Wiltshire Council, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that Wiltshire Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

On 24/06/2022 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) of Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA.

Defence Infrastructure Organisation Head Office – Drainage concerns but addressed by the applicant.

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.

64 letters of objection were received on the amended plans. The application has been the subject of consultation exercises (Statement of Community Involvement 3 August 2020), 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:

- 190 houses is overdevelopment;
- Inadequate infrastructure;
- Too much traffic;
- Road safety especially for children;
- Services will not cope;
- Only one entrance and exit;

- Permission refused for previous development on this site;
- Need to divert footpath LUDG2;
- Effects on biodiversity e.g. skylark;
- An access through Granby Gardens will be dangerous;
- Noise pollution;
- Air quality;
- Current construction traffic is disruptive;
- Increase in anti social behaviour;
- Link road not included in plans;
- Loss of amenity e.g. dogwalking;
- More bus services needed;
- Cumulative effects with other developments;
- Effects on parking;
- One access/exit is adequate;
- Will affect house prices;
- Alternative 2nd access/exit to Shoddesdon Road; and
- Climate change effects.

- **Planning Considerations**

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

Principle

The site is positioned to the south-east of the Ludgershall settlement boundary. The entirety of the site is associated with Policy H1.1 of the Wiltshire Housing Sites Allocation Plan (WHSAP) adopted February 2020, albeit land to the north-west of the allocation has Outline and Reserved Matters permission for housing development, and as such the Full application relates to the remainder of the allocation boundary, as outlined by the Policies Map.

Allocation H1.1 provides in principle support for the development of up to 270 homes at Empress Way, south-east Ludgershall. The allocation asks that development, including land permitted and land associated with this application, comprises:

- approximately 270 dwellings;
- vehicular access from Empress Way and Simonds Road/Moyne Drive, via the Granby Gardens development site, together with a connecting highways link between the two points of access;
- 1.8ha of land reserved for a two form entry primary school in the south eastern corner of the site; and
- improvements to cycling and walking routes through the site to link into the existing network, including the retention and enhancement of public rights of way LUDG1 and LUDG2.

Policy H1.1 sets out requirements for development, which are necessary for ensuring that the proposal is acceptable. These are:

- a planning obligation to safeguard land for a primary school for an agreed period of time;
- a transport assessment that will determine the trigger point for the delivery of the access via Simonds Road/Moyne Drive and inform detailed measures to mitigate impacts on the local road network;

- 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;
- layout and design of the development will be expected to take particular care to ensure that a suitable boundary with the open countryside is provided; and
- layout of the development will be informed by an odour assessment, to be undertaken in consultation with Southern Water to ensure a satisfactory living environment will be created.

Wiltshire Council specialists have determined whether the proposed development sufficiently meets these requirements relating to education, transport, flood risk, design and public protection. Matters directly relating to the location, proposed land use and scale of development are considered below.

The site is situated south-east of Ludgershall Market Town, as defined by Core Policy 1 of the Wiltshire Core Strategy adopted January 2015. Ludgershall is considered alongside Tidworth to have the ability to support sustainable patterns of living through the current levels of facilities, services and employment opportunities, as described by Core Policy 1. There is the potential for significant development at Market Towns to increase the number of jobs and homes to sustain and enhance services and facilities and promote self-containment.

Core Policy 2 Delivery Strategy of the Wiltshire Core Strategy provides that unless identified by policies of the Plan, development will not be permitted outside of the limits of development (settlement boundary). It also sets out that subsequent Site Allocations DPDs will identify sites for development in line with the Area Strategies. This relates to Core Policy 26: Tidworth Community Area with regards to the application proposal.

The Wiltshire Housing Sites Allocation Plan (WHSAP) identifies land at Ludgershall for housing development to support the role of settlements in the East Wiltshire HMA, to ensure supply, improve choice and competition in the market for land. Policy H1.1 allocates land at Empress Way for development and in hand identifies it as a sustainable location for growth in line with Core Policy 26 of the WCS.

In line with the above the allocation identifies this land for the development of housing in order to support the delivery of the Core Policy 26 Tidworth Community Area Strategy and the Wiltshire Core Strategy as a whole.

Additionally, land for a school has been identified in order to support a growing population in this location. This land should be secured as part of the requirements of Policy H1.1 to meet primary education needs in this area based on an assessment of future need. This should be retained for a defined period, as agreed with the Wiltshire Council Education Department and in the event that it is not required within the defined period, the land should revert to agricultural use.

The application proposes the development of 190 homes, in addition to the 80 homes permitted by the Reserved Matters application (18/04346/REM) to the north-west of the site. The WHSAP anticipated that an additional 160 homes would come forward in the remainder of the site and these would be in addition to the 109 homes permitted by the previous Outline application (E/2012/0234/OUT). In both circumstances, the number of homes to be delivered by the site as a whole is equal to or less than 270 homes and accords with Policy H1.1 and paragraph 5.16 of the WHSAP.

Policy H1.1 Empress Way of the Wiltshire Housing Sites Allocation Plan provides support for the proposed development in principle. The proposed development generally conforms with the allocation and Wiltshire Council colleagues have provided specialist input into whether the proposal has sufficiently met the elements and requirements of the policy which relate to specific matters such as transport, education and design.

9.2 Impact upon the character and appearance of the area and wider landscape

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.

There are no national or local landscape designations across this site and this site has never been designated as Green Belt. A Landscape and Visual Impact Assessment, a Landscape and Environment Mitigation Plan and an Arboricultural Impact Assessment have been submitted with the application.

It is accepted that approval of this application would change the character and appearance of the area as it is currently greenfield land which will be lost and replaced with dwellings and associated landscaping. However, as the land is designated for this purpose in the WHSAP this cannot amount to a sustainable reason to object. And in any event, the proposal incorporates landscaping and open spaces which will enable the development to blend satisfactorily into the landscape without causing harm to the wider landscape and amenity in general.

The Council's Landscape Officers have made no objection to the proposal subject to conditions and it is therefore considered that the proposal would not result in a detrimental impact upon the local area in this regard.

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:

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.

The application has been submitted with a Flood Risk Assessment & Drainage Strategy and it confirms that the site lies within Flood Zone 1 (least likely to flood).

The entirety of the site is confirmed to be within Flood Zone 1, and at low risk of flooding from all other potential sources assessed. The use of the site for residential use is concluded to meet the requirements of the Sequential and Exception Tests.

Whilst no significant flood risks have been identified, in order to afford the site additional protection from any potential 'residual' flood risks, finished floor levels will be set a minimum 150mm above adjacent infrastructure thoroughfare levels. The current site layout with proposed highway and buildings shown has also been designed to create a preferential overland flow route through the site.

The proposed scheme will not result in a loss of floodplain storage or redirect any surface water overland flows onto adjacent land / properties.

Preliminary surface and foul water drainage strategies have been prepared which demonstrate that the site can be satisfactorily drained without detrimental effects to third party land. The system is based around infiltration so they will be dry basins & swales which will fill up to varying depths during different storm events.

Wiltshire Council Drainage has no objection, subject to conditions and believes the revised Drainage Strategy (Rev P04) has significantly addressed the drainage team's previous concerns, and has indicated how the site is at low risk of groundwater flooding, and has shown how infiltration-based drainage in accordance with Wiltshire Council's Soakaway Guidance can be utilised on the site.

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

9.4 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 Wiltshire 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 following documents have been submitted and reviewed by Wiltshire Councils ecologist alongside plans and drawings:

- Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022).
- Landscape Proposals – Overview (sheet 1 of 9). Drawing ACLA/BLG 100 A/.
- Biodiversity Metric 3.0 (Biodiversity Net Gain Calculations).

The amended report (Lyndsay Carrington Ecological Services, March 2022) satisfactorily addresses concerns previously raised in relation to the assessment of impacts on bats, great crested newts, reptiles and birds.

Lapwing and Skylark –

To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species.

As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement.

Biodiversity enhancement and net gain –

The submitted BNG calculation predicts on-site net gain in 60.05% habitat units and 140.06% hedgerow units. These gains are based on the landscaping plan shown in Appendix XII of the Ecological Appraisal and Phase 2 Surveys prepared by Lyndsay Carrington Ecological Services (May 2022).

The achievement of these gains will depend on the successful completion of these features and their subsequent biodiversity led management. A Landscape and Ecological Management Plan is conditioned to demonstrate that the predicted net gains will be provided.

Lighting –

Features are being retained to mitigate and enhance the site for foraging and commuting bats including Annex II species.

In order to ensure these features are suitable for use by foraging and commuting bats a lighting strategy demonstrating no negative impact on bat flight paths has been conditioned.

Habitat Regulations Assessments –

Salisbury Plain SPA

This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In July 2021 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. Appropriate assessment of the proposal has been carried out and reached a conclusion of no likely significant effect on the conservation objectives of the SPA, after mitigation.

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

9.5 Nutrient Neutrality

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA

–

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent (Figure 3). This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour

SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020). Nutrients are generated by the new people in the housing (nutrients enter the water environment via wastewater discharges), and from their activities and pets. Nutrients can move to designated sites by streams, rivers or through the groundwater.

Accordingly, the Local Planning Authority considers this proposal, in combination with other developments, is likely to lead to significant effects on the European Sites and this is considered within the Appropriate Assessment (AA).

Nitrogen burden –

In line with Natural England's Advice on Nutrient Neutrality¹ a calculation of the nitrogen burdens has been completed by the applicant for the proposal and approved by Wiltshire Council. This has confirmed that a nitrogen burden of 332.74 kg/N/yr will result and mitigation is required to ensure there are no adverse effects on the integrity of the Solent protected sites.

Mitigation scheme –

Natural England has advised that permanent land use change by converting agricultural land with higher nitrogen loading to alternative uses with lower nitrogen loading, such as for local communities and wildlife is one way of neutralising nutrient burdens from development.

A Council led strategic mitigation scheme is available to help development in Wiltshire achieve nitrogen neutrality. In 2021 the Council permanently removed an intensively managed (~120 hectare) dairy farm (a high nitrogen input use) on Council land located at Roundbarrow Farm near Pitton, east of Salisbury and will convert the land to a (low nitrogen input) nature reserve (Figure 3). The proposal for the long term management of the land is to restore the land to chalk grassland, lowland meadow with some areas of natural regeneration and woodland planting for ecological connectivity. This approach has been discussed with Natural England.

The farm is within the River Test catchment, near a tributary of the River Dunn which drains into the River Test (Figure 3). A hydrogeological assessment² has been undertaken of the farmland to assess its suitability as mitigation for development in Wiltshire.

Natural England's Nitrogen Neutrality advice includes evidence of nitrogen leaching rate for dairy farms within the Solent catchment at 36.2 kg/N/ha. Nature Reserves have a nitrogen leaching rate of 5 kg/N/yr. The applicant has agreed to use the Council led scheme to achieve nitrogen neutrality. Table 2 shows the area of mitigation land required for this proposal.

