

<b>Date of Meeting</b>	25 July 2018
<b>Application Number</b>	17/12348/OUT
<b>Site Address</b>	Land East of Damask Way and East of Upper Marsh Road and North of Smallbrook Lane, Warminster, BA12 9PP
<b>Proposal</b>	Outline application for up to 28 dwellings on land to the east of Damask Way with all matters reserved except access (with new access proposed off Upper Marsh Road).
<b>Applicant</b>	Greatworth Developments Limited
<b>Town/Parish Council</b>	WARMINSTER
<b>Electoral Division</b>	WARMINSTER BROADWAY – Councillor Anthony Jackson
<b>Grid Ref</b>	387586 144331
<b>Type of application</b>	Outline Planning Application
<b>Case Officer</b>	Steven Sims

### Reason for the application being considered by Committee

This application was reported to the Western Area Planning Committee on 27 June 2018. However, following the officers' presentation and a short debate, the committee resolved to defer the application for a member site visit and to request that officers clarify the agricultural land classification for the site. Councillor Anthony Jackson requested that if officers are minded to approve this application, it should be reported to the area planning committee for members to determine principally in relation to the environmental and/or highway impacts.

### 1. Purpose of Report

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

### 2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of neighbouring residents
- Highway issues
- Ecology issues
- Impact on Heritage Assets (Adjacent listed building)
- Drainage issues
- Other issues
- Planning obligations

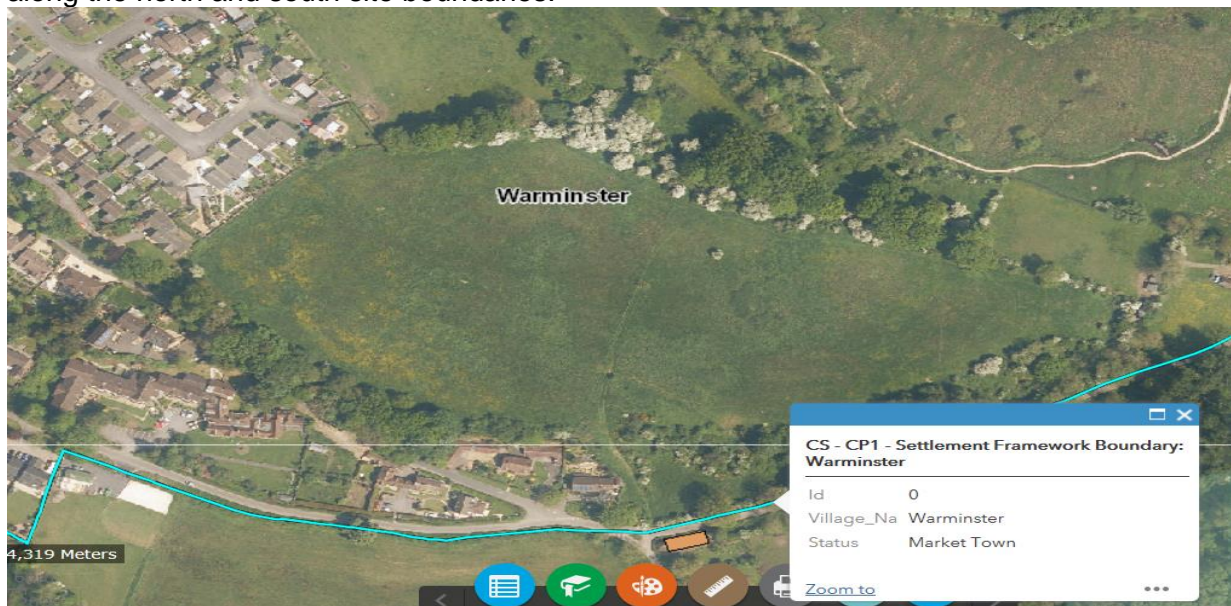
Warminster Town Council – Objects the this application for the reasons set out within section 7 of this report

235 third party/neighbour objections were received which are summarised within section 8 of this report

