

<b>Date of Meeting</b>	28 <sup>th</sup> September 2016
<b>Application Number</b>	15/11604/OUT
<b>Site Address</b>	Westbury and District Hospital, The Butts, Westbury BA13 3EL
<b>Proposal</b>	Erection of up to 58 dwellings, public open space and associated access and drainage works
<b>Applicant</b>	NHS Property Services Ltd
<b>Town/Parish Council</b>	WESTBURY
<b>Electoral Division - Ward Member</b>	WESTBURY EAST – Cllr Gordon King
<b>Grid Ref</b>	387295 150687
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Eileen Medlin

**Reason for the application being considered by Committee**

This application has been called to committee for the elected members to determine by Councillor Gordon King should officers be minded to recommend approval, since the site has strategic importance to Westbury.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved. This application was deferred by the Western Area Planning Committee at 10 August 2016 meeting to allow for a site visit by elected members to take place. The report has been updated and to assist the committee’s determination, a member’s site visit has been scheduled.

**2. Report Summary**

The main issues discussed in this report are:

- the principle of the development,
- impact on the character and appearance of the area,
- impact on neighbouring residential amenities,
- drainage
- highway safety and parking.

**3. Site Description**

The application site is located on the south eastern edge of Westbury. As illustrated by the plan on the following page, the vacant hospital building and the majority of the associated car parking area is located within Westbury’s currently established Town Policy Limits. The land to the north east of the hospital, although outside the current Town Policy Limits, remains identified as a saved housing allocation for about 25 dwellings under saved WWDP policy H13A – which forms part of the Wiltshire Core Strategy. The land to the south east of the hospital building and to the south-west of the H13A site allocation falls outside the town policy limits and has no development allocation

status. The application site is bounded by residential development to the north-east and north-west, by open countryside to the south-east and by a recreation ground to the south-west. Vehicular access to the site is via the existing hospital access off the Butts.

**Extract from Design & Access Statement illustrating key designations affecting the site:**



**Legend: 1 = Saved Housing Site Allocation H13a; 2 = Existing Hospital Site within settlement boundary; 3 = Area of site outside settlement boundary.**

#### 4. Planning History

W/01/01749/FUL – Balancing Pond (located near the hospital, but outside the town policy limits and the H13a site allocation. Approved - 25/01/2002.

#### 5. The Proposal

This application proposes the demolition of the existing hospital building (which was vacated back in April 2012) and the erection of up to 58 dwellings. The site would utilise the existing hospital access. This application is in outline with the principle and the means of access being the only aspects to be considered at this stage. The landscaping of the site, the scale, the layout and the external appearance of the development are all reserved for future consideration. Officers acknowledge that the drainage proposals, landscaping and ecological treatment and mitigation have consequential effects on the developable area and potential future layout of the site; and, as outlined within this report, these matters are material considerations.

The applicant has submitted an illustrative Masterplan and illustrative Site Layout to show how the number of proposed dwellings could be constructed on the site. These plans are for illustrative purposes only and officers are mindful that a greater level of detail would be required at the reserved matters stage.

This application also includes a Parameters plan which identifies key elements of the proposed development which would be carried through to reserved matters to establish the detailed drainage infrastructure, landscape improvements to the existing boundaries, a badger corridor, building heights, quantum of open space, primary vehicular access and pedestrian and cycle routes.

The Parameters plan also indicates the area of the site to be developed for housing and identifies that this development would not exceed two storeys in height. A copy of the plan is produced below.

**The Site Parameters Plan with the residential developable area coloured yellow**



**6. Planning Policy**

The Wiltshire Core Strategy (WCS) was adopted on 20<sup>th</sup> January 2015 and forms a key part of the local development framework and local policy context. The following Core Policies (CP) are considered to be relevant when assessing this application.

Core Policy 1: Settlement Strategy; Core Policy 2; Delivery Strategy; Core Policy 3; Infrastructure Requirements; Core Policy 32; Spatial Strategy for the Westbury Community Area; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy 43: Providing Affordable Homes; Core Policy 45: Meeting Wiltshire’s Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire’s Vulnerable and Older People; Core Policy 47: Meeting the Needs of Gypsies and Travellers; Core Policy 49: Protection of Services and Community Facilities; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 55: Air Quality; Core Policy 56: Contaminated Land; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and Development; Core Policy 62: Development Impacts on the Transport network; Core Policy 63: Transport Strategies; Core Policy 64: Demand Management; Core Policy 67: Flood Risk; and, Core Policy 68: Water Resources;

The Development Plan also includes a number of policies carried over from the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004, the West Wiltshire Leisure and Recreation DPD and the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPDs. For the avoidance of any doubt, the still saved policies of the West Wiltshire District Plan and the Leisure and Recreation