¹ New Nutrient Neutrality advice was released from Natural England in March 2022. This is available here - [Phosphorus and nitrogen mitigation - Wiltshire Council](#)

² Nutrient neutrality – Hydrological Appraisal for a site at Pitton in Wiltshire, H2Ogeo, Jan 2022 (20210615P1)

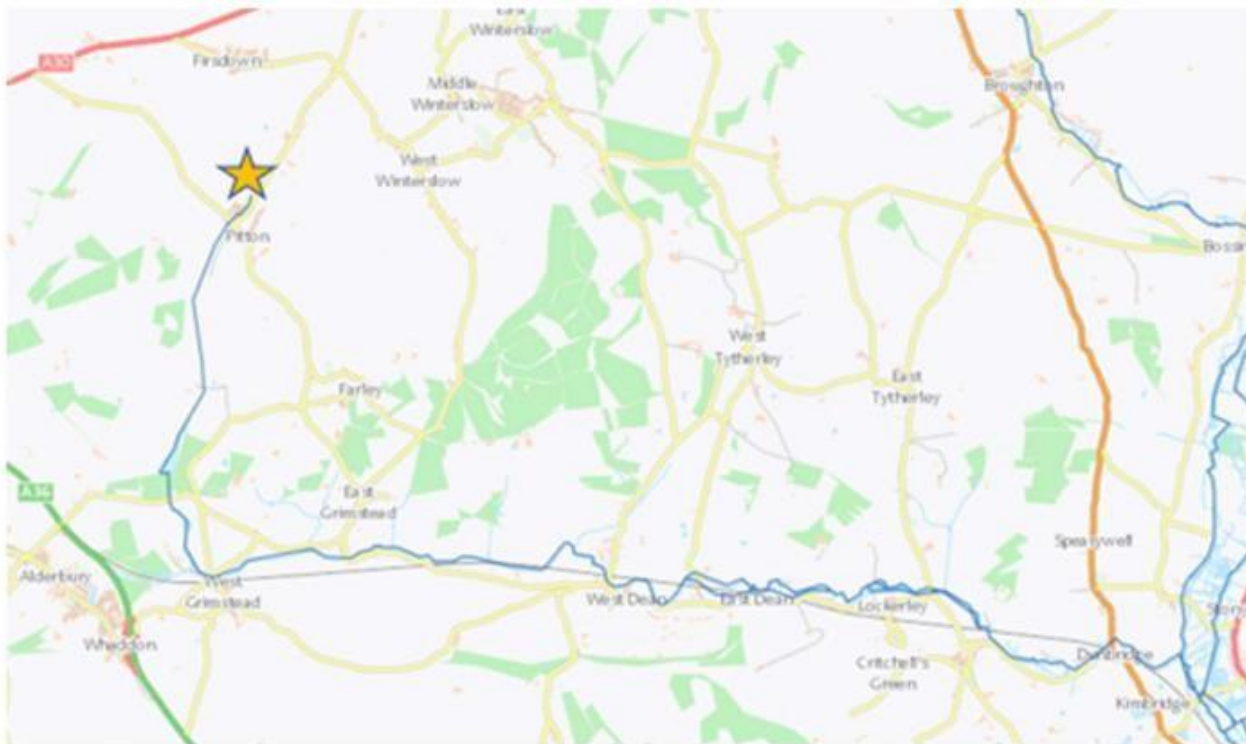
Nitrogen budget (kg/N/yr)	Area of mitigation land required (ha)
332.74	10.3

Table 2 – Mitigation area required

The mitigation site has capacity for both existing planned developments and anticipated local plan growth in the River Test catchment. Wiltshire Council will maintain up-to-date records and tracking of the developments that are using the scheme.

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality. This is secured by Section 106 agreements at time of permission with contributions secured prior to commencement. Securing contributions in this way enables the Council as local planning authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) (as amended) and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (“WCS”).

It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. There will be no in combination effects with other developments, therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of the development.



9.6 Archaeology

The entirety of the proposed development site has been previously archaeologically evaluated. A portion of the site, the North-East corner (Figure 2), has been identified as archaeologically sensitive. The remains suggest that there may be settlement activity within this part of the site. It is therefore considered that a programme of archaeological works, in the form of an archaeological excavation (strip, map, sample and record), is carried out in advance of any construction activity within the area defined by the Northern edge of the site boundary and an East-West line drawn along the Northern end of trench 8 (T8), to include T9, T7, T6 and T5, as

shown on the submitted Archaeological Evaluation Report No: R12655. This is in line with the previous recommendations made by this department.

The County Archaeologist therefore recommends that a programme of archaeological investigation is carried out in order to excavate and record these remains which are considered to be of archaeological interest. This has been requested via appropriate conditions. This is in line with the National Planning Policy Framework.

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

9.7 Impact upon neighbouring amenity

Air Quality is of significance in Wiltshire due to development pressures and prevailing concerns. The adopted Wiltshire Council Air Quality Strategy commits to “*securing air quality objectives in the eight Air Quality Management Areas (AQMA’s)*” and “*maintaining good air quality across the county*” and as such air quality needs to be protected across the county where development adds internal combustion engine vehicles using its road network. In view of this an Air Quality Assessment is required that demonstrates what the additive impact of the development site is likely to be within Ludgershall. This will be secured via a condition and s106 contribution.

The Public Protection Team has no significant concerns with the proposals subject to the above and also the following conditions to minimise disturbance to neighbouring residents during construction stages;

- No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

9.8 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 Councils Highways Officer when assessing this application.

The Councils Sustainable Transport officers have reviewed the Transport Addendum, Infrastructure Statement, Draft S106 HoT’s, and various revised plans from March 2022, and provide highway comments as follows:

Traffic impacts –

A3026 / Astor Crescent Junction

The Transport Assessment Addendum dated 23rd March 2022 is thorough, detailed and helpful. A full review of the original traffic models / assumptions has been carried out and the modelling refined. Drummond Park has now been fully included in the assessments as a committed development.

Using a 2026 base, Table 2.1 demonstrates that the existing A3026 / Astor Crescent junction can accommodate the traffic impacts of the junction if there is some further optimisation of signal timings.

The Lin Sig model of the existing junction has been refined and reviewed. This refinement includes possible future reduction in inter-green times but still within the minimum inter-green times as in the Traffic Signs manual. This review confirms that the existing junction can operate within capacity in 2026 with the development, committed developments, and with adjustments to inter-green times.

Table 2.3 provides the junction capacity results after the introduction of full MOVA optimisation. The results show as expected that the introduction of MOVA improves the operation of the junction enabling shorter cycle times, reduced queue lengths, and improved user experience.

Second access to Simonds Road/Moyne Drive –

The Highways Officer considers that a second access to the site from Simonds Road to be important for accessibility, avoidance of an effective cul-de-sac serving over 500 dwellings, active travel reasons, and to comply with policy H1.1. However, Table 2.6 shows that the second access would, in fact, have negligible impact on the capacity of the A3026 / Simonds road junction. The operation of A3026 / Astor Crescent will be improved in any event as a consequence of the measures referred to above.

The Highways Officer still considers the second access to be necessary, but to assist its achievement is prepared to accept a late trigger as the capacity assessments have demonstrated that this is appropriate (Figures 4 & 5). As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement³.

³ Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by Wiltshire Council.

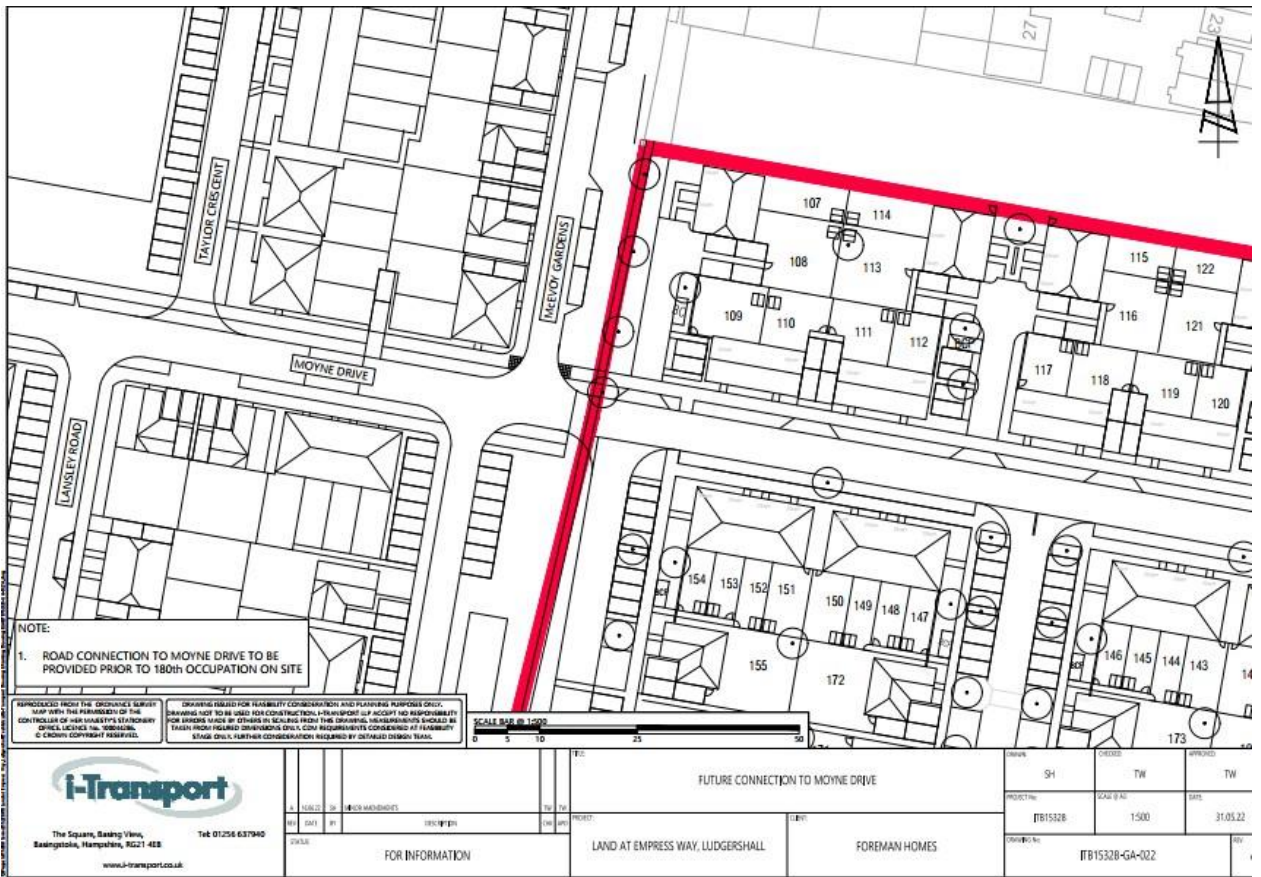


Figure 4 & 3 - 2nd Access

War Memorial Junction –

The previous assessments in the TA have shown that the development will have some impact on the forecast capacity issues at this junction. The significant issues are in the evening peak hour and on the A342 Andover Road approach where queuing will eventually be lengthy. Other Ludgershall developments have contributed to a potential signalisation scheme to address the capacity constraint, and it is equitable that this development makes a proportionate time limited contribution.

Recommended obligations –

- The introduction of MOVA signal optimisation and improved inter-green and cycle times at the A3026 / Astor Crescent traffic signalled junction prior to occupation of the 100th dwelling.
- A financial contribution proportionate to the Empress Way Phase 1 development 13/0234 (£52,145 /109 x 190) of £90,820 time limited and index linked, for the alleviation of congestion within Ludgershall.
- The putting forward of the Empress Way extension for adoption as public highway by means of a Highways Act 1980 Section 38 Agreement.
- 2nd access via Simonds Road. Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by WC.

Public Right of Way (PRoW) –

A public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed or a diversion order must be achieved to divert the footpath to an unobstructed route.

All the detailed highway matters regarding this application can be controlled by suitably worded conditions.

9.9 Other Matters

SECTION 106 –

WCS Core Policy 3 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 tests 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 at the town in accordance with Core Policies of the Wiltshire Core Strategy.

The developer has agreed to the following Section 106 requirements:

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 30% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 30% Affordable Housing Zone. There is therefore a requirement to provide 57 affordable units within a scheme of 190 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in Ludgershall where there demand for both affordable rented and shared ownership housing.

To meet need, the affordable housing units should be provided with a tenure mix of 60% of the units (34 units) being for Affordable Rented housing, and 40% of the units (23 units) being provided for shared ownership.

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. There is currently a need for all sizes of affordable accommodation in Ludgershall. 30% of all dwellings on-site (57) shall be affordable housing to be provided at Nil Subsidy.

- i. 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
- ii. 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
- iii. Tenure to be as defined in the planning obligation, or otherwise agreed in writing.

Housing Mix: An indicative mix which would reflect current need would be:

Affordable Rented (34 units):

10 x 1 bed / 2 person flat
2 x 2 bed / 3 person flat
15x 2 bed / 4 person house;
6 x 3 bed / min 5 person house;
1 x 4 bed / min 6 person house.

Shared Ownership (23):

15 x 2 bed / 4 person house;
8 x 3 bed / min 5 person house

- iv. Location of the affordable homes to be as defined on the Affordable Housing Plan, or otherwise agreed in writing.
- v. To enter into contracts to transfer the affordable housing to Registered Provider(s) in accordance with timetable to be agreed.
- vi. Mortgagee exclusion of liability clause.
- vii. Nomination rights.

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council on a nil subsidy basis.

The Local Authority would have nomination rights to the affordable dwellings, secured through a S106 Agreement.

The proposed units have been 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.

- Primary School Land

Means a freehold interest in 1.8 hectares of the Land (or such lesser area up to 1.8 hectares as required by the Council) in the location shown on the drawing Nos. 19.096.02 and ACLA/BLG 01 to be transferred to the Council free from encumbrances, if the Council serves a Primary School Land Notice.

- Primary School Land Notice

Means a notice to be served by the Council on the Owner no later than 25 (twenty-five) years from the date of the Planning Permission stating that the Council requires the transfer to it of the Primary School Land

- Early Years

To pay the Council the Early Years Contribution of £385,484 (subject to indexation⁴) 50% prior to the commencement of construction and the remaining on 50% occupation.