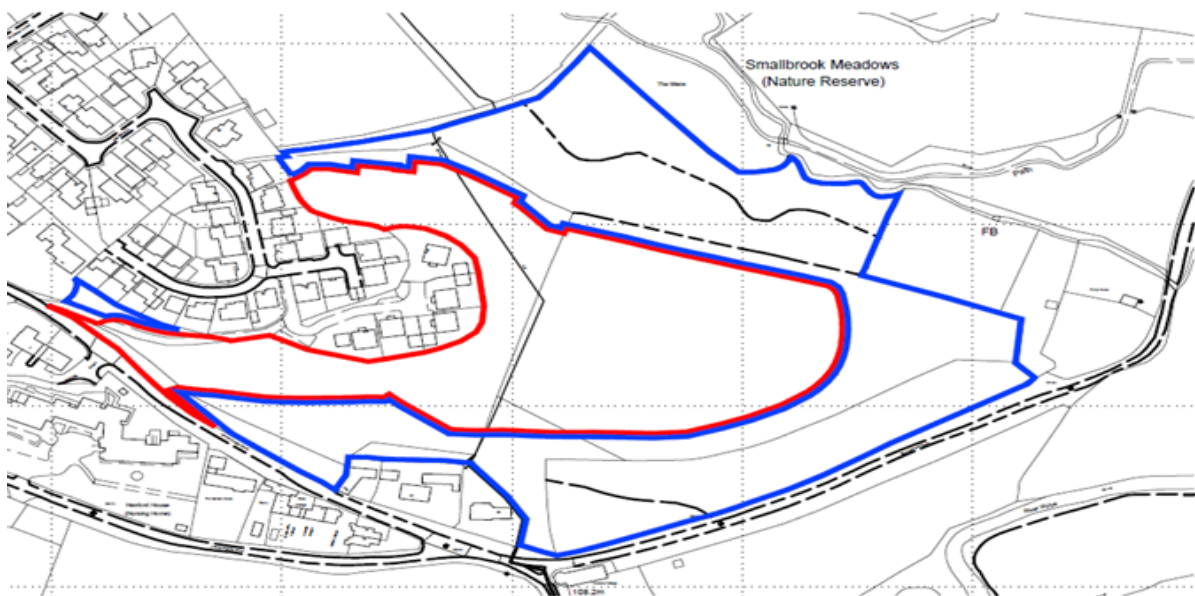
### 3. Site Description

The application site comprises approximately 2.23 hectares of agricultural land (which is categorised as grade 3A and 3B; good and moderate use) located to the east of Damask Way and to the north-east of Upper Marsh Road and north of Smallbrook Lane. As the insert on the

following page illustrates, the site is located within the current settlement limits of Warminster and abuts existing residential development to the west and south with well-established trees along the north and south site boundaries.



The site forms the brow of a hill that slopes down to the north, east and west. The 20 hectare Smallbrook Meadows Local Nature Reserve is located directly to the north and comprises a mosaic of six small water meadows, wet woodland, marsh, ponds, chalk rivers, hedgerows and ditches. A public footpath (WARM53) bisects the site north to south. The Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural beauty (AONB) is located approx. 820 metres to the south. A grade II listed building, Turnpike Cottage, lies to the south of the site on the opposite side of Smallbrook Lane. The River Wylde (and River Avon System (SSSI)) is located to the south and east of the site and, at its closest, is approx. 80 metres distant. Residential development to the west off Damask Way was approved for 23 houses in 2012 under application refs. W/12/00687/OUT and reserved matters approval under 14/03655/REM). An additional 5 houses located directly to the west of the application site were approved in 2015 under application 15/01661/OUT and 15/12197/REM. These houses have been constructed.



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Site Location plan 07179 – 12 rev C

#### 4. Planning History

13/06643/PREAPP	Erection of 23 dwellings (Reserved Matters for scale, layout, appearance and landscaping)
14/03655/REM	Reserved matters for the demolition of 66 Damask Way and erection of 23 dwellings following outline application (W/12/00687/OUT)
W/11/01173/PREAPP	Housing development
W/12/00687/OUT	Demolition of 66 Damask Way and erection of 23 dwellings (Outline application to determine access)
15/01661/OUT	Residential development of up to 5 dwellings (outline application to determine access)
15/12197/REM	Reserved Matters - appearance, landscaping, layout, and scale re. planning application 15/01661/OUT (residential development of up to 5 dwellings).
16/05744/FUL	Proposed rear extension and side door to west gable.
17/08219/PREAPP	Alteration to existing access, upgrade access road and residential development of land
14/00183/ENF	Unauthorised felling of trees within a conservation area.
15/00308/ENF	Breach of condition 17 of W/12/00687/OUT
16/00948/ENF	Unauthorised groundworks
17/01134/ENF	Non implementation of Condition 4 -15/01661/OUT - Landscape and Ecology Management plan
17/01198/ENF	Duplicate case of 17/01134/ENF - all documents moved over
18/00130/ENF	Non-implementation of condition 4 Landscaping Plan - 14/03655/REM

#### 5. The Proposal

The proposal is an outline application for the erection of 28 dwellings with all matters reserved except the means of vehicular access. Access to the site would be via Upper Marsh Road which is located to the south of the site. The areas left for future determination under a reserved matters application would include the appearance of the buildings, layout of the proposed development, scale of buildings proposed and landscaping details.

#### 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 31: Spatial Strategy – Warminster Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 43: Providing affordable housing; Core Policy 45: Meeting Wiltshire's Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; 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 69: Protection of the River Avon SAC.

West Wiltshire District Local Plan (saved policies) - U1a Foul Water Disposal

The Warminster made Neighbourhood Plan (November 2016) - L1 – Design; E2 – New leisure facilities; E5 – Surrounding environment; and GA4 – Rights of Way

## Supplementary Planning Guidance

### Wiltshire Local Transport Plan 2011- 2026

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; and 12. Conserving and Enhancing the Historic Environment

## **7. Summary of Consultation Responses**

**Warminster Town Council:** Objects to this planning application on the grounds listed below:

1. The site was not under consideration by the Draft Wiltshire Housing Site Allocation Plan (HSAP) and Revised Settlement Boundaries which was consulted on in September 2017. The comment that had been submitted by the Council on the settlement boundary in the Damask Way area was as follows:

ITEM NO.	MAP GRID REFERENCE	PROPOSED AMENDMENT OR CORRECTION
4	J10	The newly developed extension to Damask Way should be included within the boundary.

This was a reference to the residential site which is already built, which should be included within a revised settlement boundary. The draft HSAP does not include this site with a proposed revision to the settlement boundaries and the Town Council is supportive of its exclusion, and it is argued that it would be inappropriate to include it now.