DPD are listed in Appendix D of the Core Strategy. Of particular relevance to this application is Site Allocations H13A which states that it is a:

*“Site with a net development area of approximately 0.6ha is allocated for about 25 dwellings adjacent to Westbury Hospital, as defined on the Proposals Map”.*

### **Other Material Considerations**

- The Leisure and Recreation DPD (adopted February 2009) and specifically policies LP1- Protection and Enhancement of Existing Open Space or Sport and Recreation Provision; LP4 – Providing Recreation Facilities in New Developments; LP5 – New Sport and Recreation Facilities; CR1 – Footpaths and Rights of Way; CR3 – Green Space Network; GM2 – Management and Maintenance of New or Enhanced Open Space; GM3 – Future Management Partnerships; and YP1 – Children’s Play Areas.
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance (adopted August 2004)
- Wiltshire Car Parking Strategy (March 2015)
- Wiltshire Waste Core Strategy (adopted 2009) Policy WCS6 – Waste Reduction and Auditing.
- There is currently no neighbourhood plan in preparation for Westbury.

**National Planning Policy** – The National Planning Policy Framework (NPPF) was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at paragraph 14 as a ‘golden thread’ running through plan making and decision taking.

The NPPF is clear in stating that ‘planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. Paragraph 32 is also critical in terms of asserting that local planning authorities should only refuse applications on transport/highway safety grounds where “the residual cumulative impacts of development are severe”.

National Planning Practice Guidance (PPG) provides guidance on the interpretation of the NPPF. Recent changes to the guidance re-introduces a vacant building credit which can be applied in the calculation of affordable housing contributions.

## **7. Summary of consultation responses**

**Westbury Town Council** – Objects for the following reasons:

- Insufficient infrastructure for a development of this size (Core Strategy para 5.16);
- Historical flooding in this area – the hospital extension suffered extensive flooding circa 1990;
- The scheme should make provision for 30% affordable housing i.e. 18 affordable houses;
- Allocation of local public spaces not in line with Town Policy Boundaries - whilst the planning application quotes H13a of the WWDP 151 Alteration (June 2004), sub sections [3.2.75a] to [3.2.75e] also apply to a development of this size;
- The Town Council is concerned about the narrow pavements in this area with regards to future traffic flow. This area has undoubtedly been safer since the hospital closed and the traffic reduced;
- Lack of pavements around the end of The Butts poses a safety risk and should be upgraded to have pavements on both sides of the road;

- Provision of a bus stop - there is currently no bus service in this area. The nearest bus passes approximately 350m away from the site. If a service was to be re- routed, a larger bus stop with a shelter should be provided by the developer;
- There is no provision of a zebra crossing to connect the site to the end of The Butts, although this is mentioned in the Transport Statement page 12 - 3.5 & 3.6. This should be conditioned.
- The Transport Statement page 12 - 3.5 & 3.6, mentions a pedestrian route to Matravers School. There are no drawings for this, so we are unable to make comment;
- The Town Council has raised concerns about the walking times shown in the Transport Statement pages 15 & 16. We feel that the walking distances to local facilities such as primary & secondary schools, doctor's surgery and post office do not take into account elevations and lack of alternate routes as this site is surrounded on three sides by existing residential housing.
- Would prefer this site to be used for health purposes or to house a health facility.

**Wiltshire Council Archaeologist** – No Objection subject to conditions

**Wiltshire Council New Housing Team** – No objection subject to a S106 Agreement to secure affordable housing

**Wiltshire Council Tree Officer** – Supportive subject to conditions to adequately protect retained trees and hedges

**Wiltshire Council School Places Team** – No objection as there is sufficient capacity at the local schools. The Council's Head of Education confirmed that no developer contributions are required.

**Wiltshire Council Drainage Team** – No objection subject to conditions

**Wiltshire Waste Management Team** – Supportive subject to conditions and a S106 Agreement to secure a financial contribution towards provision of containers for waste and recycling.

**Wiltshire Council's Land Contamination Officer** – No objection subject to the Council's standard precautionary land contamination condition being imposed on any permission.

**Wiltshire Council's Air Quality Officer** – No objection subject to a S106 securing a financial contribution towards Westbury's Air Quality Action Management Plan Project.

**Wiltshire Council's Public Protection Team** – No objection subject to construction management conditions being imposed on any permission.

**Wiltshire Council Spatial Planning Team** – No objection. The consultation response set out the relevant policy considerations, the spatial vision for Westbury and the current five year housing land supply position of the North and West Housing Market Area.

**Wiltshire Council's Arts Development Officer** - No objection subject to Public Art being secured on site either by planning condition or a S106.