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 190 dwellings would therefore result in £17,290.00.

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 is required which would result in a total contribution of £10,000.00.

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:

- To pay the Council the Sports Contribution of £77,976 prior to the commencement of construction.
- To provide a Play Area (LEAP) of at least 1,008.80sqm in line with programme for Development
 - i. The LEAP is identified on Drawing No.ACLA/BLG 109A
 - ii. To provide the LEAP in accordance with the specification on Drawing No.ACLA/BLG 109A to be appended to Agreement prior to the 100th house Occupation
 - iii. Management company provisions

⁴ BCIS all in tender price

- Covenant to not use the LEAP (or any relevant part) or allow or suffer it (or any relevant part) to be used at any time other than LEAP

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:

- A sum of £300 per residential unit to be used for the purpose of preparing and implementing the Public Art scheme on the Land.
- To not occupy any residential units until the Public Art Scheme has been approved in writing by the Council.

Highways & Public Right of Way –

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

- i. To pay the Council the Transport Contribution of £90,820 time limited and index linked, for the alleviation of congestion within Ludgershall, prior to the commencement of construction.
- ii. The introduction of MOVA signal optimisation and improved intergreen and cycle times at the A3026 / Astor Crescent traffic signalled junction prior to occupation of the 100th dwelling.
- iii. The putting forward of the Empress Way extension for adoption as public highway by means of a Highways Act 1980 Section 38 Agreement.
- iv. 2nd access via Simonds Road. Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by WC.

Biodiversity –

The proposed enhancements will only be successful if they are supported by effective long-term management. This is especially important for the success of the proposed off site mitigation.

This will form the basis of a detailed management plan for this part of the site, and part of the wider Landscape and Ecological Management Plan that would be updated for any 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 Owner covenants with the Council in the draft s106 to:

- i. To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species.
- ii. The land is shown on Appendix X of the submitted Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) and managed according to a 'Ground nesting birds lapwing and skylark mitigation strategy' based on the management recommended in Section 5.7.2 of the same report.

Nutrient Neutrality –

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality. This is secured by Section 106 agreements at time of permission with contributions secured prior to commencement. Securing contributions in this way enables the Council as local planning authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) (as amended) and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (“WCS”).

It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. There will be no in combination effects with other developments, therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of the development.

The Owner covenants with the Council in the draft s106:

- To pay a Nitrate Neutrality Contribution of £831,850⁵ prior to the commencement of construction.

4. Conclusion (The Planning Balance)

The site subject of this application is an allocated site known as H1.1 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.

The benefits of development include:

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

⁵ £2500 kg/N at 332.74kg/N/year + plus legal and administration costs

both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H1.1.

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 neutral weight.

It is considered that the proposal in principle would not cause a detrimental impact upon the neighbourhood amenity of existing or future occupiers subject to relevant conditions.

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

- **Character and Appearance -**
The Council's Landscape Officers have made no objections to the proposal and it is therefore considered that the proposal would not result in a detrimental impact upon the local area. It is accepted that approval of this application would change the character and appearance of the area as it is currently greenfield land which will be lost and replaced with dwellings and associated landscaping. However, the site is allocated for future housing and as such the identified impact upon the immediate area is considered not to warrant a reason to refuse the application. Any negative impacts can be mitigated as far as possible through conditions for sensitive design and landscape measures. This is considered to be harm that carries limited weight in the planning balance.
- **Drainage and Flooding -**
The Council's Drainage Team and Southern Water in their response have confirmed that the level of detail provided as part of this application proves 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. This is considered to be harm that carries limited weight in the planning balance.
- **Biodiversity -**
This is considered to be harm that carries limited weight in the planning balance, not least in view of the mitigation measures that are proposed.
- **Nutrient Neutrality -**
This is considered to be harm that carries neutral weight in the planning balance in view of the mitigation measures.
- **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 has been requested via an appropriate condition. This is considered to be harm that carries moderate weight in the planning balance.
- **Neighbouring Amenity -**
The Council's Public Protection Officers have made no objection to the proposal subject to conditions and it is therefore considered that the proposal would not result in a detrimental impact upon amenity the local area.

This is considered to be harm that carries limited weight in the planning balance.
- **Highways -**
The highways officer has confirmed that there will still be some network detriment as set out in the Network Modelling section discussed above. All the detailed highway matters regarding this application can be controlled by suitably worded conditions and obligations.

This is considered to be harm that carries moderate weight in the planning balance.

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 accordance with the provision of paras 11 and 12 of the framework permission is recommended.

RECOMMENDATION

That subject to the completion of a Section 106 covering the matters set out below and in this report, the Head of Development Management be given delegated authority to then grant planning permission, subject to the conditions listed below.

Planning Policy Framework. Draft Section 106 Heads of Terms legal agreement (July 2022) to secure the following:

- Air Quality monitoring - £10,000
- Waste & Recycling Facilities – £17,290
- Highways and Transport - £90,820
- 2nd Access
- Public Art - £57,000
- Sports -£77,976
- Early Years / Nursery education provision - £385,484
- Nutrient Neutrality - £831,850
- Affordable Housing Provisions:-
 - 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
 - 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
 - Tenure to be as defined in the planning obligation, or otherwise agreed in writing.

Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans listed in Procedures for maintaining good public relations including complaint management, public consultation and liaison schedule [INSERT name or number & date of schedule of plans]

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

3. No development shall commence until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to

Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routing details

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

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

4. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 3rd March 2022, Reference 15675-HYD-XX-XX-RP-D-5001.

Prior to commencement of development the following additional drainage information shall be submitted to the local planning authority for approval in writing –

- calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving groundwater. This can be undertaken based on the Simple Index Methodology outlined within the CIRIA SuDS Manual.
- revised hydraulic modelling calculations setting the MADD value to 0m³/ha in order to ensure that the on-site attenuation storage is not overestimated. If the applicant believes that a value of 20m³/ha is appropriate, quantitative justification should be provided to support this.
- evidence of the applicant's engagement with the Water Company for the adoption of Sustainable Drainage Features.
- plans showing finished floor levels (FFL) and threshold levels set to minimum FFLs at 150mm above adjacent infrastructure thoroughfare levels.

The development shall be carried out in strict accordance with the approved additional drainage information.

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.

DRAINAGE INFORMATIVES:

1. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. 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

2. 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.
 3. If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Southern 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.
 4. Applicants should contact Southern Water for further information/ discussion. The Lead Local Flood Authority will support any applications brought forward through the Southern Water adoption process.
 5. 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.
 6. 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.
 7. 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](#).
 8. There are private soakaways proposed in the boundaries of properties. Homeowners will need to be made aware of their maintenance responsibilities and this should be written into the deeds of the properties
 9. It is noted that if surface water drainage will be offered for adoption by Wiltshire Council and the Water Company; the applicant will need to apply for adoption of these assets separately to this planning application.
 10. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.
5. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer and any improvements required to off-site sewerage treatment works (and any related programme for delivery) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

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

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;

- 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.);

REASON: 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.

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

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

8. 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 will align with recommendations in Section 5 and Appendix IX of the submitted Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022) and 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) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles and bats.
- c) 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.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) 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.

9. 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 align with recommendations in Sections 5.3, 5.8 and 5.9 and Appendices XII and IX of the submitted

Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022). It 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.

10. Prior to construction commencing details of existing and proposed new lighting shall be submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate that a level of 0.5Lux or less can be achieved at the edges of sensitive habitat features as defined in Section 4.2.2 and displayed on Appendix VII of the Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) including, but not exclusively; H2 along the northern boundary, H1 along the south western boundary, retained woodland shelter belts and new planting at the eastern and southern boundaries.

REASON: To avoid illumination of habitat used by bats.

11. Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and integral swift bricks within buildings. The agreed Plan shall show the specification of the swift bricks and bat roosting features to be provided on a minimum of 20% of the new dwellings (approximately 38) and where they will be located, together with a timetable for implementation.

Reason: to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

12. Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

13. No development shall commence within the red line boundary of application 20/06554/FUL until:
 - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest. This is in accordance with Paragraph 205 of the NPPF, which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance

and the impact, and to make this evidence (and any archive generated) publicly accessible’.

The programme of archaeological work should provide for the investigation in advance of the commencement of development of an area in the north-east of the application area where exploratory geophysical survey and archaeological investigation identified evidence for Roman settlement. This should be followed by a programme of assessment, analysis, reporting, publication, and archiving commensurate with the significance of the results to achieve the public benefit of the exercise.

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

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

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

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

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

15. Prior to the commencement of development the applicant shall undertake an Air Quality Assessment (AQA) or Screening Assessment, to be approved in writing by the Local Planning Authority prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any recommended measures to effectively mitigate emissions shall be implemented in accordance with the AQA.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

16. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

17. Within 6 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. 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.

18. Prior to first occupation of any dwelling hereby permitted the access from the development to the extension of Empress Way shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 90 metres to the west. The visibility so provided shall thereafter be maintained.

REASON: In the interests of safe and convenient access.

19. Prior to first occupation of any dwelling hereby permitted the extension of Empress Way including its verges and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been provided to base course level and lit by street lighting.

REASON: In the interests of safe and convenient access.

20. Prior to first occupation of the 160th dwelling hereby permitted the extension of Empress Way including its carriageway and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been surfaced in tarmacadam wearing course.

REASON: In the interests of ensuring that the access road is properly completed.

HIGHWAYS INFORMATIVES:

Public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed, except where temporary closures or diversions are required to construct the second point of access, or a diversion order must be achieved to divert the footpath to an unobstructed route. The legal line of the PROW route must be kept open at all times, except where temporary closures or diversions are required to construct the second point of access. The definitive (legal) width of the route is 1m but a corridor of at least 2m must be kept open at all times, except in the above circumstance.

21. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development will be nutrient neutral.

Background Documents Used in the Preparation of this Report:

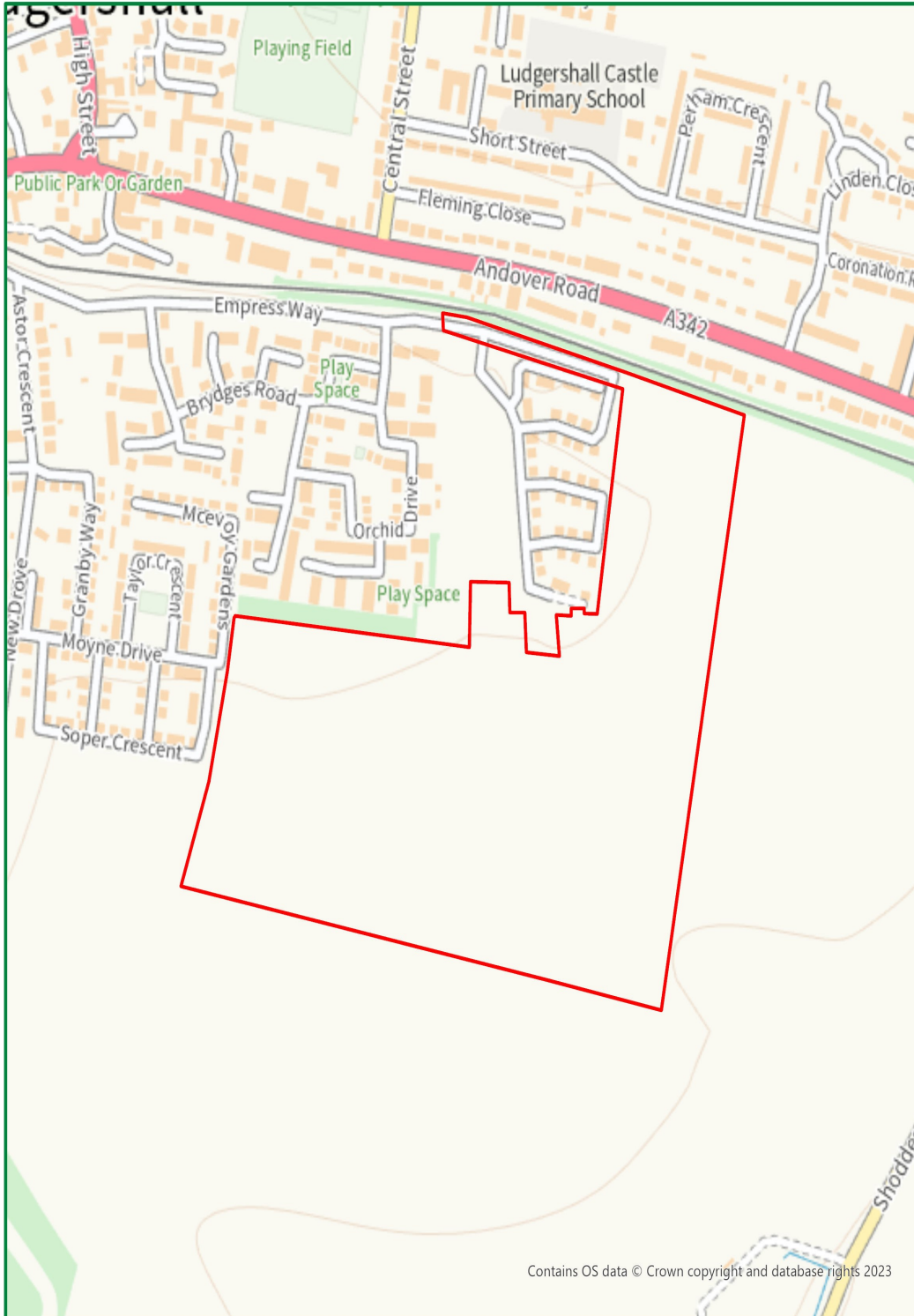
Application Submissions

Wiltshire Core Strategy

NPPF 2021

HLS Statement 2019

Draft S106 Agreement HoTs



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Report for the Strategic Planning Committee

Date of Meeting	22 nd October 2024
Application Number	PL/2023/10205
Type of application	Outline planning permission: Some matters reserved
Site Address	Land North of Southwick Road and South of The Rank, North Bradley, Wiltshire
Proposal	Outline planning application for residential development of up to 66 dwellings and associated public open space with all matters reserved except for access
Recommendation	Approve with Conditions
Applicant	Welbeck Strategic Land II LLP
Town/Parish Council	North Bradley CP
Electoral Division	Southwick ED
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement.

