

REPORT FOR STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

1. Purpose of Report

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

2. Report Summary

The key issues for consideration are:

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

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

3. Site Description

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

4. Planning History

There is no relevant planning history.

5. The Proposal

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

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

The outline application for 300 dwellings includes:

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

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

5.2 Full application for the erection of a sailing club house

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

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

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

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

6. Local Planning Policy

Wiltshire Core Strategy (WCS)

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

West Wiltshire District Local Plan (saved policies)

Policy T4: New Distributor Roads

Supplementary Planning Guidance

Wiltshire Local Transport Plan 2011- 2026

Air Quality Action Plan for Wiltshire June 2015

National Planning Policy Framework (NPPF)

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

7. Summary of consultation responses

Westbury Town Council: Object

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

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

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

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

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

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

Dilton Marsh Parish Council (neighbouring parish): Object

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

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

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

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

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

Wiltshire Council Drainage Engineer: Support, subject to conditions

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

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

Wiltshire Council Public Arts Officer: Support, subject to conditions

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

Environment Agency: No objection, subject to conditions

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

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

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

Wiltshire Council Urban Design Officer: Support, subject to conditions

Wiltshire Council Landscape & Design Officer: No objections

Natural England: The Local Planning Authority should apply standing advice

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

Wiltshire Council Rights of Way Officer: Support

Wiltshire Council Public Protection: No objection subject to condition

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

8. Publicity

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

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

9. Planning Considerations

9.1 Principle of Development

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

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

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

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

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

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

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

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

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

9.2 Impact on the Character of the Area

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

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

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

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

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

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

9.3 Highway issues

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

9.3.1 New Access Works

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

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

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

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

9.3.2 Relocation of Bus Stops

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

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

9.3.3 Provision of Principal Street/Distributor Road

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

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

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

9.3.4 Access to Westbury Station

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

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

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

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

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

9.3.6 Impact on Vehicle Traffic at Dilton Marsh

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

9.3.7 Cycling/Pedestrian Provision

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

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

9.3.8 New Rail Bridge

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

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

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

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

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

9.3.9 Highway matters - Conclusion

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

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

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

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

9.4 Impact on the living conditions of neighbouring residents

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

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

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

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

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

9.5 Ecology issues

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

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

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

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

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

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

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

9.6 Flood risk and Drainage

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

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

The existing ground conditions are unfavourable for the use of infiltration-based sustainable drainage techniques. The surface water strategy will therefore utilise on-site attenuation in the form of appropriate sustainable drainage system (SuDS), with hydraulic controls. The surface water drainage strategy for the proposed residential development will comprise a network of:

- Adoptable & non-adoptable underground pipework;
- Detention basins;
- Swales;
- Hydraulic controls; and
- Overland exceedance measures.

Foul water drainage would use existing sewers which could be upgraded. Westbury Sailing Club will utilise the existing foul connection from the adjoining dwelling, 'Ingleside', to enable connectivity to the network.

The Environment Agency and Council's Land Drainage Engineer raise no objection to the development subject to conditions on surface and foul water sewage, contamination remediation and pollution prevention. A full assessment will be left to the detailed design stage and will form part of a detailed submission at Reserved Matters.

Concern has been raised by Westbury Town Council about flooding at Station Approach. The applicants have submitted a drainage strategy that has been developed to ensure that the site is safe from flooding, without increasing flood risk elsewhere. Overland flow will follow the topography of the site and route towards the two detention basins, one located just south of the lakes and the second located in the western section of the site adjacent the urban park. In the event of the northern basin overtopping, flows will be routed towards the lake. In the event of the southern basin overtopping, flows will continue towards the Biss Brook watercourse to the west. The proposed development would not lead to additional flooding elsewhere and the scheme is considered to comply with Core Policy 67.

9.7 Heritage Impact

The site is largely a green-field one, so the heritage impact is largely archaeological. A Desk Based Assessment, geophysical survey and trial trench evaluation has been carried out at the proposed development site. These investigations have established that the area of archaeological interest lies at the south western part of the site, where a canalised stream may form part of an early medieval enclosure and a few ditches and a possible pit may date to the medieval period. The proposed development in the south western part of the site is mostly proposed as green space however drainage ditches, water creation ponds, play areas /urban park and allotments will likely have some degree of belowground impact.