2. The access point for this site would be disastrous. This section of Upper Marsh Road is narrow with no footpath and leads on to a narrow country road that is prone to flooding and often has to be closed. Runoff water from the site would exacerbate the problem.

3. The impact on the environment would be detrimental. The site is on the cusp of the Wiltshire Wildlife Trust area.

4. There is a highways conflict with pedestrians, cyclists, horse riders and the residents of the old people's home.

Following receipt of amended plans, the Town Council confirmed the following:

Members discussed this application and wholeheartedly agreed with all the comments that residents had put forward. They all had concerns with this application. Councillor Fraser proposed that this application be refused using all the previous comments that had been sent in, and in addition the development may cause traffic problems such as traffic generation, access or safety problems. The proposed development will damage the natural environment or will result in significant loss of trees for which tree protection orders are in place and the natural habitat. Any decision about this application should be deferred until after the settlement boundaries have been decided. The motion to refuse was seconded by Cllr Nicklin, which was voted through unanimously.

**Wiltshire Council Highway Authority:** No objections subject to planning conditions (the officer's detailed appraisal on the highway implications is included within section 9.4 of this report).

**Wiltshire Council Public Open Space Officer:** The 28 dwellings would generate a requirement for 1,027.54m<sup>2</sup> of POS including 49.56m<sup>2</sup> equipped play space. If no play space is to be provided on-site, an off-site contribution of £7,235.76 would be required. The site

would also generate a requirement for an off-site sports pitch contribution of £6,608 to be secured by s106.

**Wiltshire Council Drainage Engineer:** Supportive subject to conditions.

**Wiltshire Council New Housing Team:** On site provision of 30% affordable housing would be required to be secured by s106 agreement.

**Wiltshire Council Landscape & Arboricultural Officer:** No objections subject to condition.

**Environment Agency:** No comments.

**Wiltshire Council Archaeology:** No objection subject to condition.

**Wessex Water:** No objection. Wessex Water have provided advice to the applicant in relation to sewerage infrastructure, foul water drainage, surface water drainage, phosphate loading impacts on the River Wylye and water infrastructure. Further advice should be included in the form of an Informative.

**Wiltshire Council Urban Design Officer:** No objections following negotiated revisions. Any outline permission should include a condition requiring subsequent REM submission to be in accordance with the principles set out within the Design and Access Statement.

**Wiltshire Council Landscape & Design Officer:** No objections subject to conditions

**Natural England:** No objection

**Wiltshire Council Ecology Officer:** No objection

**Wiltshire Council Rights of Way Officer:** No object but would want to see steps installed on either side of the hill along the legal line of the footpath and surfacing through the nature reserve to the north.

**Wiltshire Council Public Protection Team:** No objection subject to conditions

**Wiltshire Premises Team School Buildings & Places:** No objections subject to s106 contribution of £139,896 for six new secondary school places pooled towards a second phased expansion of the Kingdown Academy. There is no requirement for a developer contribution towards expanding the primary schools which can serve this development, as sufficient places are available in this particular part of Warminster.

**Wiltshire Waste Management Team:** Supportive subject to a s106 contribution to the provision of waste and recycling containers amounting to £2,548.

**Wiltshire Spatial Planning Team:** No objection. The application should be considered in the context of the Wiltshire Core Strategy (WCS), the National Planning Policy Framework (NPPF), and the saved policies of the West Wiltshire District Plan (WWDP). The NPPF confirms that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise.

The application should be considered against the existing policy position in respect of the Warminster settlement boundary (principally Core Policies 1 and 2, and the Strategy for the Town Core Policy 31 of the WCS). As depicted on the adopted WCS policies map, the site falls within the existing settlement boundary and as such the 'principle' of development in this

location is accepted; subject to the application being acceptable from the perspective of the other policies of the development plan.

It should be noted that the emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. The proposed revision to exclude the land east of Damask Way from the settlement boundary is based on the revised settlement boundary review methodology supporting the proposed submission WHSAP, which is set out below:

**Areas which have been included in the proposed revised settlement boundary:**

- Built and commenced residential and community facilities development such as religious buildings schools and community halls, that is physically related to the settlement
- Built and commenced employment development in principal settlements, market towns and local service centres that is physically related to the settlement
- The curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of a settlement that relates more closely to the built environment

**Areas which have been excluded from the proposed revised settlement boundary:**

- Employment development, farm buildings and farmyards, at the edge of large villages
- Isolated development that is physically detached from the settlement (including farm buildings or agricultural buildings and renewable energy installations)
- The extended curtilage of a property that relates more closely to the open countryside (e.g. a field or paddock) or has the capacity to substantially extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of the settlement that relates more closely to the open countryside
- All types of unimplemented planning permission
- Site allocations

Using the proposed settlement boundary review methodology the land is 'undeveloped' and considered to relate more to the open countryside and is therefore proposed to be excluded from the revised boundary when this comes into force. This is explained in Appendix 1 of the [Warminster Community Area Topic Paper](#), which also supports the WHSAP.

Whilst the proposals pertaining to the settlement boundary amendments as part of the emerging housing site allocation plan have been endorsed by the elected members at Full Council subject to some amendments on 10 July, the emerging plan needs to be examined by a planning inspector and found to be sound.

In the context of paragraph 216 of the NPPF, the emerging HSAP proposed revision to the settlement boundary can therefore only be afforded limited weight at this time. This position would need to be re-evaluated once the Housing Site Allocations Plan progresses through public examination at which point, it would merit more weight.