The application was also called to Committee if recommended for Approval by Councillor Prickett for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact
- Other: Open field site marking the SW boundary of the village of North Bradley. This development along A350 North Bradley-Southwick Road would be intrusion into the open green area surrounding North Bradley and also lead to extra traffic on an already very busy primary route.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to completion of a Section 106 agreement.

2. Report Summary

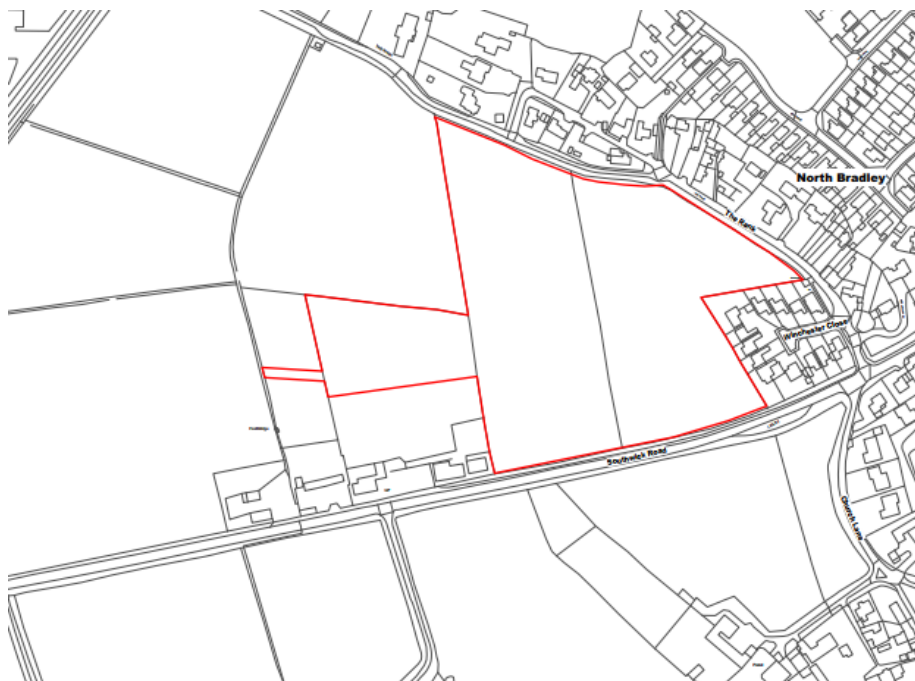
The main issues to be considered are:

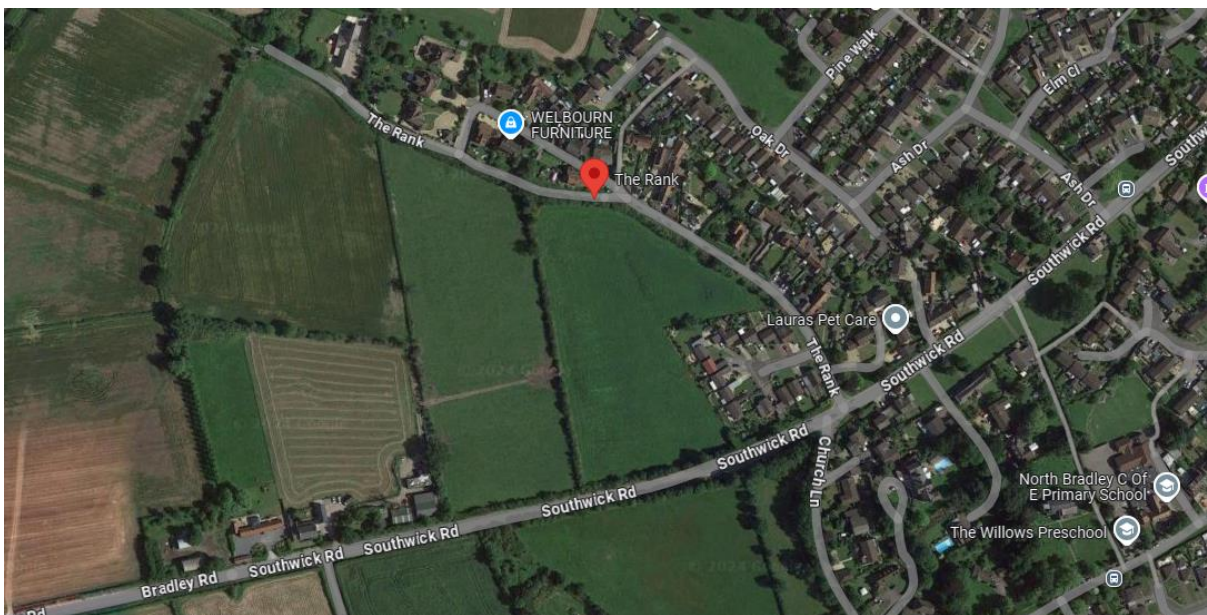
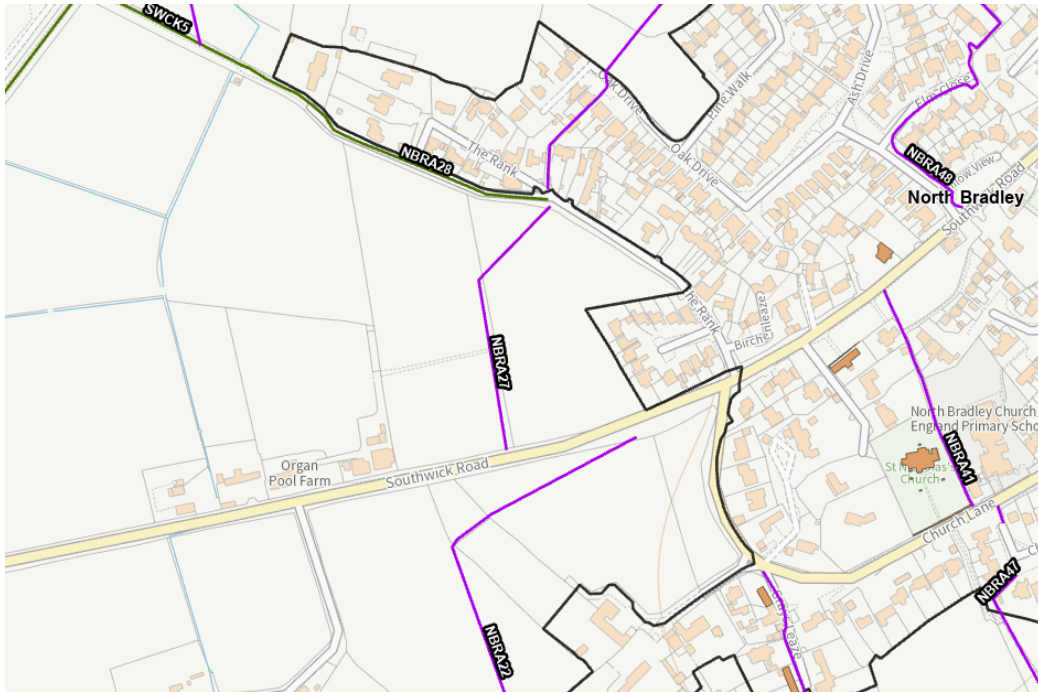
- Principle of development
- Impact on the scale and character of the area
- Ecology
- Impact on the significance of heritage assets, such as listed buildings/conservation areas
- Archaeology
- Impact on neighbour amenity
- Highway matters
- Public Rights of Way
- Drainage
- Section 106 Legal Agreement
- Planning Balance
- Conclusion

3. Site Description

The site is located to the West of but outside of the limits of development of the Large village of North Bradley. The site sits in the Avon Vale (117) Countryside Character area, and within the Trowbridge Rolling Clay Lowland (11c) of the Wiltshire Landscape character assessment (WLCA). The site comprises of three fields which are currently used for grazing horses and agricultural purposes. The site is bounded by residential properties from Winchester Close and The Rank to the East and North-East of the site. Southwick Road and a small number of residential properties bound the southern boundary of the site.

The site generally slopes northwest and there are existing watercourses that cross the site. There are no rivers within the site but the closest is the Lambrok Stream which is located approximately 700 metres to the North-West of the site at its closest point. This river flows Northwards towards Trowbridge and discharges into the River Biss.





4. Planning History

19/02095/OUT Outline planning application with all matters reserved (except for means of access) for the development for up to 85 units, parking, landscaping, open space and all associated development – Refused 11/10/2019 for the following reasons:

- 1 The proposed development is located outside of the identified village policy limits for the large village of North Bradley. In addition the large scale of development is considered unacceptable and inappropriate for a large village with a limited range of facilities. Therefore the proposal fails to promote a sustainable pattern of development and results in an unwarranted encroachment of the open countryside contrary to Core Policies 1, 2, 29, 60 and 61 of the Wiltshire Core Strategy and advice contained in the Framework.

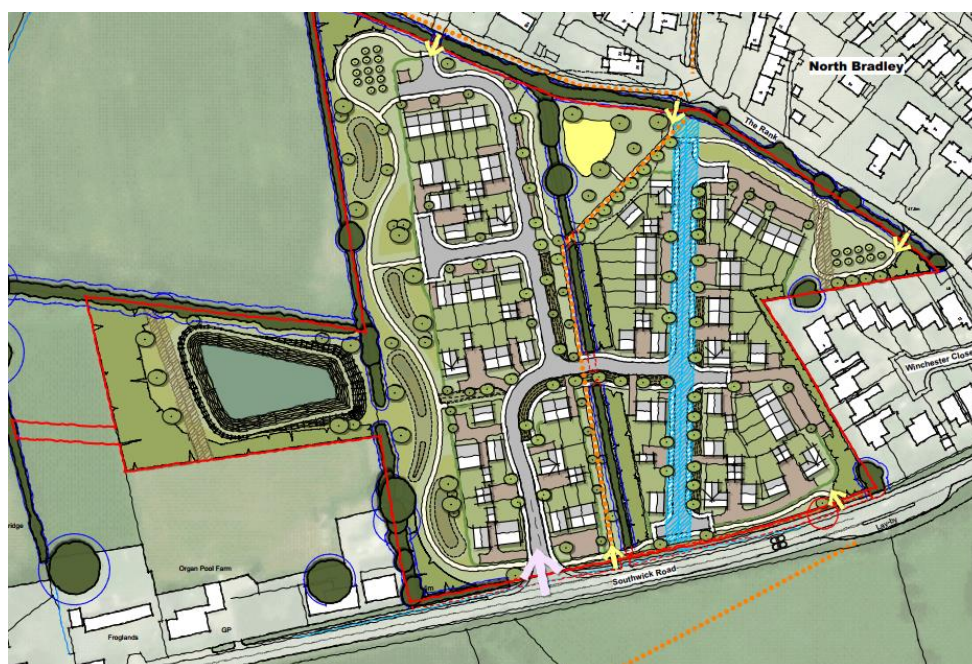
- 2 The proposed development located in the open countryside would detract from the rural character of the area and would result in the urbanisation of the rural landscape. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.
- 3 The applicant has failed to provide sufficient information to determine ecological impacts, including the extent to which the proposed development would impact upon priority habitat types and protected / notable species which are reasonably likely to be present and affected by the development; and, as a consequence, the application is not considered to be environmentally sustainable. The proposed development therefore does not comply with Core Policy 50 of the Wiltshire Core Strategy and advice contained in the Framework.
- 4 The applicant has failed to provide sufficient information to enable the council to fully determine the impact the development would have on the significance of heritage assets within the area of archaeological potential. The proposed development is therefore contrary to Core Policy 58 of the Wiltshire Core Strategy and advice contained in the Framework.
- 5 The proposed development does not make any provisions for securing the necessary infrastructure provision such as affordable housing and education provision. Without the necessary mechanism to secure this essential infrastructure, the application is considered contrary to Core Policy 3 and Core Policy 43 of the Wiltshire Core Strategy and advice contained in the Framework.