In recognition of the significance of the heritage asset and scale of impact, a condition is recommended requiring a programme of archaeological investigation to be carried out as mitigation in the south-western part of the site in order to make a record of any heritage assets with archaeological interest that may be impacted by belowground construction and drainage works.

It is not considered that the development will have any adverse impact on the setting of the moated enclosure to the west of Mane Way.

9.8 Public Rights of Way

Two public rights of way run through the site (WEST15 and WEST60) while one lies to the south (WEST16/18). The submitted Parameters Plan illustrates how these rights of way would be incorporated into the site including access to the rail station and via the level crossing.

Works would be required to alter the levels of WEST16/18 in order for the footpath to access the proposed new bridge however these changes would be incorporated in detailed design of the bridge access at the reserved matters stage.

The proposed development would therefore have no adverse impact on public rights of way.

Network Rail has objected to the proposal on the grounds of additional risk to pedestrians using the Penleigh Park footpath crossing. They would support the development provided that the crossing was closed and diverted over the new road bridge. Whilst this is the intention, this outcome will not be deliverable in the immediate term until the bridge is built. This means that housing will be on site before the crossing can be considered for diversion (and separate procedures exist for this). However, given that this is an allocated site, and given the fact that the line in question is the avoiding line where rail movements are less frequent than the line through the station, it is not considered that refusal is justified on these grounds.

9.9 Loss of Agricultural Land

The site comprises an area of undeveloped agricultural land. As such, regard must be had to the NPPF which advises that *“local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”* (par 112).

Natural England’s Technical Advice Note TIN049 ‘Agricultural Land Classification: protecting the best and most versatile agricultural land and for guidance on soil protection’ explains that *“the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system.”* The ALC system classifies land into five grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance.

The Council’s records indicate that the site is classed as Grade 3 in order to establish whether the land is classed as Grade 3a or 3b analysis of the soil structure would be required. However, as outlined above, the site has been allocated as a strategic site to deliver the housing need for the town and it has been established that the site is the best option available to deliver a housing scheme of the scale required. The development of the

site is necessary and would result in significant economic and social benefits. As such, the scheme is not considered to be in conflict with paragraph 112 of the NPPF.

9.10 Other issues

Other matters have been raised by consultees, namely insufficient shops in area, discontinuation of bus service in area, power cuts, and devaluation of property however such matters carry very little weight in the determination of planning applications.

In addition other matters have been raised by consultees, namely disturbance during construction that can be dealt with via a Construction Environmental Management Plan (CEMP) to be submitted which would include details of hours of construction works, noise control measures and construction vehicle movements and hours of operation and dust control measures.

10. S106 contributions & CIL

The construction of the distributor road bypassing Westbury Leigh and ending at Station Road has been a long-term objective of planning policy in Westbury and saved policy T4 from the West Wiltshire District Plan makes it clear that this should be funded by new development. The 'missing link' is the section from Mane Way to Station Road. However, since 2004, national planning policy has changed and the Council has brought in the Community Infrastructure Levy (CiL) which will be chargeable on this development, which could not have been foreseen at the time of the District Plan.

The developer cannot in any event deliver all of the 'missing link' as the section between Mane Way and the south side of the railway line is not within their ownership or public ownership. However, the developer's plans include the provision of the distributor road upto the crossing on the north side and it would be for the Council to deliver the remaining short section across the railway line to Mane Way. To assist the Council in achieving its objective of completing the distributor road, the developer has offered £2 million to the Council towards its cost. (The estimated cost of the bridge is ca £4 million and the Council already has funding secured for £1million towards the cost from the constriction of Leigh Park). Other small Section 106 contributions would secure the necessary recycling facilities and air quality contribution, whilst the delivery of any land required for the bridge, highway matters and the provision and management of the public open space would also be secured through Section 106 contributions. The relocation of the sailing club is secured through a planning condition.