**Wiltshire Council's Urban Design Officer** – No objection.

**Wiltshire Council's Landscape Officer** – No objection.

**Wiltshire Council's Ecologist** – Supportive subject to conditions

**Wiltshire Council's Highways Team** – Supportive subject to conditions and a S106 Agreement to secure a financial contribution to upgrade the A350/Hospital Road and Leigh Road junctions, the provision of a new pedestrian crossing on the A350 and sustainable transport measures.

**Wiltshire Council's Public Open Space Officer** – No objection subject to securing open space and play area within the site and its future management.

**Environment Agency** – No objection subject to conditions.

**Natural England** – No objection subject to mitigation of impacts on Salisbury Plain. Standing advice provided and other advice advising that they would expect the local authority to consider the effects of the development on local sites, landscape character and habitats. Biodiversity enhancements also suggested.

**NHS England Estates Team** – No objection.

**Wiltshire Police Crime Prevention Design Advisor** – Concerns raised over proximity of play area to the pond.

## **8. Publicity**

This application has been subject to several rounds of public consultation. 200 letters were received from 163 neighbours objecting on the following summarised grounds:

- The ownership of the site is in dispute and believed to belong to the people of Westbury
- What will NHS do with the proceeds of the sale
- A proportion of the proceeds should go to Whitehorse Health Centre
- The site should be retained for health purposes and people of Westbury
- Short sighted infrastructure planning
- Site and hospital could help alleviate current bed blocking crisis
- Loss of employment opportunities on site
- Whitehorse health centre is stretched to capacity and failing patients
- Evidence suggest that more Health Provision is required in Westbury
- Long waiting times to see doctors
- The poor access to the site is unsuitable for housing
- Increase in traffic
- The site has not generated traffic for 10 years so disingenuous to say there will be no increase in traffic
- Walking times in Transport Assessment are optimistic
- Surrounding roads narrow and congested
- No bus service
- The access should not be allowed to serve further development beyond the site
- No evidence of need for new homes in Westbury
- Town infrastructure unable to support growth
- Conflicts with Core Policy 32 which seeks to slow down housing growth in Westbury
- Affordable housing proposals are not in line with policy
- Outside town policy limits
- Impact on the amenities of neighbouring occupiers is unclear and unacceptable
- Hours of construction should be restricted
- Wheelchair access to site difficult due to steep gradients
- New trees may affect light to neighbouring properties
- Larger buildings should be positioned away from northern boundary
- Proposals will result in loss of light, privacy and noise
- Historic Flooding of the site and the flood risk assessment should be revisited to consider overland runoff from south of site; and revise the drainage strategy
- Capacity of existing flood relief pond on hospital site
- Site would be over developed with too much non permeable surfaces
- Question logic of pedestrian link from play area to adjacent recreation ground
- Right to use secondary access needs to be established
- Noise generated on lane from existing use by vehicles
- Proposed houses will damage roots of tree in neighbouring garden
- Air pollution
- Cycle lane potentially dangerous
- Wildlife issue – relocation of badgers and bats
- The consultation on the application was inadequate

## **9. Planning Considerations**

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

of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Westbury area. The Wiltshire Housing Sites Allocation Plan is an emerging plan but can only be afforded very limited weight at this stage of its preparation.

9.1.1 In this particular case, it is important to record that at the present time, the Council cannot demonstrate having a 5-year housing land supply in the North & West Housing Market Area and the current calculation is that the Council has a 4.76 years supply; and as a consequence, NPPF paragraphs 49 and 14 are engaged; and the local planning authority cannot give full weight to the adopted housing policies, including CP2. A recent court ruling - Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168 has provided a useful direction and understanding that when Council's find themselves unable to demonstrate a 5-year housing land supply, whilst adopted housing policies and any associated restrictive policies relating to housing development should be considered "out of date", they should not be ignored. Moreover, it is necessary for decision makers, as directed by paragraph 14 of the NPPF, to weigh up the benefits against any identified harm.

9.1.2 With NPPF paragraph 49 engaged, paragraph 14 makes it explicitly clear that residential development proposals should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*", when assessed against the Framework taken as a whole.

**9.2 Principle of the Development** – There are a number of issues that affect the principle of development of this site such as the limits of development for Westbury, the saved strategic housing allocation carried across into the WCS from the former West Wiltshire District Plan 1<sup>st</sup> Alteration; and the existing use of the site.

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

9.2.2 In addition, it remains the prerogative of any local community to review settlement boundaries through adopting a neighbourhood plan, which would, following adoption, become part of the local development framework. At the present time, there is no such plan in preparation.

9.2.3 Westbury is identified as a Market Town within the settlement strategy and Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.

9.2.4 Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

9.2.5 Core Policy 2 sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire including through retained Local Plan allocations, future Site Allocations DPDs and neighbourhood plans. Core Policy 2 advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages. For sites outside the defined limits of development (and approximately 17% of this application site falls outside of the settlement limits), the Core Strategy advises that other than in circumstances as permitted by other policies within the Plan, identified in paragraph 4.25, residential development should not be permitted unless it is brought forward through the identification of sites for development through subsequent Site Allocations Development Plan Documents and/or neighbourhood plans.