An appeal was submitted on this application but was subsequently withdrawn. The following is a illustrative masterplan from the refused submission.



5. The Proposal

The site measures 4.67 hectares with a development area of 2.01 hectares and 2.66 hectares being made available for green infrastructure and attenuation features. The proposal seeks consent for the construction of up to 66 dwellings with associated infrastructure including gardens, garages, driveways, roads and public open space. Access to the site will be via a new junction on the southern boundary of the site onto Southwick Road. Also proposed is an on site local equipped play area.



6. Planning Policy

National Context:

National Planning Policy Framework (NPPF) – revised December 2023

Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Habitat Regulations

NERC Act 2006

Environment Act 2021

Streets for a Healthy Life – A companion to Building for a Healthy Life

Building for a Healthy Life

Manual for Streets

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015:

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP3 – Infrastructure Requirements

CP32 - Spatial Strategy Westbury Community Area, CP41 – sustainable construction , CP43-

Providing Affordable Homes, CP48 – Supporting Rural Life, CP50 – Biodiversity and

Geodiversity, CP51 – Landscape, CP52 – Green Infrastructure, 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, CP64 – Demand Management, CP67 - Flood Risk

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

C3 - Special Landscape Area, U1a - Foul Water Disposal, U2 - Surface Water Disposal, I1 – Implementation

Other

Wiltshire Leisure Services Strategy – Indoor Facilities Action Plan 2011 – 2025 adopted April 2012

Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)

Affordable Housing Supplementary Planning Guidance adopted August 2004

Art and Design in the Public Realm in Wiltshire May 2024

Air Quality SPD (July 2023)

Leisure and Recreation Development Plan Document

Wiltshire Car Parking Strategy

North Bradley Neighbourhood Plan (made May 2021)

Trowbridge Bat Mitigation Strategy

Bat SAC Planning Guidance for Wiltshire, 2015

LTN1/20 – Cycle Infrastructure Design

Wiltshire Active Travel Standards and Travel Parking Standards

Wiltshire Design Guide

Housing Land Supply Statement 2024

7. Consultation responses

North Bradley Parish Council: Object.

It is outside the limits of development and is not an exception scheme. The housing is not required to meet the needs of the Large Village and there is no housing remainder to be identified in the Trowbridge Area. There is a required growth in the emerging local plan and this proposal substantially exceeds the scale of housing required. The access would urbanise the rural context due to the nature of the highway works. The updated NPPF, most notably para 77 no longer requires a 5% buffer and now requires a 4 year housing land supply and ensures our neighbourhood plan (made in May 2021) which is less than 5 years old and contains policies and allocations is up to date and should be taken into consideration. The site was considered as a site option in the NP and a variety of adverse effects were identified alongside the scale as it was considered very large and far more than needed to meet local need. The Parish note that Table 4.16 of the emerging Wiltshire Local Plan proposes housing growth of 51 dwellings with a residual of 23 dwellings which are not immediately required. The review of the NP will determine how the residual will be planned for.

The changes in the masterplan show the creation of a 30 metre wide area of open space which pushes built development closer to other site boundaries – notably north west, north east and south. The Parish do not agree with the LVA, have concerns with the bat survey and compliance with the Trowbridge Bat Mitigation Strategy.

Southwick Parish Council: Object. It is not an allocated site in the Core Strategy or the Neighbourhood Plan. It is outside the limits of development with no overriding reason to grant development. The site lies within the yellow medium risk zone of the Trowbridge Bat Mitigation Strategy and therefore must be considered under the Habitats Refualtions.

Wiltshire Council Highways Officer: No objection subject to conditions and S106 contributions

Wiltshire Council Drainage Officer: No objection subject to conditions

Wiltshire Council Conservation Officer: The application does not lie within our consultation remit

Wiltshire Council Archaeology Officer: No objection

Wiltshire Council Housing Officer: S106 contributions should be sought

Wiltshire Council Climate Change Officer: Conditions would be required

Wiltshire Council Landscape Officer: Support

Wiltshire Council Public Rights of Way Officer: No objections

Wiltshire Council Waste Officer: conditions and S106 contributions should be sought

Wiltshire Council Public Arts Officer: S106 contributions should be sought

Wiltshire Council Ecology Officer – No objection

Wiltshire Council Education: S106 contributions should be sought

Wiltshire Arboricultural Officer – No objection

Wiltshire Council Urban Design: Object to the illustrative masterplan

Wiltshire Council Public Open Space Officer: S106 requirements and contributions would be sought

Wiltshire Council Public Protection Officer – No objection subject to conditions

NHS: S106 contribution is required

Salisbury and Wilton Swifts: request conditions

Natural England: Support the Councils Ecologist recommendation

Dorset and Wiltshire Fire Rescue Service: Dwellings must comply with Building Regulations

8. Publicity

Circa 65 letters of objection have been received from the general public over the period of two public consultation periods which had a final expiry date of 26th June 2024 which make the following comments which have been summarised:

Principle

Wiltshire Council has already met its quota for housing
The Neighbourhood Plan does not allocate this site for housing
Outside limits of development and in the open countryside and in the green belt
Another significant development whilst not ideal has already been approved in our village
There are no shops and the school/doctors is full
This is no different from the previously refused application
We want to protect our village – if this approved Trowbridge and Southwick become one
Previous reasons for refusal are still valid
The scale of development is not appropriate
We can demonstrate a four year housing land supply so we don't need more housing

Impact on Area

Impact on the wildlife – we see bats, badgers, foxes, deer, newts, frogs, otters, hedgehogs
Drainage: surface water is always flooding in fields either side of Bradley Road. Foul water is sometimes backing up during times of heavy rain which will only be compounded with further development.
Drainage - The area is underlain by clays of the Kellaways Formation. We note the submission of a flood risk assessment & drainage strategy that confirms infiltration is unlikely to be possible and therefore controlled discharge into a watercourse to the west (with storage being achieved via a SuDs feature).
Can the run off to Lambrok Stream actually be used
Can Wiltshire Council request that the drainage channels/flood ditches are cleared annually
The proposal will significantly impact upon the wider area – it will constitute urbanisation and creep of the village
The hedge between The Rank and the site should be maintained
In the spring the field was covered in wild flowers and was a joy to see
We need to keep our green areas
Where will we walk our dogs
Sewage is an existing problem
Increase in pollution

Impact on Neighbouring Amenity

The proposed dwellings will look down on us and we will lose our privacy

Highway

Very limited public transport
Southwick Road is already a heavily congested route with large vehicles using it
The access to the site is already a raceway to some as its 60mph
Southwick Road (C227) and footpaths are totally inadequate for the volume and size of through traffic at the moment.
It is noted dropped kerbs are proposed either side of Southwick Road to access Church Lane to the school. We find this horrifying as this is a dangerous section to cross especially with children
The Rank is not safe for pedestrians
We need a bypass
Can we have a roundabout
We need to reduce the number of HGV's using this route and reduction in speed for all users
The local roads are gridlocked at certain times of the day – this will exacerbate this problem

Other

The proposed play park should be mandatory
The sewage pumping facility at the north end of The Rank fail worryingly often. We have often witnessed a succession of tanker lorries required to perform urgent pumping-out. We

see no evidence of a major investment by Wessex Water to deal with a hugely increased demand on the system

This is about the developers making a profit

It will devalue our home as we currently look over a field

Can an extension of time be given to neighbours as it coincided with the Christmas holidays

Lots of the objections and support letters are being listed on the website "just build homes.

This website appears to be a lobbying website partnered by multiple developers including the applicant. The website does not make clear whether the applicant offers funding to support the running on this website and as such the comments may not be transparent and are they really from local residents?

Most of the supporters to this application have no connection to the North Bradley Parish and should be discounted

Why has the play park been removed?

27 letters of support have been received which make the following comments that have been summarised:

We need to address the housing problem including affordable homes which this site makes provision for as children in their 30's are still living at home because they can't afford to move out

This is necessary for our growing population

The housing shortage is a national issue

The development to create a range of housing options is crucial, considering the rising housing prices and the growing population in our area. This should also give the chance for the area to become better in areas such as its economy

The more houses that are built the cheaper they will be

It's encouraging to see plans for a variety of house types and sizes, and the inclusion of play areas is a thoughtful touch, catering to families like mine

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 of development

Beginning with the development plan (the Wiltshire Core Strategy (WCS)), the site lies outside the Limits of Development of North Bradley which is allocated as a 'Large Village' and is, therefore, in 'open countryside' where under Core Policies 1 and 2 new housing development is not normally permitted unless one of the following applies:

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

As the site falls outside of the Limits of Development and has not been brought forward through either a Neighbourhood Plan or through an allocation in a development plan document for the area, the proposal does not comply with the requirements of Core Policies 1, 2 and 29 of the WCS.

Housing supply and delivery

Paragraph 77 of the National Planning Policy Framework (NPPF) requires local planning authorities to be able to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) or a minimum of four years' worth of housing if the provisions in paragraph 226 apply (these provisions state that where the council has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This concession applies until December 2025). As Wiltshire meets the provisions of paragraph 226 it is required to demonstrate a 4-year housing land supply under the NPPF criteria.

As the Council's adopted strategic policies in the Wiltshire Core Strategy (WCS) became 5 years old on 20 January 2020, the housing requirement used in the housing land supply calculation is the Local Housing Need (established using the standard methodology set out in the Planning Practice Guidance). The housing requirement in the calculation should also include a 20% buffer if the Council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement.

In July 2024 the Council contested an appeal for a proposal for residential development at Land off Storridge Road, Westbury. As part of the inquiry, the NPPF requirements on the housing land supply position was challenged. In the appeal decision (issued 31 August 2024) the Inspector considered that only a 3.85 years supply could be demonstrated. The Council have accepted the Inspector's findings. As a result, the Council have accepted that the requisite 4-year housing land supply cannot be demonstrated. The current position to be used in decision-taking is 3.85 years supply.

Paragraph 11 (d) and footnote 8 of the NPPF state that where a four-year housing land supply cannot be demonstrated then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications. The weight to be attributed to such policies is a matter of judgment for the decision-taker. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise which will be done at the end of the report.

Wiltshire Council on 31st May 2023 published the "5 year housing land supply and housing delivery test briefing note No 22-09" (the briefing note) which outlined how the Council would restore its 5 year housing land supply in the face of the acknowledged shortfall. In paragraph 6.1 the third point states that *the Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or unallocated*. Whilst the Council only need to demonstrate a 4 year housing land supply, this briefing note would hold some weight in the decision making process.

Neighbourhood Plan

The North Bradley Neighbourhood Plan (NP) was made in May 2021. Paragraph 14 of the NPPF (DEC 23) states: *14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) *The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) *The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-78)*

The North Bradley NP has policies and allocations within it to meet its identified need and therefore is a relevant up to date document that has to be taken into consideration when making a decision on this appeal. It supports new housing development (policy 2) within the defined limits of development and as this proposed development lies outside of these limits it fails to comply with the NP document. However, Inspectors have taken the view the due to the Councils principle housing policies being out of date, the housing policies contained within the Neighbourhood Plan are also considered to be out-of date and therefore the tilted balance remains.

9.2 Impact on the scale and character of the area

Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance landscape character, and should not have a harmful impact on landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

A Landscape and Visual Appraisal has been submitted with the application which has been assessed by the Councils Landscape Officer.