**Wiltshire Conservation Officer:** The proposed development would result in 'some harm' i.e. 'less than substantial harm' to the setting of the grade II listed building at Turnpike Cottage, 5 Henfords Marsh and this level of harm should be weighed up as part of the planning balance taking into account public benefits that would outweigh the 'harm'.

**Wiltshire Wildlife Trust (WWT):** Objects on the basis of impacts of the development on the

adjacent Smallbrook Meadows Nature Reserve and nearby River Avon SAC (SSSI). This nature reserve is a County Wildlife Site and is of fundamental importance to the conservation of biodiversity in Wiltshire. The River Avon is of international importance for conservation.

The proposed development is contrary to Core Policy 50 of the Wiltshire Core Strategy which states that: *“Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances...”*

Consideration needs to be given to the development in relation to Core Policy 69, para ref 6.177, which states that; *“currently phosphate concentrations exceed the appropriate targets required in the Conservation Objectives for the River Avon SAC over a number of reaches, and the Habitat Regulations Assessment of the Core Strategy has highlighted the potential for likely significant effects upon the River Avon SAC through elevated phosphate levels from additional sewage discharges in the catchment”*. The Ecological Impact Assessment is deficient in not considering the impact on the River Avon SAC.

WWT do not agree with Natural England’s assertions (letter dated 31 January 2018) that they are unable to formulate an objection to the planning proposal. This should be perfectly possible, and appropriate given the proximity of the development site to the River Avon SSSI and SAC.

*“I have carried out a map check of the proposed development sites and can confirm that the nearest protected site, the River Avon System (SSSI), is 500m away. The IRZs for this SSSI indicate however, that Natural England does not need to be consulted on proposals for residential development of this size, at this distance from the SSSI, as this would not impact the interest features of the site (which include nationally rare and internationally important species of invertebrates and fish). Generally speaking, where Natural England consider there to be no impact on any designated sites in the vicinity, we are unable to formulate an objection to a planning proposal’* (Natural England 31st January 2018)

The proposed development site is in fact only 100 metres from the River Avon SAC, as identified in the Ecological Appraisal Phase 1 Survey, December 2017, accompanying the planning application. The impact on the River Avon SAC needs to be fully assessed. The current condition assessment by Natural England of the condition of the River Avon SSSI at this location is that it is in an unfavourable condition. Both of the statutory agencies, Natural England and the Environment Agency have as a fundamental part of their role to ensure the favourable condition of sites and good ecological condition of rivers under the EU Habitats Directive and the Water Framework Directive respectively.

NPPF 119 confirms that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. As far as I can tell there has been no assessment of any potential impacts on the local hydrology, and water resource impacts of this development. Such an assessment should be a fundamental consideration for a proposed development adjacent to, and in such close proximity to an important wetland nature reserve, Smallbrook Meadows Local Nature Reserve (and County Wildlife Site) which is managed by Wiltshire Wildlife Trust.

This planning application would also be very disruptive to the local ecological connectivity, particularly for bat species. Species lists provided appear to omit the fact that Greater Horseshoe bats have been recorded in the area. Wiltshire Council should be developing and promoting ecological networks as required by the NPPF. Relevant clauses in the NPPF include.

NPPF para 109 states that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

NPPF para 114 requires local planning authorities to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The site is not under consideration as part of the Draft Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries which were consulted on in September 2017.

This planning application does not deliver a net Biodiversity Gain. It most likely imposes an additional adverse impact through encroaching urbanization directly adjacent to an enormously important local asset, Smallbrook Meadows Nature Reserve, and the close by internationally important River system.

**Campaign to Protect Rural England:** Objects. CPRE Wiltshire does not believe that the access proposed by Greatworth Developments Ltd is suitable in any way; we are not objecting to the development itself as it is on land clearly marked for such in the future. However, should Wiltshire Council accept this outline proposal, we reserve the right to comment on the full application in due course; in that case we would be looking carefully at the design, the number of affordable houses and retention of wooded areas in particular to ensure that this had not been changed from the current submission. We also have significant reservations about Greatworth Developments in terms of their attitude to tree preservation.

Following receipt of amended plans CPRE further objected as follows:

*'The West Wiltshire District of CPRE Wiltshire wish to raise a further objection to the revised above application having objected to the original proposal in January 2018. As this revision applies only to access we have largely restricted our comments to the changed access proposals although given that the Warminster Settlement Boundary is shortly to be revised to remove SHLAA Number 239 we also see no good reason to grant planning permission for this development.*

*The new proposed access has moved a few yards up the road to lie between the locked Emergency Access and the access originally proposed by the developer, all three points being within 100 yards of each other. Having looked at the revised proposal carefully on the ground it would seem impossible to join the existing access road at the point intended without breaching the maximum gradient allowed; there is a large height differential between Upper Marsh Road and the Emergency access road at this point with only a short distance in which to achieve it. Even if by some stratagem it were possible to remain within the regulations, the access proposed is at one of the narrower parts of Upper Marsh Road and the same constraints that required the Emergency Access to be locked must apply. Frankly this is an ill-thought out proposal that should be rejected out of hand as being both unsuitable and dangerous.'*

**Crime Prevention Officer:** Gates would be required to the ecological mitigation zone to north and rear of dwellings to northwest of site.