9.2.6 As illustrated and outlined in sections 3 and 5 of this report, the majority of the development site (approximately 83%) and developable parameters either fall within the settlement boundary or the saved housing site allocation; and as such, development of housing is supported by the settlement strategy and the delivery strategy. A proportion of the application site falls outside the identified limits of development for Westbury and as a consequence, there would be a degree of conflict with Core Policy 2. However, and as outlined above, CP2 cannot at this time, be given full weight due to the housing supply shortfall, and furthermore, officers duly argue that the relevant site extent is currently within the hospital site boundary and includes an existing drainage pond; and arguably has a clear functional relationship with the hospital rather than agricultural land. There is also merit in appreciating that the submitted indicative layout for the area outside the town limits/site allocation would be used for land drainage, play area and open space, rather than for housing.

**9.3 The Westbury Community Area Strategy** - Core Policy 32 (CP32) sets out the strategy for Westbury and its community area and identifies an indicative requirement of approximately 1615 new dwellings for the Westbury community area of which about 1500 should occur within Westbury. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most up-to date and published Housing Land Supply Statement identifies a requirement for an additional 78 dwellings in the Westbury Community Area over the plan period. Since this statement was published, it is necessary to acknowledge that there have been some recent major housing development proposals which have been either granted permission on appeal (i.e. 14/09262/OUT – land north of Bitham Park for up to 300 dwellings) or are at an advanced stage in terms of completing a s106 i.e. 15/12551/OUT - a hybrid application comprising up to 300 dwellings approved by the Council's strategic planning committee in May this year for the H14 Station Road site allocation at the Westbury sailing lake. Allocation H14 is identified in the Core Strategy as contributing 250 dwellings and part of this site Allocation H13a is identified as contributing 25 dwellings.

9.3.1 It is also appreciated that the supporting text to CP32 advises that the strategy for Westbury will deliver a reduction in housing growth compared to historic trends, with a focus on improving facilities, services and job creation. Whilst Westbury is in a strong position with regard to meeting the indicative housing target set out in the Core Strategy it should be noted that this is an indicative target and not a ceiling on development. This is stated in paragraph 4.33 of the Core Strategy where it advises that...sustainable development within the limits of development or at Small Villages should not be constrained just because requirements have been reached. For these reasons the overall housing requirement is shown as "at least", while the area strategy figures are "indicative". It is furthermore important to stress that Central Government heavily supports housing delivery and that it is an essential planning objective as part of the "*government's pledge to deliver security, stability and opportunity to the British people*" (source: PM Press release dated 12 October 2015). The NPPF, within the context of a presumption in favour of sustainable development, established that there is a clear Government aspiration "*to boost significantly the supply of housing*" (source NPPF para 47).

In the recent appeal decision at Bitham Park the inspector identifies Core Policy 32 as a policy that restricted the supply of housing. As a policy that restrains housing growth limited weight can be afforded to it while the council cannot demonstrate a five year housing supply.

**9.4 Loss of a Community / Health Facility** – Westbury Hospital was previously in use as a community hospital. However, the former Wiltshire PCT made the decision to close the 16 bed facility that previously occupied part of the building some time ago. The most recent use of the property (in 2012) provided some outpatient (including GP and dental) services; and, to act as a NHS team base. The recent development of the new White Horse Health Centre at Mane Way, Westbury Leigh by the Westbury Group Practice resulted in the transfer of the remaining GP and other outpatient services to that new, purpose built facility. Westbury Hospital was closed soon after the opening of the White Horse Health Centre leaving the Westbury Hospital site now declared surplus to the requirements of the NHS by the Wiltshire Clinical Commissioning Group (CCG).



9.4.1 A comprehensive marketing report has been submitted with the application which includes letters from the Wiltshire CCG confirming that the hospital and hospital site are surplus to their requirements. These letters advise that the Westbury Group Practice is the only practice serving the town and there are no plans to develop another practice. It further advises that the building has been planned and constructed with sufficient capacity to deal with the expansion of the town.

9.4.2 The marketing report sets out that the site was marketed via ePIMS (Electronic Property Information Mapping Service) for 13 months at the time the application was submitted and no interest was shown from other public bodies. This is the central database of Government Central Civil Estate properties and land.

9.4.3 The report also advises that the site was marketed to local health and care providers such as the White Horse health centre, Wiltshire Dementia Care and Julia House Hospice but it was confirmed that the site did not meet their needs for various reasons as set out in the report.

In addition a marketing exercise was carried out to determine the feasibility of a private care home on the site but this option was discounted because of an oversupply of this type of facility in the area, the size of Westbury, and the size of the site.