The site sits in the Avon Vale (117) Countryside Character area, and within the Trowbridge Rolling Clay Lowland (11c) of the Wiltshire Landscape character Assessment (WLCA). The WLCA notes the landscape condition to be a 'good', strength of character to be 'moderate', with a landscape strategy to 'conserve and strengthen'. Management objectives or relevance to this site are:

- Retain and manage the dense hedgerow network and nurture new hedgerow trees.
- Minimise small scale incremental change such as signage, fencing or improvements to the road network which could change the rural peaceful character of the landscape.
- Ensure that landscape is at the foundation of decisions about the growth of settlements (e.g. Swindon and Calne) and that landscape is used to provide a strong framework within which changes can happen in a sustainable way.
- Consider strengthening the enclosed character of the landscape and screening views to intrusive urban edges through nurturing existing and planting new woodland

The North Bradley NP reviewed the importance of landscape setting and issues of coalescence between North Bradley and Trowbridge through a Landscape and Visual setting Analysis for the village produced by Indigo Design (Sept 2018). Whilst this reviewed two 'landscape Setting Gaps' to be retained to the northwest and northeast of North Bradley respectively only the North-western 'landscape Setting Gap' was adopted in the North Bradley NP. This application site sits outside the Landscape Setting Gap adopted under Policy 1 of the North Bradley NP and therefore cannot be considered as development that

would conflict with the NP's policy to avoid coalescence with Trowbridge. Whilst the development does not interfere with the Landscape Setting Gap it does develop previous greenfield land further to the west of North Bradley towards the village of Southwick. The current minimum distance between the existing settlement boundary of North Bradley (The Rank) and Southwick is 700m where as the new developments boundary edge will be a minimum of 800m from the village of Southwick. Therefore, it is considered that the development is not impacting on coalescence to the west of North Bradley

This current application when compared to the previously refused application has made some changes in its masterplan to seek to mitigate some of the landscape impacts from the previous scheme. A wider 'landscaped' buffer strip has been allowed for along the western boundary of the site with reasonable landscape buffer strips being retained along internal hedgerows and along the northern boundary of the site (adjacent to The Rank) as per the previous scheme. This has primarily been achieved through the lowering of the density of development from a previous scheme of up to 85 dwellings to a density for this scheme of up to 66 dwellings. This reducing of built density and the increasing of landscape buffer zones around the sensitive boundaries of the site help it to better integrate into surrounding landscape context.

Whilst the site is adjacent to the settlement edge of North Bradley it will cause the irreversible change of 4.74Ha of rural countryside to built residential development. Para 180 (a) of the NPPF states that valued landscapes need to be protected but this generally refers to landscapes that have local designations such as registered green spaces, or sit within Special Landscape Areas. The Councils Landscape Officer agrees with the LVA's conclusion that the site has a 'medium' landscape value when compared to the Landscape institute TGN 2-21, but this is at the community scale rather than at the regional or national scale.

The site is generally well contained visually by existing hedgerows and the much of this is proposed to be retained and supported with additional planting and landscape buffers. The largest length of existing hedgerow to be removed will be along the southern Southwick Road Boundary to create the vehicle access. Whilst as noted in the original refusal notice this will open up views into the site, this will only be glimpsed views from passing cars on the highway along with the occasional pedestrian using the adjacent highway footpath to residences around Organ Pool farm. As noted in the LCA small incremental changes in highways infrastructure can impact on the perception of rural character. The raised kerb to the north of Southwick Road that starts at Organ Pool Farm along with the overhead utilities and accumulation of signage and road markings to the approach of the formal settlement boundary of North Bradley already provide a peri-urban character to this section of Southwick Road that the site borders. Whilst the development will undoubtedly completely urbanise the Northern boundary of Southwick Road between Organ Pool Farm and the Settlement Boundary of North Bradley to some extent that process of urbanisation has been happening through the existing highway infrastructure.

Whilst this development would irrevocably change this agricultural greenfield to an urban environment the Councils Landscape Officer is of the opinion that the change will not impact upon the distinctive character of North Bradley to such an extent that it would damage the character of the settlement. The recent North Bradley NP made it clear that the prime concern of residents in terms of landscape setting was retaining separation from the conurbation of Trowbridge as shown with the Landscape setting Gap set out in Policy 1. This development whilst outside the existing settlement boundary will not impact on this important local landscape setting criteria.

As already noted with the raised kerb and footpath and overhead utilities along with road

markings and signage running along the northern edge of Southwick Road there are already urbanising influences in this location and it is therefore difficult to argue that the urban edge of North Bradley finishes at the existing settlement boundary. Whilst development of this site would further urbanise what is currently a 'peri-urban' location and introduce further landscape disturbance to rural tranquillity (Core Policy 51 item vii) since the site is located adjacent to the settlement of North Bradley such impacts of development would be reduced by its urban edge context. Due to the reduction in density and the increase in landscape buffer zones with this new application it is the landscape officers opinion that the proposal in landscape terms is acceptable. As such it is considered that the proposal has overcome the previous reason for refusal.

The Agricultural Land Classification for the site in question is grade 4 which is considered not to be the best and most versatile agricultural land and therefore there is no objection to the loss of this agricultural land.

The Councils Urban Design officer has raised concerns with the cul-de-sac approach of the illustrative masterplan which is highlighted in the Building for a Healthy Life to be of poor quality of design and place shaping. The submitted illustrative masterplan is purely as it states – illustrative and therefore an informative could be added to any positive decision to highlight this concern. It would be expected in any future reserved matters application to include connected street patterns through the use of cycle and pedestrian footpaths rather than dead end cul-de-sacs.

Furthermore the Council Climate Change Officer has confirmed that whilst a Energy and Sustainability Statement has been submitted with the application, it does not go far enough to provide a commitment to provide a low-carbon development. As such a condition has been recommended requiring a Sustainable Energy Strategy to be submitted to commit and provide a low carbon development which is considered to be appropriate.

An Arboricultural Impact Assessment was submitted with the application. This has been assessed by the Councils Arboriculturalist who has confirmed that sufficient information has been put forward to ensure that the existing trees on and off site are to be retained and sufficiently protected during construction.

9.3 Ecology

Core Policy 50 requires all development proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”... “all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”.... “Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:*

- i) Cannot reasonably be avoided*
- ii) Are reduced as far as possible*
- iii) Are outweighed by other planning considerations in the public interest*
- iv) Where appropriate compensation measures can be secured through planning obligations or agreements”*

Policy 5 of the North Bradley Neighbourhood Plan requires all developed to comply with the Trowbridge Bat Mitigation Strategy

The application site is a greenfield site located within the yellow medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) (adopted Feb.2020). The application must therefore be considered under the Habitat Regulations. The SAC's qualifying Features are as follows:

1. Bechstein's bat *Myotis bechsteinii*
2. Greater horseshoe bat *Rhinolophus ferrumequinum*
3. Lesser horseshoe bat *Rhinolophus hipposideros*

This application is located approximately 1.7 km west of Pickett and Clanger Woods and approximately 2.6 km south-west of Biss Woods. These woods are publicly accessible woods south of Trowbridge each supporting a colony of Bechstein's bats which together are believed to form a meta population of national importance. Bat ringing data has shown the same bats using the woodlands and the SAC. The woodlands are therefore considered to be functionally linked to the SAC and it is possible the conservation objectives for the SAC may not be met if the bats are disturbed or prevented from breeding there. Studies have shown that Bechstein's bats are not confined to the woodlands but travel to find additional foraging and roosts outside them.

Habitats within the site comprise three cattle-grazed, species-poor, semi-improved grassland fields bordered by hedgerows. Bat activity surveys have been completed on site in accordance with BCT Good Practice Guidelines, Wiltshire Bat SAC Planning Guidance and the Trowbridge Bat Mitigation Strategy and demonstrated that all three qualifying bats were using the boundaries consistently throughout the year. No trees were recorded as having potential roosting features for bats. The proposed development demonstrates that the core bat habitat remains connected with the wider habitat network and buffers are being provided in accordance with the TBMS alongside attenuation ponds which will improve the capacity of the site to provide insects as a food source for the bat population. A lighting report was submitted with the application which shows a 30m dark corridor along the western part of the site and a 20m dark zone in the middle of the development to provide the main commuting and foraging corridors for the bat community.

An Ecological Parameters Plan (EPP) was submitted with the application which identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and any areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. The EPP will become an 'approved document' of any outline permission granted and any reserved matters application must be in compliance with the plan.

The Councils Ecologist submitted an Appropriate Assessment under the provisions of the Habitats Regulations and in accordance with Regulation 63 of the Regulations to Natural England which concluded that the proposed development would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC. Natural England raised no objection providing all the mitigation required by the Councils Ecologist are appropriately secured in any permission given.

A Dormouse and reptile survey was also undertaken with small numbers of slow worm being recorded along the Western boundary which will benefit from the additional landscape features proposed as part of this development.

Swifts in the UK are on the Birds of Conservation Concern (BoCC) Red List and are classified as Endangered on the IUCN Red List assessment of extinction risk for Great Britain. As such a condition should be attached to any permission requesting an installation plan for integral nest boxes to be installed on site at a ratio of 1:1 in line with BS 42021:2022 Integral nest boxes – Selection and installation for new developments.

This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. That Appropriate Assessment reached a conclusion of no adverse effects on site integrity for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

Schedule 7A of the Town and County Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) requires every housing application to provide a 10% biodiversity net gain on the site as of 2nd April 2024. The Biodiversity value attributable to the development must exceed the pre-development biodiversity value of the onsite habitat by at least 10% which will be secured for 30 years either via a condition or a unilateral undertaking. If the 10% BNG is to be provided offsite it will need to be registered on a Biodiversity Net Gain Register.

Some hedgerows on site will be lost (1 and parts of 4) but the proposal includes planting of new species-rich hedgerows in a number of locations and it will take c. 12 years to reach good condition, the LPA would like to see both hedgerows translocated and used on-site, and if possible along the Southwick Road further information of which can be controlled via a condition.

The Council's Ecologist and Natural England have raised no objections to the scheme subject to conditions regarding the submission of an Ecological Parameters Plan, Landscape and Ecology Management Plan and a Construction Environmental Management Plan. Details regarding the construction of the SuDs, details of integrated roosting/nesting features, restrict new external lighting and the development to be built in accordance with the Biodiversity Metric (or subsequent Biodiversity Metric that may be submitted with any future reserved matters application that would need to broadly align with that submitted on the current application) all of which are considered to be acceptable. As such the proposal is considered to comply with CP50 and has overcome the previous reason for refusal relating to ecology.

9.4 Impact on the significance of heritage assets, such as listed buildings and conservation areas

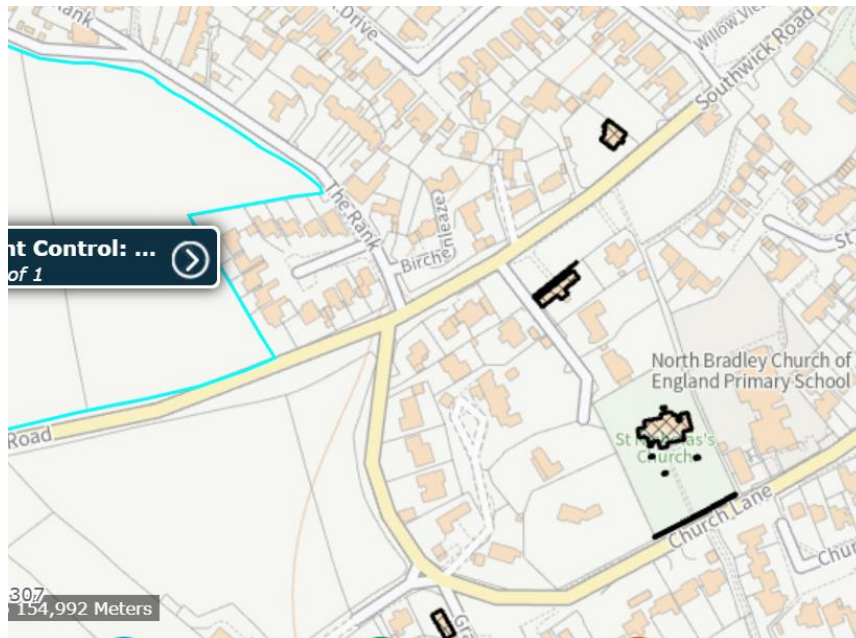
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

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".

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.

There are 4 listed buildings within the immediate vicinity of the site including the Grade II The Old Rectory, Grade II The Daubeny Almshouses with Grade II front boundary walls, Grade II* Church of St Nicholas with its Grade II walls and gateway and associated Grade II Monuments and Grade II 59 Church Lane. All of these historic buildings are considered to be a sufficient distance away from the site with intervening built development for the development to have a neutral impact upon them and their setting. The proposal is therefore considered to comply with the relevant policies above.