## **8. Publicity**

This application has been publicised via press advertisement and site notices and individual posted letters that were sent to all neighbouring properties within close proximity of the site.



As a result of the publicity, 235 representation letters have been received raising the following concerns:

### Ecology

- Buffer should be extended along whole length off development
- Adverse impact on local wildlife including badgers
- Adverse impact on sky line
- Site is habitat for wild species such as bats, badgers, buzzards, red kites and deer
- Trees along Upper Marsh Lane have been cut down
- Impact more cats will have on the local wildlife
- Adverse impact on Smallbrook Meadows Nature Reserve
- Environmental disaster
- Will lead to contamination/pollution of River Wylde
- Buffer should be extended
- Destruction of hedgerows and trees
- Management plan for surrounding woodland required
- Contrary to DEFRA guidelines in terms of habitat surveys
- The development will lead to the further erosion of the wetlands

### Highways

- No permission to use emergency access road
- Emergency access road and cannot be used for vehicles other than emergency vehicles
- Lack of pavements and street-lighting along Smallbrook Road
- Highway safety/pedestrian safety issues along Upper Marsh Lane and Smallbrook Road
- Significant increase in road traffic
- Proposed access onto Upper Marsh Road will create a hazardous traffic blackspot
- Increased traffic levels will harm environment
- Speed limit along Smallbrook Road should be reduced from the current 60 mph/ speeding vehicles along road
- Close Smallbrook Road to traffic at the top of the hill at the exit leading into Gypsy Lane
- Traffic count data is flawed
- Inaccurate car per household data
- Any widening, straightening of Upper Marsh road will permit vehicle speeds to increase, thereby making the road even more dangerous
- No visitor parking allocated
- Inability of refuse vehicles to pass
- Lack of road markings/pavement
- No footpath between No. 83 and 85 Damask Way
- Application W/07/01209/FUL for one dwelling at land adjacent to No. 2 Henford Close was refused

### Design

- Overlooking/loss of privacy/overbearing impact to neighbouring residents
- Houses not in keeping
- Fails to 'pepper pot' affordable housing
- Fails to provide an adequate housing mix

### Impact on character of the area

- The site is clearly visible from many areas of Warminster and the surrounding hills
- Loss of recreational land and green space

- Light pollution/adverse impact on 'dark skies' policy around nature reserve
- Precedence will be set for further development in the area
- Adverse impact on public right of way
- Already plenty of development in the Warminster area
- Adverse impact on Special Area of Conservation and the Site of Special Scientific Interest
- Adverse impact on setting of listed building

#### Other Matters

- Town Council has objected to development
- Not within Housing Site Allocation Plan
- Breach of planning conditions on previous applications (12/0068/OUT & 15/0166/OUT)
- Increased flooding in area
- Increased pressure on local community resources such as doctors and schools
- Insufficient local employment
- Site outside settlement boundary
- Adverse impact of increased water runoff from site
- Contrary to policies within the Neighbourhood Plan
- Site falls outside red line boundary
- Damage by construction traffic
- Impact of construction works
- No assessment to the slope stability, hydrology or impact on rainwater run-off has been considered as part of the draft design
- Energy saving measures should be imposed by legal agreement
- Street lighting and security lighting should be restricted
- All gardens should have dividing mixed hedges
- All gardens should have a permanent rainwater collection tank/water butt
- All houses should be sold with food and garden waste composting bins and kitchens with a food waste caddy.
- The central communal area should have a large pond in it and be maintained for amphibians.
- There should be designated cycle routes in and out of the site.
- Residents should pay a parking permit fee for each car that they own unless it is an electric one.
- Sufficient housing in Warminster
- Application should not have been validated
- Lack of pre-application community involvement
- Lack of waste audit

Since the committee planning committee on 27 June, 4 letters of representation were received although they did not raise anything new that is not summarised above.

## **9. Planning Considerations**

### **9.1 Principle of Development**

#### 9.1.1 Principle of Development

Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outlines the Council's adopted strategy which identifies the settlements where additional sustainable residential development should take place to improve the lives of all those who live and work in Wiltshire.

The WCS identifies Warminster 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