As far as adopted policy is concerned, community facilities are not protected within the larger settlements of Wiltshire. Core Policy 49 seeks only to protect rural services and facilities in the smaller settlements which for the purposes of CP49, relate to Local Service Centres and below.

9.4.4 The NHS England Estates Team responded to the planning consultation and advised that they have no objection to the proposed development and that the number of new patients generated by the development can be accommodated in the White Horse Health Centre.

9.4.5 Therefore, it is important to stress, in the absence of a policy basis to object to the loss of the former community/health related service use of the site; and appreciating that a robust marketing exercise has been undertaken which resulted in no alternative developer interest, especially in terms of providing new community/health service provision, the former hospital site is considered suitable and appropriate for residential development.

9.4.6 In summary, the principle of residential development at this site is considered to be acceptable and the minor conflict with Core Policy 2 is substantively overridden by the absence of a 5 year housing land supply.

9.4.7 Officers duly assert that this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of any identified adverse impacts of the development compared to the benefits. The following sections will assess the issues before reaching a conclusion and recommendation.

**9.5 Impact on the Character and Appearance of the Area** - Core Policy 51: Landscape advises that *"Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures"*. The Council's landscape officer commented that *"the initial Landscape Appraisal identified the opportunities and constraints of the site and proposes a landscape framework for the development to mitigate potential landscape and visual effects. Key viewpoints within the open countryside to the south east of the site show that the development will be seen in the context of the existing urban edge, and that by strengthening the south eastern field boundary with additional planting, the impacts on the wider landscape will be minimal"*. The illustrative landscape proposal plan incorporates officer led suggested improvements by creating a greater planting buffer on the south eastern boundary and including more street trees within the development. Detailed landscaping would however be the subject of a reserved matter application, but officers conclude that the proposed development would not result in landscape harm.

9.5.1 Core Policy 57 titled Ensuring High Quality Design and Place Shaping requires a high standard of design in new developments. As the application is made in outline with layout and design reserved for future consideration, it is not open for the Council to assess such matters at this

stage. However, the illustrative layout has been amended in light of the comments made by the Councils Urban Design Officer, who sought material enhancements. The proposed development has also been amended to reflect the constraints placed on the site layout by trees outside the development site. Root protection areas within the site can be protected from development through the use of conditions.

9.5.2 An archaeological Desk Based Assessment and geophysical survey have been undertaken highlighting the potential for archaeological remains to be present within the proposed development site. An archaeological evaluation was carried out at the site between August and September 2015 which recorded a number of archaeological features across the eastern part of the site. Many of the features recorded were undated but some dated to the prehistoric and post-medieval period.

In line with the National Planning Policy Framework, due to the impact the proposed development will have on archaeological remains a programme of archaeological investigation has been included as a condition.

**9.6 Impact on Residential Amenity** - Due to the application being in outline, the detailed impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of dwellings including heights and location of windows are yet to be determined. However, officers are satisfied given the site separation distances involved that a residential development of up to 58 dwelling at this site can take place without any unacceptable impacts upon the amenity of neighbouring properties.

**9.7 Access and Transport** - The site at the edge of the existing settlement is considered to be a sustainable location in accordance with WCS Core Policy 60 and 61. Wiltshire Council Highways officers have raised no objection to the scheme subject to conditions and financial contributions. Conditions would require improvements to the Hospital Road and Leigh Road junction with the A350 and a new pedestrian crossing near this junction. Therefore subject to conditions and S106 Agreement, the scheme is considered to be acceptable in transport terms. The development would not conflict with paragraph 32 of the NPPF – which explicitly states that decision makers should not refuse applications on transport / highway grounds unless “*the residual cumulative impacts of development are severe*”.

**9.8 Addressing Climate Change** – WCS Core Policy 41 identifies how sustainable construction and low-carbon energy should be integral to all new development across Wiltshire. This policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy shall help Wiltshire’s contribution to addressing climate change through improved design and construction methods. The applicants would be required to demonstrate compliance with this policy in relation to energy performance at reserved matters stage. A planning condition is considered necessary to ensure the housing development conforms to WCS Core Policy 41. A Sustainability Statement and Sustainable Energy Strategy were submitted with this application but in draft form only due to the outline nature of the application.

**9.9 New Housing** – WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, would normally be sought, subject to up-to-date viability and housing needs evidence. It is however necessary to be mindful of up-to-date NPPG which requires the floor space of existing buildings (known as the vacant building credit) to be taken into account and offset against the affordable housing requirement. In this case, the vacant floor space contained within the hospital is approximately 60% of the total proposed floor space and as such, the amount of affordable housing required is reduced accordingly.

9.9.1 Following consultation with the Council’s housing team; a tenure split of 80% affordable rental and 20% shared ownership is required and has been agreed. The exact location and mix of units is not for consideration at this outline stage since it is a matter to be determined under a reserved matters application. It would also be rounded to the nearest whole unit.