9.5 Archaeology

The application was submitted with an Archaeology and Historic Assessment and also a Trial Trenching Report. The Council's Archaeologist has assessed the submitted information and as a result of the findings of the evaluation no further archaeological investigations need to be carried out on the site. The proposal is therefore considered to comply with the requirements of CP58 and has overcome the previous reason for refusal.

9.6 Impact upon neighbouring amenity

The site is bounded by residential properties from Winchester Close and The Rank to the East and North-East of the site. Southwick Road and a small number of residential properties bound the southern boundary of the site.

In terms of Winchester Close these houses are all bungalows and thus do not have a major overlooking problem onto the existing site although site section drawings would be expected

to be submitted with a reserved matters application to understand the relationship between the proposed built form and rear gardens along with proposed landscape mitigation / screening to ensure that the gardens of Winchester Close are not being overlooked / overshadowed by future occupiers.

Most of the housing along the Rank is either orientated to look away from the site or set far back from the site. This, along with the mitigating landscape buffers should reduce the impact of development on existing residents.

Whilst the detail would be a reserved matter issue, the amenity of future occupiers should be taken into consideration and therefore the proposed dwellings would need to ensure that they meet the minimum sizing requirements noted in the Governments Technical Housing Standards and their associated gardens should be at least the same size as the ground floor of the dwelling they serve in accordance with the Councils Design Guide. In addition to the appropriate garden each dwelling in Wiltshire has access to 1 x 180 litre household waste bin, up to 2 x 240 litre wheeld bins, up to 2 x 55 litre black recycling box and the option of 1 x180 litre chargeable garden waste bin and as such sufficient space should be provided for each dwelling for the storage of these waste bins/boxes alongside appropriate cycle storage. The submitted details appear to show that it is capable of delivering these requirements alongside no overlooking or overshadowing taking place between the proposed dwellings.

Due to the proposed dwellings lying close to the existing road an acoustic design scheme will be required to be submitted at the reserved matters stage. This is to ensure that the following noise criteria can be met with windows open in accordance with the Professional Practice Guidance: Planning and Noise – New Residential Development May 2017:

- * bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an LMax, F of 45 dB
- * living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)

- * external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

For the avoidance of doubt, using closed windows to achieve the internal noise level target noted above shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. A noise validation report demonstrating compliance with the noise criteria will need to be submitted with the reserved matters application and this assessment should be conducted in accordance with Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) and the approved noise design scheme. This element can be appropriately conditioned and will enable the Local Planning Authority to make an appropriate assessment at the reserved matters stage. As such at this stage of the application process the proposal is considered to comply with the relevant criteria of CP57.

9.7 Highway Matters

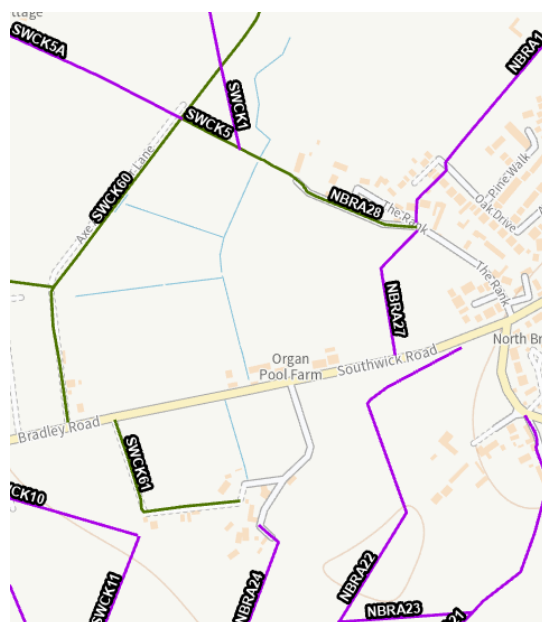
The objectives of Core policies 60 and 61 are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire, and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

There are two bus stops within the immediate vicinity. Both on Southwick Road and is served by bus route 67 (Monday to Friday) and 67A (Monday to Saturday) which travels between North Bradley and Trowbridge Town. The bus travelling between Warminster and Bath (D1 Monday to Sunday) and the Frome to Trowbridge which stops at Dilton Marsh and Westbury (X47 Monday to Friday) stop at the Rising Sun which is a 10 minute walk from the site access onto Southwick Road. None of the busses can be said to be regular to the point where someone could go about their every day daily needs but there are busses available. Furthermore, the site is within walking distance of some services such as the public house, primary school and also within a 20 minute walk is the Bradley Road Retail Park.

The application has been submitted with a Transport Assessment, a Travel Plan and a Lighting Assessment that detail sufficient parking spaces (residential and visitor) for the proposed development. The amended plans showed a revised access arrangement (ghost right hand turn has been removed) which has been considered by the Councils Highway Officer to be acceptable. As have the footway elements associated with the frontage. As such the proposal is considered to comply with CP60, CP61 and CP64.

9.8 Public Rights of Way

There are several Public Rights of Way that cross the site and are near to the site in question. NBRA27 is a Public Right of Way that crosses the site. NBRA 28 is a public bridleway and runs along the northern boundary. There are other public right of way within the vicinity of the site which include NMRA22 which runs south and away from the site on the opposite side of Southwick Road, NBRA1 runs North away from the site and SWCK5 which is a bridleway connects onto NBRA 28 and onto SWCK60 (bridleway) and SWCK5A (right of way)



The Councils Public Right of Way Officer has assessed the application and noted that while Public footpath NBRA27 has no recorded width, it should be constructed to a metalled finish with a 2-meter width. All tree planting near to the public rights of way should be constructed to the industry standard and with a distance so that the roots of the trees will not affect the surface of the path. Where NBRA27 crosses through the hedgerow dividing the site the ditch

will need to be culverted as will footpath NBRA27 where it leaves the site and meets The Rank. The culverts will need to be installed to a specification approved by the Wiltshire Councils Drainage team. This detail would be provided as part of any future reserved matters application and as such in principle the proposal is considered to comply with CP52.

9.9 Drainage

CP67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs).

The site is located in Flood Zone 1 which is the least likely to flood. The Environment Agency classifies this site as at Very Low risk of surface water flooding. There is a small area in the north of the site which is classified as low risk of flooding. It also classifies the site to be at very low risk from groundwater flooding. The proposed finished floor levels are to be at least 150mm above the adjacent road level to ensure that they are not at risk from flooding from all sources.

Surface water run off from the proposed development is to be discharged at a controlled rate into the watercourse to the West of the site. This will be achieved using both source and site control techniques such as a proposed pond to the west of the site alongside a series of cascading swales which will provide attenuation for surface water run off as well as providing amenity and biodiversity benefits.

There is an existing Wessex Water public foul sewer in the east of the site extending northwards from the residential development at Winchester Close to discharge to the public sewer network adjacent to properties off The Rank. A public foul sewer also extends northwards through the Western portion of the site from Organ Pool Farm to the south of the site to a pumping station that is approximately 175m to the north of the site. The sewer network within The Rank also discharges into this pumping station.

Foul water generated by the development will be drained by gravity and discharged into the existing public foul sewer. Wessex Water have confirmed that a connection can be made to the foul sewer but there is limited capacity at the sewage pumping station but should the application be approved, modelling and if necessary improvements will be undertaken by Wessex Water to accommodate the future housing.

The application has been submitted with a site specific Flood Risk Assessment which has been assessed by the Councils Drainage Officer who has supported the scheme subject to conditions which are considered to be acceptable. As such the proposal is considered to comply with CP67.

9.10 Section 106

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

Policy 6 of the North Bradley Neighbourhood Plan requires all new housing and employment proposals to contribute towards local infrastructure in accordance with National policies and the WCS with priorities being:

- Improvement of existing footpaths
- Installation of cycle paths linking the parish with Trowbridge
- Improvement of local bus services
- Upgrading of recreational and other facilities at the Peace Memorial Hall and the Progressive Hall
- Provision of Healthcare facilities within the Parish
- The provision of a new non-denominational burial ground
- The enhancement of habitat for biodiversity
- Contributions towards school places

The developer has agreed to the following Section 106 requirements:

Affordable Housing: CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided. This results in a need for 20 affordable homes. From this, the Local Planning Authority would require a tenure split of 60% (12) affordable rented homes, 15% (3) shared ownership homes and 25% (5) First Homes. These dwellings will need to be transferred to a Registered Provider

Open Space: The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 96 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space. The requirement for this development is 2305.25m² of public open space and 116.82m² of equipped play which has been calculated using the latest Sport England Guidance. The application includes sufficient on space requirement. The proposal would also generate a requirement of 1557.60m² of Sports and Pitches & Courts which equates to an off-site financial contribution of £15,576.00 which would go towards the upgrading of the playing pitch and ancillary provision at the Peace Memorial Trust Playing Field and/or sports or ancillary provision within the vicinity of the land.

Education: The NPPF (paragraph 94) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities. In order to fulfill this requirement the proposed development is required to fund the following:

Early Years Assessment: There are currently 4 preschools nurseries and 8 childminders within a two-mile safe walking route of this proposed development which are at full capacity. The Local Planning Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. As a result the development would need to provide 7 places at a cost of £17,522 each with a total cost of £122,654.00 (indexed linked)

Primary School Assessment: There are two primary schools in the designated area which have capacity and therefore no contribution would be required.

Secondary School Assessment: There are three secondary schools in the designated area which are at full capacity and as a result of the development would need to provide 13 secondary places at a cost of £22,940 each with a total cost of £298,220.00 (indexed linked)

Highways: CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identified transport strategies for Wiltshire's Principle Settlements (Trowbridge being one of them) which seek to achieve a major shift to

sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

The highways contributions are as follows;

- Improvements to the bus stops on Woodmarsh (Rising Sun) to include a new shelter, poles and timetable
- Cycle parking on the western side of Woodmarsh Road at the Rising Sun bus stop
- Provision of waste bins at bus stops on Southwick Road and Woodmarsh
- Public right of way paving by gates to be re-laid
- New 40mph speed introduced to support priority junction

Public Rights of Way: CP52 states “*Development shall make provision for the retention and enhancement of Wiltshire’s Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*”. This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD and the Local Cycling and Walking Infrastructure Plan which is nearing adoption. The NPPF at paragraph 104 requires planning decisions to protect and enhance public rights of way and take opportunities to provide better facilities for users.

This development will lead to an increase usage of the Public Rights of Way network particularly to the North of the site and as such a contribution of £25,000 (index linked) is required to go towards surfacing improvements on NBRA28, SWCK5 SWCK60.

Ecology: In accordance with the Trowbridge Bat Mitigation Strategy a contribution of £777.62 per dwelling will be required to mitigate the residual effects from loss /degradation of bat habitat and would be required prior to the commencement of development.

The S106 must also identify who will be responsible for maintaining the biodiversity habitat and commit the body(ies) to be responsible for those matters detailed below:

- a) Within the application site
- b) Within the Public Open Space and the Orchard area in the Northern part of the site
- c) To implement the LEMP for the lifetime of the development

Waste: Under Core Policy 3 and WCS6 the Waste Team will require contributions towards the provision of waste and recycling containers for each residential unit (£101 per dwelling) and therefore a total cost of £6,666.00 would be required. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development

Arts Contribution

Core Policy 57: Ensuring high quality design and place shaping which promotes “the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm”. Core Policy 3: Infrastructure Requirements promotes and defines public art as a type of place-shaping infrastructure and states that the cost of providing infrastructure can be met through the use of planning obligations. This is supported in the Councils adopted Art and Design in the Public Realm in Wiltshire. In addition, the NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that “Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.”

A contribution of £19,800 (based on £300 per dwelling and £3 per square metre of non-residential commercial land) would be required to deliver a public art scheme on or within the vicinity of the site.

Management Company: The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after in perpetuity. The Management Company would also be responsible for maintaining the biodiversity habitat within the application site and within the public open space and be required to implement the LEMP for the lifetime of the development.

S106 Monitoring Fee: A S106 monitoring fee would be required to be included within the S106 Legal Agreement which would be 1% of the total financial contributions capped at £10,000.00.

Other

Wiltshire Council adopted CIL (Community Infrastructure Levy) on 18th May 2015 and therefore the proposed dwellings subject of this application will be liable to pay CIL and therefore an informative should be added to any approval informing the applicant. It will also be expected that the S106 would include the creation of a management company to look after the public areas and a S106 monitoring fee.