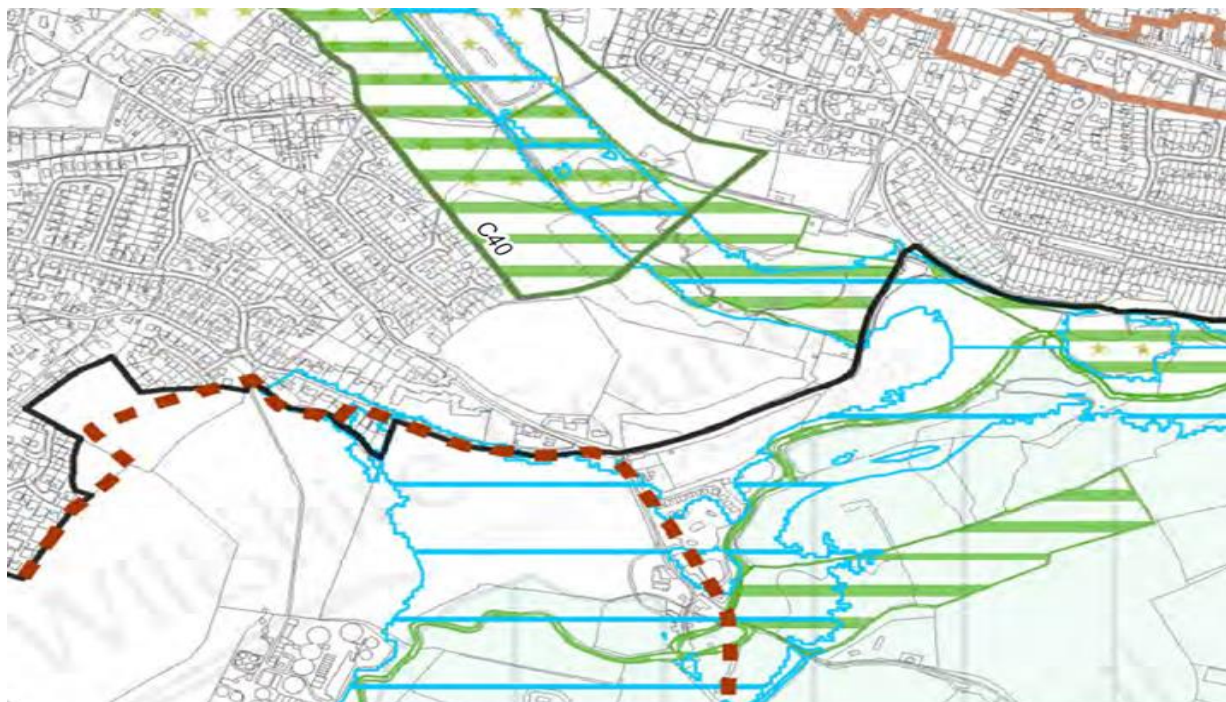
living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities 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, para 4.26). Core Policy 31 'Spatial Strategy for the Warminster Community Area' outlines that "over the plan period (2006 to 2026), approximately 2,060 new homes will be provided of which about 1,920 should occur at Warminster.

The site would provide for up to 28 new dwellings on a net developable area of 2.23 hectares which amounts to an average of 13 dwellings per hectare, which equates to a very low density. Amended plan drawing no: 07179-10 Rev U titled as Indicative Site Layout demonstrates how the site is capable of accommodating 28 dwellings with associated areas of open space and roads. A detailed layout would be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

#### 9.1.2 The Emerging Wiltshire Housing Site Allocation Plan and Revised Settlement Boundaries

The application must be considered against the existing policy position in respect of the Warminster settlement boundary (principally Core Policies 1 and 2, and the Strategy for the Town Core Policy 31 of the WCS). As depicted on the adopted WCS policies map (below) the site falls within the existing settlement boundary and as such the 'principle' of development in this location is accepted; subject to the application being acceptable from the perspective of the other policies of the development plan.



Current settlement boundary of Warminster 2018 south of application site

It is fully appreciated that the emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would

be excluded from falling within the settlement boundary. The proposed revision to exclude the land east of Damask Way from the settlement boundary is based on the revised settlement boundary review methodology supporting the proposed submission WHSAP, which is set out below:

**Areas which have been included in the proposed revised settlement boundary:**

- Built and commenced residential and community facilities development such as religious buildings schools and community halls, that is physically related to the settlement
- Built and commenced employment development in principal settlements, market towns and local service centres that is physically related to the settlement
- The curtilage of a property that relates more closely to the built environment (e.g. a garden) or has limited capacity to extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of a settlement that relates more closely to the built environment

**Areas which have been excluded from the proposed revised settlement boundary:**

- Employment development, farm buildings and farmyards, at the edge of large villages isolated development that is physically detached from the settlement (including farm buildings or agricultural buildings and renewable energy installations)
- The extended curtilage of a property that relates more closely to the open countryside (e.g. a field or paddock) or has the capacity to substantially extend the built form of the settlement in terms of scale and location
- Recreational or amenity space at the edge of the settlement that relates more closely to the open countryside
- All types of unimplemented planning permission
- Site allocations

Using the proposed settlement boundary review methodology the land is currently undeveloped and as such, the land does not fall within the criteria for land to be included in the revised settlement boundary. It should be noted that this assessment is one of 'current land use' and not an assessment of future land use. For example, reviewed housing allocations approved but not commenced (extant permissions) under the above methodology, would also be excluded from being included within the revised settlement boundaries, however, they could still be built if works commenced within the statutory time period.

By way of an update since this application was presented to committee in late June, officers acknowledge that the WHSAP was endorsed by Cabinet on 3 July and gained approval at Full Council on 10 July, and no changes were proposed/agreed to the plan relating to the Warminster town boundary. The WHSAP will now need to be examined by a planning inspector and it needs to be found sound to have full weight, and in the context of paragraph 216 of the NPPF, the proposed revision to the settlement boundary of Warminster should only be afforded limited weight at this time. Once a planning inspector has been appointed he or she would need to identify the areas to be examined and resolve conflicting representations as part of the critical next stage in the process of making an emerging plan sound before it is adopted by the Council. This next stage could be quite extensive; and at the time of writing, the timetable for the examination is provisionally programmed to start around November 2018 with the aim of adoption in early 2019. Officers have been advised that the Planning Inspectorate will look to appoint an Inspector in September/October and the examination in public may extend till February. The key point to distil from the above, is that there is a significant way to go before the emerging HSAP can be afforded material weight; and, as the decision making body, the committee is respectfully asked to duly note that an inspector may require modifications to the plan to make it sound. Applying material weight at this stage as a reason for refusal, could make any appeal very difficult to defend especially if the plan is subsequently and materially amended by a planning inspector pursuant to making it sound;

and any such refusal decision could be challenged with the potential of an award of costs against the Council on the grounds of substantive unreasonableness.