9.9.2 The provision of affordable housing within the scheme does however need to be enshrined within a s106 legal agreement. The suggested 80/20% mix reflects the current indicative requirements required by the Council's housing team. However this could be re-negotiated, especially to reflect any broadening of the affordable housing definition, the potential advancement of more starter homes and discounted market units. The exact mix would be something to be determined at the reserved matters stage.

9.9.3 Core Policy 45 provides the basis for considering dwelling type, density and mix of housing to be built. These matters would be also considered under a reserved matter application. Core Policy 46 also requires developers to demonstrate how their proposals respond to the needs of an ageing population. The supporting text refers to the role of Lifetime Home standards in meeting this aim. Again, this would be considered under a reserved matters application. The housing team have however, advised that 10% of the affordable homes should be built to meet the adapted needs of older people.

9.9.4 From the number of units shown in the illustrative layout, this proposal would provide seven affordable units, four of which would be affordable rent and 3 of which would be shared ownership. This is considered to be acceptable and has the support of officers and is compliant with Government PPG direction and advice.

**9.10 Biodiversity and Geodiversity** – WCS Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. The application is accompanied by a Protected Species Report and a Badger Mitigation Strategy. The following ecological issues were considered by the Council's ecologist:

1. Bats
2. Reptiles
3. Badgers
4. Nesting birds
5. Hedgerows and trees
6. Salisbury Plain Special Protection Area (SPA) and Special Area of Conservation (SAC)
7. Public Open Space boundary; and,
8. Biodiversity enhancements

9.10.1 Overall, the ecologist considered the illustrative landscaping proposals (as revised), to be acceptable with regard to the provision of an "ecological corridor", "native marginal planting", "native wildflower planting" and a small "play area surface" but noted that measures recommended in the 'Badger Mitigation Strategy' by Engain were not all followed. However, it is considered that these matters can be adequately captured through planning conditions.

9.10.2 No ecology based objection is raised subject to a number of conditions requiring the development to be carried out in accordance with the recommendations in the Protected Species Report and the Badger Mitigation Strategy as well as the submission of a Landscape and Ecological Mitigation Plan and Construction Environmental Management Plan, the provision of bat roosts and the design of a sensitive lighting strategy.

9.10.3 The Council's Salisbury Plain HRA mitigation strategy (prepared as part of the Core Strategy HRA) is a material consideration as the application site lies within the 4km buffer to the European site. However, s106 contribution cannot be sought as Salisbury Plain/Stone Curlew HRA funding is now delivered through CIL. As the impacts of recreation on the SPA have been assessed by the Council as part of the HRA for the Core Strategy, no project-level HRA is required for this application. In line with Natural England's request, the HRA for the Core Strategy included a mitigation strategy for development within 4km of the Salisbury Plain SPA to reduce the impacts of disturbance to breeding stone curlew through a project set up to monitor and manage the site (Wessex Stone Curlew Project). The money diverted to HRA mitigation as part of CIL would contribute towards this project.

**9.11 Core Policy 52: Green Infrastructure** – This policy seeks to retain and enhance Wiltshire’s Green Infrastructure Network. The indicative layout shows that open space and play space would be provided on site in line with the open space standards currently in operation for this part of Wiltshire; and as such, the application is considered to be in accordance with planning policy. The proposals would include a pedestrian link to the adjacent recreation ground and the application documentation also indicates provision for the ongoing management of the open spaces and a management plan can be secured through a s106 agreement.

**9.12 Core Policy 56: Land Contamination** – This policy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality the built environment and amenity. There is potential for land contamination due to the historic use of the site and therefore a precautionary planning condition is proposed, with the full support of the Council’s public protection team.

**9.13 Core Policy 67: Flood Risk** - This policy advises that all new development needs to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. A Ministerial Statement issued on 24<sup>th</sup> March 2015 confirmed changes in relation to planning applications and required drainage submissions, to strengthen existing planning policy, to ensure that sustainable drainage systems for the management of run-off are put in place. The Government’s expectation is that sustainable drainage systems should be provided in new developments wherever this is appropriate.

9.13.1 Local planning policies and decisions on major planning applications should ensure that sustainable drainage systems for the management of run-off are put in place by undertaking the following:

- consult the Lead Local Flood (LLFA) Authority on the management of surface water (the Government has laid a statutory instrument making the LLFA a statutory consultee under planning the Development Management Procedure Order effective from 15 April 2015)
- satisfy themselves that the proposed minimum standards of operation are appropriate
- ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
- the sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

[Note that Wiltshire Council is the LLFA].