10 PLANNING BALANCE

Paragraph 11 (d) and footnote 8 of the NPPF state that where a Local Planning Authority cannot demonstrate a four-year housing land supply then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

There are benefits as a result of this proposal which include the provision of market housing which is a key part of national and local planning policy and has recently been re-enforced by the Written Ministerial Statement and would contribute the Councils housing shortfall. The site is in a relatively accessible location with access to public transport links. The proposal would also provide 30% affordable housing where there is a current shortfall against the Councils target. At the Storridge Road Appeal it was noted that there was a shortfall of 936 affordable homes which was considered significant. The site would also generate short term economic benefits during construction and long term economic benefits from the expenditure on local goods and services by the future residents.

The provision of those items required through the S106 legal agreement such as public open space, education and public rights of way improvements as well as BNG would be as a result of the proposed development but would provide some benefit to existing residents in the area and therefore moderate positive weight is given to these.

The proposal does fail to comply with CP1, CP2 and CP29 of the Wiltshire Core Strategy alongside Policy 2 of the Neighbourhood Plan by reason of the site being located outside the limits of development which carries significant negative weight.

The development of a field into housing would impact the character and appearance of the area but due to the proposed landscaping and existing built form in the immediate area the impact would be limited and therefore limited negative weight is given to this harm.

11. Conclusion

The proposal fails to comply with the spatial strategy contained in the Wiltshire Core Strategy but Wiltshire Council is currently unable to demonstrate a four year housing land supply and as such in accordance with Paragraph 11dii and Footnote 8 of the NPPF the titled balance is engaged. The application has received support from statutory consultees and this report demonstrates that there are no adverse impact arising from the proposal on the wider landscape, ecology, highways or amenity and has overcome the previous reasons for refusal. As detailed above there would be some significant benefits of the proposal with the most important being the contribution to the current limited identified housing need in Wiltshire without causing demonstrable harm.

12. RECOMMENDATION

Subject to a suitable S106 agreement being agreed as per the report, then Approve, subject to the following conditions:

Conditions:

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

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

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

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

The development shall then 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 With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Received on 16th July 2024: Swept path analysis (23203-MA-IM-XX-DR-C- 7050-P01 SPA), Construction Access (23203-MA-IM-XX-DR-C-0101 GA), Swept path analysis (23203-MA-IM-XX-DR-C-7060-P01 SPA)

Received on 3rd June 2024: General access arrangement (23203-MA-IM-XXDR-C-0100-P09), Biodiversity Net Gain Briefing Note

Received on 23rd November 2023: Location Plan,

Arboricultural Impact Assessment dated November 2023

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

5 An acoustic design scheme for protecting the proposed dwellings from road traffic noise shall be submitted alongside the reserved matters application. The scheme shall ensure that, upon completion of the development, the following noise criteria shall be met, with windows open, in accordance with the Professional Practice Guidance: Planning and Noise – New Residential Development May 2017:

* bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{Amax}, F of 45 dB

* living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)

* external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

No dwelling hereby approved shall be first occupied until a noise validation report, demonstrating compliance with the noise criteria has been submitted to and approved by the local planning authority. This assessment shall be conducted in accordance with Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) and the approved noise design scheme. Any additional steps required to achieve compliance shall be taken, as necessary.

The development hereby approved shall be carried out 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 and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the amenity of future occupiers.

6 The first reserved matters application will include a revised Biodiversity Metric Calculation broadly in accordance with that submitted to the Council (Biodiversity Metric 4.0 - Ecology Solutions, May 2024). but taking account of any revisions to the calculation methodology made by Natural England and recalculated to reflect the details of the reserved matters application(s)

REASON: In the interest of Ecology and in accordance with the Trowbridge Bat Mitigation Strategy

7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

8 No development shall commence on site until the the following information regarding drainage have been submitted to and approved in writing by the Local Planning Authority:

- if infiltration and / or permeable paving is proposed (in the west of the site) soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible must be supplied as part of a revised drainage strategy.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year rainfall event.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.

- The applicant must demonstrate that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- A sensitivity analysis on the network considering surcharged outfall conditions
- Calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.
- evidence of permission to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity.
- demonstrate overland exceedance routes on the drainage plan for flows of the 1 in 100 year plus climate change (40%) rainfall event.

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

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

9 No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

10 No development shall commence on site until a Energy Strategy(ies), including details of operational energy, embodied carbon, low carbon, renewable energy technologies, climate change adaptation measures and sustainable transport has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: 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 and to ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

11 No demolition, site clearance or development shall commence on site, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include a detailed plan showing detail 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) Phasing plan for bat habitat creation and landscape works in the north and east of the site.
- b) Identification of ecological protection areas/buffer zones/bat and dormouse habitat and tree root protection areas and details of physical means of protection, e.g. exclusion fencing and including who will be responsible for its installation.

- c) Location of construction compounds.
- d) Details on locations of any construction lighting (if required: Note: this must be kept away from boundary features).
- e) Working method statements for protected/priority species, including but not necessarily limited to, bats, dormouse, nesting birds, badger and reptiles.
- f) Mitigation strategies already agreed with the local planning authority prior to determination; this should comprise the pre-construction/construction related elements of strategies only.
- g) 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.
- h) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- i) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The development hereby approved shall then be carried out in strict accordance with the approved CEMP.

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

12 No demolition, site clearance or development shall commence on site until a scheme and timetable for the provision and creation of the SuDs located in the western part of the site/within the public open space area has been submitted to and approved in writing by the Local Planning Authority. The SuDs shall be designed as a permanent waterbody with a diverse marginal structure using trees, shrubs and grasses to provide suitable aquatic habitat for foraging bats.

The scheme shall be completed in accordance with the approved details and in accordance with the timetable detailed in the approved scheme

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

13 No demolition, site clearance or development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the approved Ecological Parameters Plan included with the document titled 'Response to Consultation Comments' (Ecology Solutions Ltd; received 3rd June, 2024) the approved Biodiversity Metric 4.0 (Ecology Solutions, May 2024) submitted with the application. The LEMP will include details of translocating species-rich Hedgerow 1 and the majority of Hedgerow 4 along the Southwick Road to landscaped areas within the site. The LEMP will include the 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the 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

14 No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

1. Routing plan
2. Traffic Management Plan (including signage drawing(s))
3. Number (daily/weekly) and size of delivery vehicles.
4. Number of staff vehicle movements.
5. Details of temporary/permanent Traffic Regulation Orders
6. Phases plan

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

16 No development shall commence on site until a plan (details) for the selection, siting, positioning and installation of integral roosting/nesting features (ratio of 1 feature: 1 building) for bats and birds has been submitted to and approved in writing by, the local planning authority.

The plan should show the green infrastructure that the development is to provide, illustrating how birds and bats using the boxes have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting feature should identify, as a minimum:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.

The integral nest box plan should be implemented in accordance with the approved details and shall remain for the lifetime of the development.

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 and to ensure the protection, mitigation and enhancement of biodiversity.

17 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'The Reduction of Obtrusive Light' Guidance Note (ILP, 2021), have been submitted to and approved in writing by the Local Planning Authority.

The approved lighting shall be installed and shall be maintained in accordance with the approved details for the lifetime of the development.

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

18 The development hereby permitted shall be carried out in accordance with the Ecological Parameters Plan included with the document titled 'Response to Consultation Comments' (Ecology Solutions Ltd; received 3rd June, 2024). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on

additional habitat and wildlife species surveys, including but not necessarily limited to bats and dormouse.

REASON: To protect the ecology on the site

19 No part of the development hereby approved shall be occupied, until the visibility splays shown on the approved plan 23203-MA-IM-DR-C-0100-P09 have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety

20 No development hereby approved shall commence on site until the construction access arrangement has been laid out in accordance with drawing number 23203-MA-IM-XX-DR-C-0101-P01.

Reason: In the interests of highway safety

21 No part of the development hereby approved shall be first occupied until the access, road markings, improvements to the access with Church Lane and footpaths have been laid out and completed in accordance with drawing number 23203-MA-IM-XX-DR-C-0100-P09.

REASON: In the interest of highway safety

22 Prior to first occupation of the development hereby approved, a scheme of off-site highway works shall be submitted to and approved in writing by the Local Planning Authority in general accordance with plan 23203-MA-IM-DRC-0100-P09, subject to the submission and approval of detailed design, technical approval and the submission of safety audits. The scheme shall include those works as shown on the plan. No part of the development shall be first occupied until the offsite works have been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

23 Prior to first occupation of the development hereby approved a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for the lifetime of the development

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

Informatives: (4)

1 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].

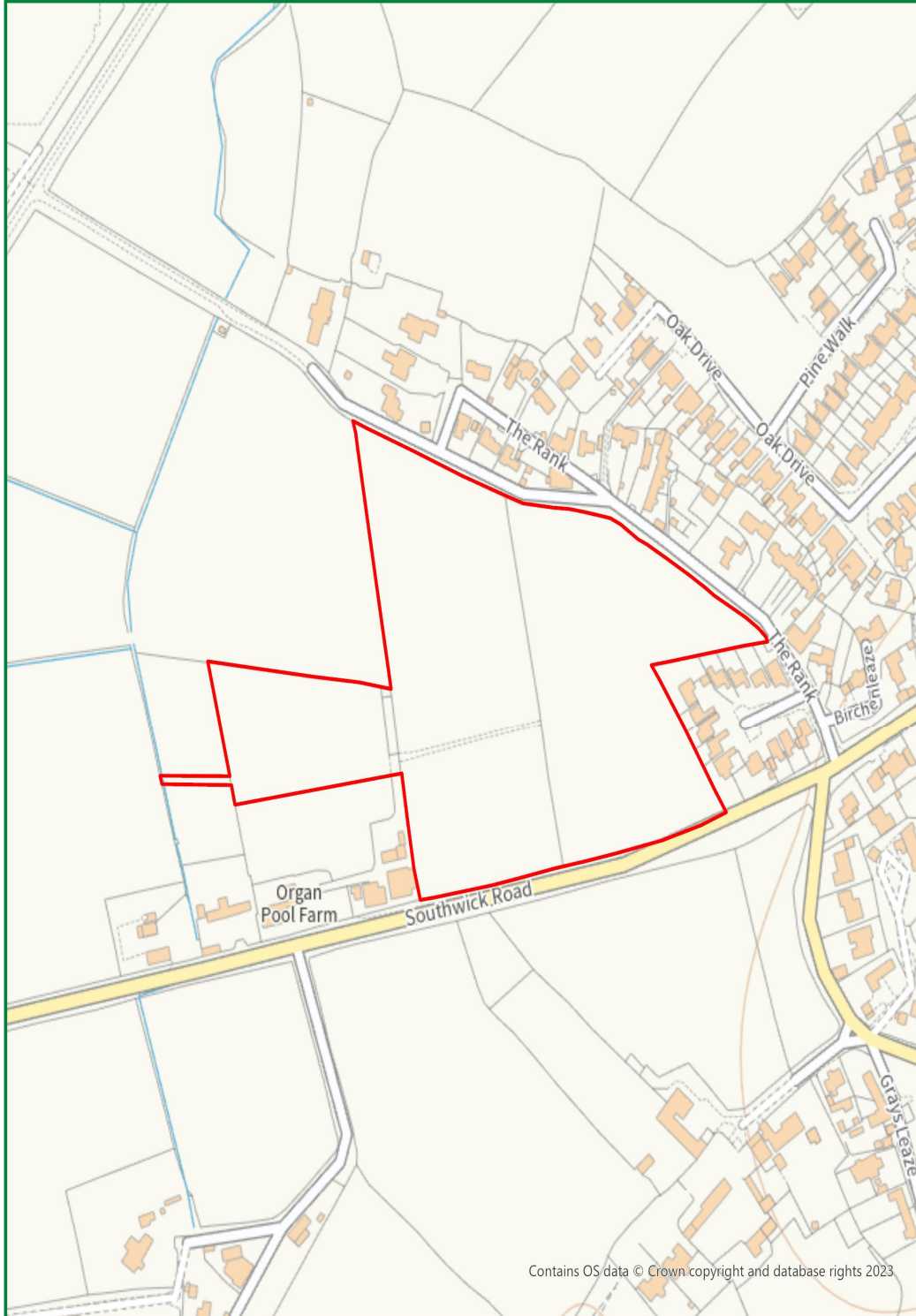
2 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued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

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

3 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].

4 It is important for the applicant to note that the submitted illustrative masterplan would need to include connected street patterns through the use of cycle and pedestrian footpaths rather than several dead end cul-de-sacs when the detailed design is developed for the reserved matters application

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