### 9.1.3 Principle of Development - Conclusion

The site is located within the settlement limits of Warminster, and the revised settlement boundary can only be afforded limited weight in the determination at this time, as such the principle of development is considered acceptable and in line with the aims of WCS Core Policy 1, 2 and 31. The development does not conflict with the made Warminster Neighbourhood Plan.

## 9.2 Impact on the Character and Appearance 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 2.23 hectares and is located on the southern fringe, and within the settlement limits of, Warminster. The site consists of agricultural fields bordered by residential development off Damask Way to the west and to the south off Upper Marsh Road. Trees of varying quality provide a robust landscaped edge for the site along the north, east and south boundaries. The Smallbrook Meadows County Wildlife Site lies to the north and east of the site and consists of neutral grassland, wet and dry woodland, swamp and fen vegetation. There are no landscape designations constraining the site although it is within the Wooded Greensand Hills in the West Wiltshire Landscape Character Assessment.

The illustrative layout plan (drawing 07179-10 rev U) which is reproduced below indicates a development consisting of a band of housing located to the east of existing residential development off Damask Way. Vehicular access to the site would be off Upper Marsh Road to the south-west while pedestrian access would be achieved via Damask Way to the west. Landscape buffers of between 6 and 20 metres would be created to the north, east and south of the site while an open green space would be provided along the south and eastern reaches of the site. In addition a landscaped central space would be provided with residential rear gardens stretching north and southwards towards the landscaped edge of the site.



The proposed low density of the scheme is considered appropriate for the site and most certainly would not be considered as overdevelopment. The detailed layout would still need to be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development.

In advance of such an application and to secure certain commitments from the applicants, the Council's Urban Design officer 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 would be mitigated to some degree by existing trees along the boundary of the site and additional tree and other planting within the proposed buffer area around the site. The additional buffers would integrate the proposed development into the wider landscape context and protect the wider panoramas viewed from elevated countryside vantage points. In addition the development would also be viewed as a logical and sympathetic extension of the existing built up residential area to the west. Officers are satisfied that the revised illustrative layout would deliver an acceptable development of a maximum of 28 houses that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

It is acknowledged that the loss and redevelopment of the agricultural land would result in some harm to the character and appearance of the area. There would be minor adverse visual effects, particularly for nearby residents and people using the public footpath. However the negative impacts of the development would be mitigated as far as possible and as required by policy, through the inclusion of landscape features such as the addition of buffer zones on the boundary of the site and additional landscaped open space. As such the extent of adverse visual impacts would not be widespread and there would be only limited harm to the landscape setting of the local area. This harm is not considered to be significant enough to warrant a reason for refusal.

The Cranbourne and Chase Area of Outstanding Natural Beauty (AONB) is located over approx. 820 metres to the south with the A36 situated between the application site and the AONB; and due to the separation distances involved, and the intervening features such as the A36 highway, it is considered that the development would have no adverse impact on the setting of the AONB and as such it is not considered necessary to request consultation responses from the AONB organisation.

### **9.3 Impact on the Amenity of Neighbouring Residents**

Core Policy 57 which is titled 'Ensuring High Quality Design and Place Shaping' requires development 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).

Existing residential development to the west comprises a mix of properties fronting Damask Way and directly to the south off Upper Marsh Road. This application seeks outline planning permission only at this stage; however the illustrative layout plan 07179-10 rev U demonstrates that the site is capable of being developed with acceptable property separation and having a clear plan on how to avoid detrimentally affecting the amenities of adjacent residents. Although the application is outline with all matters reserved except access, the indicative plan includes sufficient distance between the existing properties fronting Damask Way and Upper Marsh Road and the proposed development and officers are satisfied that the scheme as illustrated would not result in significant impacts on the living conditions of neighbouring residents in terms of loss of privacy or overlooking or loss of light and overbearing impact. For example the indicative plan shows that the separation distance between the rear elevation of No. 5 Damask Way and the front elevation the properties to the

northwest corner of the proposed development would be approximately 21-23 metres and set at an angle with an approximate separation distance of 16-17 metres to the rear boundary of No. 5. Although it is recognised the open outlook across the agricultural land would be lost for the existing housing, this cannot be used as a reason for refusal as there is no right to a view and there would be substantive harm caused to existing residents.

It is also not considered that the level of light and noise pollution associated with use of the new access road, and its impact on local residents, in particular those fronting Damask Way, would be so severe that the application could be recommended for refusal.

In light of the above, officers are satisfied that the scheme would not have a significant adverse impact on the living conditions of neighbouring residents and the proposal is considered policy compliant.

## **9.4 Highway Issues**

### 9.4.1 Introduction - 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*” (para 17). This core planning principle is reflected within Core Policies 60 ‘Sustainable Transport’ and 61 ‘Transport and New Development’ of the WCS which seeks 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.

The application seeks outline planning permission with detailed consideration given to the means of ‘access’. Through highway officer negotiation, it is proposed that access to the site would be achieved by creating a new vehicle access onto Upper Marsh Road. The access would consist of a standard priority junction with a 5.5m carriageway and minimum 6m radii. This includes a 2m wide footway/ service strip and 0.5m rubbing strip, offering a total highway width of 8m on the site access road.