9.13.2 The Flood Risk Assessment (FRA) submitted by the applicant has been revised in light of comments made by the LLFA/the Council’s Drainage Officer and issues raised by neighbouring properties. Following the results from further investigations and revisions to the FRA, the LLFA/officers are satisfied that sustainable urban drainage can be successfully implemented on this site. A number of conditions are recommended to ensure the necessary level of detail is provided prior to the commencement of development.

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

9.14.1 The affordable housing and the infrastructure items listed below are considered relevant to the application site, and are directly related to and are planning requirements to mitigate the impact

of the proposed scheme. For the benefit of the committee, the applicant has agreed to provide the following:

**Affordable Housing** - WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, is sought for this site within the Westbury Community Area which reflects up-to-date viability and housing needs evidence. The PPG allows the floor space of existing buildings to be taken into account and offset against the affordable housing requirement. In this case the vacant floor space contained within the hospital is approximately 60% of the total proposed floor space and as such the amount of affordable housing required is reduced accordingly. Therefore 7 units would be required with the 58 units currently proposed. As the exact number of units proposed may change at reserved matters stage, the formula for calculating affordable housing should be enshrined within the S106 agreement.

**Open Space and Play Provision** – WCS CP52 requires development to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards and put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106. The proposal requires a public open space requirement of 2128m<sup>2</sup> of which 102m<sup>2</sup> is to be equipped play provision - all of which should be secured and managed in perpetuity.

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

- Implementation of the residential travel plan including electric car charging point(s), information packs for each household, and appointment of a travel plan coordinator for 5 years.
- A contribution of £2,500 towards walking and cycling signage, between the site and key destinations within Westbury.
- A contribution of £75,000 towards a pedestrian crossing facility on the A350

**Refuse Infrastructure** - A contribution of £5,278 is required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

**Air Quality** – A contribution of £679.50 is sought towards Air Quality Action Planning Projects.

**10. Conclusion** – This application is considered to be a sustainable form of development which forms part of the established town policy limits as well as comprising the saved housing allocation site known as H13a – which has been allocated for residential development of about 25 dwellings for over ten years. There is a small proportion of the site (approx. 17%) which falls outside Westbury's settlement boundary; however, it is relevant to note that no residential development is planned for this land.

The NHS has declared the site surplus to their requirements and has marketed it for alternative community uses prior to proposing a housing development of the site in accordance with Core Policy 49.

A proportion of the site is located outside the Town Policy Limits and this element is technically in conflict with Core Policy 2. However, this has to be set against other material considerations that are relevant at this point in time, which includes the critical fact that the Council is unable to demonstrate a 5-year housing land supply which reduces the weight to be attached to such a policy.

Recent appeal Inspector decisions (i.e. in December on the Arms Farm appeal (14/08888/OUT), in March at Bradford on Avon (14/07689/OUT) and more recently at land north of Bitham Park (14/09262/OUT) in July for another Westbury site all concluded that WCS CP2 cannot be given full weight as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Westbury. The Bitham Park appeal decision stated that Core Policy 2 (Delivery Strategy) and Core Policy 32 (Spatial Strategy – Westbury Community Area) *'clearly relate to the supply of housing land and, as a five year housing land supply cannot be demonstrated, there is a clear material reason to depart from those policies'*.

It should be noted that the departure from policy is only in respect of that part of the site located outside of the Town Policy Limits and not allocated for housing.

As this report demonstrates there are no *"adverse impacts that would significantly and demonstrably outweigh the benefits"* that this particular development in this location on the edge of a sustainable settlement identified for sustainable growth would bring about – i.e. providing increased housing supply and delivering much needed additional affordable housing; infrastructure improvements. In addition, future financial benefits community infrastructure levy payments will contribute towards following detailed/reserved matters approval will bring about further enhancements, with a proportion of the CIL receipts going direct to Westbury Town Council.

## **11. RECOMMENDATION**

**It is recommended that the committee delegates authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below and after the completion of a s106 legal agreement within 6 months (taken from the date of the committee resolution), to cover the developer obligations as summarised within section 9.14 above.**

### **CONDITIONS:**

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

2.

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

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

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

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

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

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

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

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

Site Location Plan Dwg. No 1134.S.001 received 26<sup>th</sup> November 2015

Demolition Plan Dwg. No 1134.S.002 received 26<sup>th</sup> November 2015

Access Design Dwg. No SK001 received 26<sup>th</sup> November 2015

Parameters Plan Dwg. No 1134.P.002 received 19<sup>th</sup> July 2016

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

5. No development shall commence on site until a scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area, including further ground investigations to determine ground water levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately protected from flooding from offsite flows currently passing into the site

6. No development shall commence on site until a scheme for the discharge of surface water within the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 together with extended ground water monitoring and deeper ground investigations, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained within the national and council's policies without the need for offsite discharges

7. No development shall commence on site until a scheme for the maintenance and full responsibilities of the drainage systems as required by conditions 5 and 6, including details of a management company, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed drainage systems are properly maintained to allow the systems to continue to provide the required protection against flooding for the life time of the development and to comply with new land/property searches.

8. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with potential contamination on the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which identifies:

a) Potential contaminants associated with those uses

b) A conceptual model of the site indicating sources, pathways and receptors

c) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in point 2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and



identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

REASON: To 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.

9. No development shall commence on site (including any demolition works), until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species, hedgerows and trees, including full details of interim bat mitigation during the demolition and construction phases. Development shall be carried out in full accordance with the approved plan.

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

10. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information requirements:

- a) Full details of bat mitigation (replacement roosts for Common pipistrelle and Brown long-eared bats) and reptile mitigation measures;
- b) Full details of bat boxes/bricks, bird boxes, artificial reptile refugia and garden boundary fencing (including the garden boundary treatment of Plot 53);
- c) Full specification of habitats to be restored and created, including locally native species of local provenance and locally characteristic species – including hedgerows, pond and dry ditch, species-rich grassland swales – and a planting specification for the 3 metre wildlife corridor for badgers;
- d) Full details of the design of natural play areas for children;
- e) Description and evaluation of features to be managed; including location(s) shown on a site map, and identification of maintenance/monitoring access points into the 3m wildlife corridor;
- f) Aims and objectives of management;
- g) Appropriate management options for achieving aims and objectives;
- h) Prescriptions for management actions;
- i) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 – 10 year period);
- j) Details of the body or organisation responsible for implementation of the plan;
- k) Ongoing monitoring and remedial measures, including monitoring of the 3m wildlife corridor to avoid encroachment of back garden boundaries;
- l) Timeframe for reviewing the plan; and
- m) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

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

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

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

REASON: To provide full details of bat, reptile, badger and breeding bird mitigation and enhancement, hedgerow enhancement, pond and dry ditch restoration/creation, native tree and shrub planting specification using species of British origin and local provenance, creation of species-rich grassland, provision of bird boxes, ongoing management of all retained and created habitats, and POS, to enhance biodiversity value and ensure the long-term management of these habitats and features in perpetuity.

11. No development shall commence on site until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and badgers, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging and commuting;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles.

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

REASON: To minimise light spillage into retained hedgerows and trees as part of the mitigation requirements for roosting bats (to maintain dark corridors for bats commuting to and from roosts).

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

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

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

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

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

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

14. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme

should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

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

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

No part of the development shall be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that part of the development have all been constructed and laid out in accordance with the approved details.

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

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

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

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

No dwellinghouse shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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

18. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work –

Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

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

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

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

Note: The archaeological investigation and reporting shall be undertaken by a professional archaeological contractor in accordance with NPPF paragraph 121 and Annex 2 requirements.

20. No development shall commence on site until details of improvements to Hospital Road and Leigh Road junctions with the A350 have been submitted to and improved in writing by the local planning authority. The approved works shall be completed prior to first occupation of the dwelling.

REASON: In the interest of highway safety

21. Prior to first occupation of the dwellings, the roads, including footpaths and turning spaces, shall be constructed so as to ensure that each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least binder course level between the dwelling and existing highway.

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

22. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

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

23. No dwellinghouse shall be occupied until the first five metres of individual plot accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

24. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

25. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

26. No burning of waste materials shall be permitted on the site at any time.

REASON: In the interest of protecting the amenity of nearby residential properties

27. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved.

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

28. The development shall be carried out in accordance with the recommendations made in Section 6 of the 'Protected Species Report' dated 16 June 2016 prepared by Engain (Environmental Gain Ltd.), submitted with the planning application and as modified by a Natural England European protected species licence.

REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

29. The development hereby approved shall be carried out in accordance with the 'Badger Mitigation Strategy' dated 9 March 2016 prepared by Engain (Environmental Gain Ltd.), as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England licence to interfere with a badger sett for the purposes of development.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

30. All replacement bat roost features and bat access points shall be constructed in accordance with the Landscape and Ecology Management Plan (LEMP) as required by Condition 10, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained in accordance with the LEMP for the lifetime of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

**PLANNING INFORMATIVES:**

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

**INFORMATIVE 2:** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

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

**INFORMATIVE 3:** Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: the use of plant and machinery

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

**INFORMATIVE 4:** With regards refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

**INFORMATIVE 5:** The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

**INFORMATIVE 6:** The developer/applicant is advised to:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

**INFORMATIVE 7:** Common pipistrelle and Brown long-eared bats have been found roosting in the main hospital building and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.

**INFORMATIVE 8:** The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act

makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the applicant and/or contractors liable to prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

**INFORMATIVE 9:** The applicant is reminded that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and that it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built under Section 1 of this Act. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Suitable vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.