Whilst most housing developments of this size would be expected to contribute towards requirements including affordable housing and primary education, the need to provide for the infrastructure of the distributor road with its wider benefits in addition to the benefits for the residents of the estate is considered in this location to be the priority. With the payment to the public purse of CiL in addition to the contribution to the 'missing link', it would not be viable to make additional section 106 contributions.

11. Conclusion (The Planning Balance)

There is a presumption in favour of residential development on this strategic site and its development is important to the delivery of the residential element of the Wiltshire Core

Strategy. Although the application is for 300 dwellings the submitted indicative site plan (Illustrative Layout SK02) demonstrates that the site is capable of accommodating 300 dwellings with the associated areas of open space and roads. There is therefore no objection to the principle of the development. In transport terms the site is in a sustainable location located to the north and adjacent the Market Town of Westbury.

Although the scheme would not provide all the infrastructure that would normally be expected, without it, it is difficult to see how the distributor road could be completed, and it is considered that this, as a long standing policy objective, is an important priority that justifies the proposal put forward. Whilst there are some objections, it is not considered that these are significant enough to warrant refusal of the application.

RECOMMENDATION:

- (1) Grant full planning permission for the erection of the sailing club and its associated works;**
- (2) Defer and delegate to the Area Development Manager the decision to grant outline planning permission for the residential development, subject to the prior completion of a Section 106 agreement covering the matters set out in Section 10 above, including the contribution of £2 million towards the cost of the construction of the bridge to Mane Way.**

Recommended conditions for the full planning permission for the sailing club:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 0562-1002 (Location plan)
 - 01D (Site plan - Clubhouse)
 - 10C (Ground floor plan - Clubhouse)
 - 11 (Roof plan - Clubhouse)
 - 12 (Elevations - Clubhouse)
 - 13 (Elevations - Clubhouse)
 - 2409/P28a (Plan 3: Proposed Sailing Club – Tree Protection Strategy)
 - PHL-003 rev C (Site access Sailing clubhouse Station)
3. No demolition, site clearance or development shall commence on the Sailing Clubhouse site (dwg no. 0562-1002) until the tree protection fencing as detailed on dwg no. 2409/P28a has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase of the Sailing Club and until all equipment, machinery and surplus materials have been removed from the Sailing Club site. Such fencing shall not be removed or breached during construction operations.

REASON: In order that the development is undertaken in an acceptable manner and to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

4. The Sailing Clubhouse hereby approved shall not be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (dwg no. 01D). The area shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety

5. No external lighting shall be installed on the Sailing Clubhouse site (dwg no. 0562-1002) until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of biodiversity, the amenities of the County Wildlife Site and to minimise unnecessary light spillage above and outside the development site.

6. No demolition, ground works and vegetation clearance associated with the sailing club (dwg no. 0562-1002) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'biodiversity protection zones' and method of protection (e.g. retained County Wildlife Site habitats and vegetation);
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) (e.g. pre-badger and nesting bird surveys may be required, sensitive construction of lake-side facilities, including slipway);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialists ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
 - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

A report prepared by a professional ecologist / the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of

substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection of retained habitats within the County Wildlife Site, protected species and sensitive working practices in relation to the lake (to avoid water pollution and reduction in water quality) associated with the construction of the sailing club, in the interests of biodiversity.

7. The slipways, jetties and ground preparation works shall be provided before any dwellings approved under the associated outline planning permission are first occupied.

REASON: To secure the necessary alternative provision of the facilities that are to be lost as a result of the development.

Conditions relating to the outline planning permission for the erection of up to 300 dwellings, public open space, highway infrastructure and associated works with all matters reserved except access

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

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

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

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

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

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

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

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

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

0562-1000 (Location plan)
0562-1001 (Constraints plan)
SK02 0563-2000 (Illustrative layout)
2409/P17h (Landscape strategy)
0562-2005 rev A (Parameters Plan) received 18 April 2016

Access (Station Road) -

PHL-002 rev G (Site access junction Station Road)
ATR-201 rev F (HGV and bus tracking Station Road access)

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

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

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

13. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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

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

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

15. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be

agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. No development shall commence on the residential dwellings hereby approved until a scheme for protecting the residential dwellings against noise from the railway line; industrial noise from the railway sidings and any distributor roads, including a timetable for its implementation, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme.

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

17. Development of the houses shall not commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development (including the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

18. No development shall commence on site until the new roundabout access on Station Road has been constructed in accordance with the approved plans (PHL-002 rev G – proposed site access junction Station Road)

REASON: In the interests of highway safety.

19. Prior to the commencement of the development, and notwithstanding the details shown on the submitted drawings, a detailed design scheme and a programme for its completion shall be submitted to and approved in writing by the Local Planning Authority for a new cycle track to link the development to Westbury railway station. The scheme shall include a new 3 metre wide cycle track alongside the existing station access road serving the goods yard area. The scheme shall be constructed in accordance with the approved designs and construction programme.

REASON: In order to provide adequate sustainable transport facilities to connect the site to the rail station and to help mitigate transport impacts

20. Notwithstanding the details shown on the submitted drawings, no development shall commence on the residential development until details of the estate roads, footways,

footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No dwelling shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that part of the development have been constructed and laid out in accordance with the approved details, ensuring a properly consolidated and surfaced footpath and carriageway to at least base course level to the existing highway.

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

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

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

22. No development shall commence on the residential development until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

REASON: In the interests of sustainable development.

23. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

24. No development shall commence on site until a Construction Method Statement, which shall include the following:

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

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

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

Ecology

25. The Mitigation and Enhancement Strategy in Section 4 of the Ecological Assessment dated 18 December 2015 and as outlined in the ecological statement '2409_R07c Ecology Consultation Response_KB_HM_140416', both by Tyler Grange LLP, shall be used to produce a CEMP and LEMP required by Conditions 33 and 34 respectively.

REASON: In the interests of biodiversity, to ensure adequate translation of the mitigation, compensation and enhancement requirements of the development into the CEMP and LEMP, as detailed in the original ecological documentation submitted with the outline planning application.

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

1. Risk assessment of potentially damaging construction activities;
2. Identification of 'biodiversity protection zones';
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including a sensitive construction strategy for the highway works alongside the County Wildlife Site lake, updated badger survey and method statement, further tree survey of G11z, if required, for bats and detailed mitigation

- strategies for water voles (including details of wetland habitat creation) and reptiles (including a translocation methodology);
4. The location and timing of sensitive works to avoid harm to biodiversity features;
 5. The times during construction when specialists ecologists need to be present on site to oversee works;
 6. Responsible persons and lines of communication;
 7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 8. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 9. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
 - 10.

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

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

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

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
 - b) Description and evaluation of features to be managed; including location(s) shown on a site map;
 - c) Landscape and ecological trends and constraints on site that might influence management and how these will be dealt with;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);
 - h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;

- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan;
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development; and a
- l) Separate management plan for the sailing club area.

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

REASON: To ensure the long-term management of the County Wildlife Site, protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features for the lifetime of the development.

28. Before development takes place on site, a final version of the Ecological Mitigation (and Enhancements) Plan shall be submitted to the Local Planning Authority for approval, including finalised figures of habitat loss and habitat compensation to ensure no net loss of biodiversity. Development shall be carried out in full accordance with the approved plan.

REASON: to ensure all ecological mitigation requirements are clearly shown on a site plan and are implemented.

29. The detailed design of the play areas and teenager facilities, as shown on the Landscape Strategy, shall incorporate mitigation measures in accordance with the 'Ecological Statement' (ref. 2409_R07c Ecology Consultation Response_KB_HM_140416) and Ecological Assessment report dated 18 December 2015 by Tyler Grange LLP.

REASON: In the interests of biodiversity, to minimise impact on greater horseshoe bat commuting routes and the Bath and Bradford on Avon Bats Special Area of Conservation.

30. Before development takes place, a lighting design strategy for biodiversity shall be submitted and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, foraging;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory; and
 - c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

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

REASON: To minimise light spillage and to maintain dark foraging and commuting corridors for greater horseshoe bats linked to the Bath and Bradford on Avon Bats Special Area of Conservation.

31. Before the commencement of works to create the access road and roundabout into the development site, a 'Highway Construction Ecological Mitigation Strategy' shall be submitted to the local planning authority for approval. The strategy shall include measures to reduce water pollution, retain water quality and minimise disturbance to water fowl and other wildlife. The approved strategy shall be implemented in full.

REASON: To ensure adequate mitigation measures are put in place during the construction of the new road into the development site alongside the lake, which is part of the Westbury Lakes (South) County Wildlife Site.

32. No development shall commence within the southwest section of the site as defined by plan ref 'Fig No. 3 (Trench Location Plan)' within the document 'Land at Westbury Sailing Lake Phase 2: Archaeological Evaluation' until:

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

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

33. The development hereby approved shall be carried out in accordance with the Parameters Plan (dwg no. 0562-2005).

REASON: In the interests of neighbour amenity and the character of the area

INFORMATIVES

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and

Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

INFORMATIVE TO APPLICANT:

Any works to/on/over/under watercourses (open or culverted) or within 8m of it will require separate Land Drainage Consent/Council drainage bye law approval from the LLFA – this is separate to the planning system and gaining planning does not mean automatic approval of LDC. In fact details may have to change to gain LDC which may result in the need to reapply for planning permission

INFORMATIVE TO APPLICANT:

A robust landscape framework for the development must be carried through to the detailed design stages. The distinctive hierarchy of streets with choice of planting and hard materials should reflect the local character and should include street trees. Individual gardens should be well designed with adequately sized planting beds and garden trees.

The following will need to be addressed in the reserved matters:

1. Detailed layouts for all areas of open space;
2. Details of proposed soft landscape scheme, to include planting species, sizes and densities, and specification;
3. Details of proposed hard landscape scheme including SuDs;
4. Landscape and Ecology Management Plan outlining the aftercare and maintenance for a 5 year period;
5. Details of proposed lighting scheme; and
6. Details of play areas and management plans.

INFORMATIVE TO APPLICANT:

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

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE TO APPLICANT:

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

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE TO APPLICANT:

Public surface water sewers serving existing development to the east of the railway track discharge to Westbury sailing lake via ditches as illustrated on the applicant's Preliminary Drainage Layout (0337 PDL-100 A). If additional unchartered sewers are located the applicant should contact Wessex Water for further advice and agreement.

INFORMATIVE TO APPLICANT:

FORMER BR LAND

The development appears to be located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development. Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing /wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on before works begin.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details

of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

INFORMATIVE TO APPLICANT:

The management responsibility for the County Wildlife Site and ecological mitigation/compensation areas within the site must be secured and relayed to the LPA as part of the REM application, including how ecological specialists and/or wildlife-managers will be involved.

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

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

The applicant is encouraged to consider incorporating enhancements for biodiversity within their development. Paragraph 118 of the NPPF states “local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: opportunities to incorporate biodiversity in and around developments should be encouraged”. Creating new habitat, enhancing existing habitat or providing new features can all contribute towards biodiversity enhancement, and helping to rebuild habitat networks in the wider area improves ecological resilience and adaptation to climate change. Benefits can be maximised if undertaken to support biodiversity work being undertaken by other parties, such as local Wildlife Trusts or through agri-environment schemes, or if they are consistent with biodiversity strategies or priorities already in place in the local area, such as Nature Improvement Areas (NIA). At the smallest scale, enhancements could be bird nesting or bat roosting opportunities in new buildings, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html) or Habitat (<http://www.habibat.co.uk/>). These integral type boxes do not interfere with the human inhabitants and require no maintenance. Woodcrete products are longer-lived than traditional timber-made boxes, and there are many different products available from a range of suppliers. These types of enhancements can be generic or aimed at specific species such as House sparrow, Starling or Swift. Enhancements can also be provided for other species such as amphibians and reptiles, hedgehogs and invertebrates. Further information can be found at:

http://www.ciria.com/buildinggreener/complementary_features.htm

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>