The application is supported by a detailed Transport Statement which considers the impact of the proposed development on the local highway network and shows the need to maximise opportunities for walking, cycling and public transport use to reduce reliance on the car. The statement concludes that:

*‘The proposed residential development, mitigated by sustainable travel measures and improved passing facilities off-site - agreed with the LHA...for this 28-unit proposal - would not give rise to any significant adverse transport impact and therefore accords with local and national planning policy as it relates to transport.’*

It is duly noted that local residents have raised a number of objections and issues in relation to highway safety pursuant to this application and proposal. These concerns are dealt with in the points below.

Although the development is outline with all matters being reserved except for the vehicular means of access, the indicative illustrative layout plan (amended plan 07179-10 rev U) indicates a proposed foot/cycle path from the new access road to Damask Way located to the south of 83A and 83B Damask Way. Concern has been raised by third parties that highway issues raised under previous applications (15/01661/OUT (pursuant to the residential development for 5 dwellings off Damask Way) are relevant to the current scheme. However it should be noted that each application must be treated on its own merits and the Council’s highway officer has no objections to the scheme.

#### 9.4.2 Trip Generation Details

The trip generation assessment has been provided for the proposed 28 dwelling scheme and the industry standard TRICS database has been used to determine the likely amount of traffic generated by the proposed development. The Council's Highways Officer advises that the submitted TRICS data provides a robust TRICS assessment for this site. The TRICS data has derived peak trip rates of 0.508 (AM) and 0.472 (PM) which is considered comparable to other development sites within Wiltshire. This would equate to 15 two-way movements in the morning peak (8am to 9am) and 14 in the evening peak (5pm to 6pm) and a total of 122 two-way movements per 12 hour day time period to/ from the site.

The baseline traffic data collected suggests that the section of Upper Marsh Road between Damask Way and Smallbrook Road currently experiences around 59 two-way movements in the morning peak (8am to 9am) and 52 two-way movements in the evening peak (5pm to 6pm). Smallbrook Road itself currently experiences around 94 two-way movements in the morning peak and 96 two-way movements in the evening peak.

To help assess the likely distribution of these new trips generated by the development, turning count surveys at the Damask Way/Upper Marsh Road junction and local Census journey to work data has been used. This data, submitted by the applicant (Transport Statement (Post-Application Revision Volume 1)), suggests that the majority of site traffic would head north on Upper Marsh Road and the applicant has assigned 87% of the predicted trips in this direction. Although this conclusion has been contested by consultees working on behalf of neighbouring residents, the Council's highway officer is satisfied that this approach is acceptable and the majority of trips would be to the north. The Council's highway officer concludes that the trip rate and trip assignment work submitted by the applicant is a reasonable attempt at predicting the likely amount of traffic generated by the development and its direction of travel. In conclusion the majority of trips generated by the development would result in traffic heading north along Upper Marsh Road rather than east along Smallbrook Road.

#### 9.4.3 Site Access

The site access being proposed off Upper Marsh Road would be a standard priority junction, with a 5.5m carriageway and minimum 6m radii. This would include a 2m wide footway/service strip and 0.5m rubbing strip, offering a total highway width of 8m on the site access road. This geometry acts effectively as a shared surface road, which would be more than appropriate for a development of this scale. Visibility splays at the access have been shown at 2.4m x 43m which satisfies the current design guidance in Manual for Streets (MfS) and is considered to be adequate at this urban location, where vehicle speeds are actually significantly lower than 30mph.

It is fully appreciated that there is a sharp topographical difference between the site and Upper Marsh Road, with the site steeply rising in a northern direction away from the highway. However a near level platform of a maximum gradient of 1 in 30 (3.33%) has been demonstrated as being achievable by the applicant through the submission of a long-section on drawing ref. 'Site Access Arrangement and Preliminary Levels' (no. IMA-17-167-006D). The Council's highways officer is satisfied that an adequate gradient of a maximum of 1 in 12.5 (8%) is achievable throughout the site, which accords with Council guidance.

The formation of the access and access road would require significant engineering works and likely retaining works, which would need to be approved in full detail by the Council and satisfy the Local Highway Authority (LHA). Having appraised the submitted plans, the Council's highways officer is satisfied that the engineering works can be suitably conditioned and no in principle objection is raised on highway safety.

It is fully acknowledged that the width of Upper Marsh Road is narrow at the proposed access location. However, under this application and through developer obligations, it would be



increased to 4.8m as a result of the access works, which, according to national design guidance in MfS, is adequate for a car to pass a large service vehicle. In addition, the Council's highways officer is satisfied that the geometry at this access is adequate to enable a large refuse vehicle to make the necessary turning manoeuvres, as demonstrated on 'Plan TS-3 Large Refuse Lorry Swept Path at Proposed Site Access' (IMA-17-167-010) and access the site.

It is acknowledged that local concerns are raised by third parties about the potential for conflict at the access if a vehicle is stationary at the site access when a large vehicle wishes to turn. In response, the Council's highways officer is satisfied that these occurrences would be very irregular and the road width of 4.8m would be adequate to avoid such conflicts. The Council's highways officer submits that the proposed site access has been designed to adequately serve a development of the size proposed and there are no highway safety concerns with regards to the design and form of this proposed access.

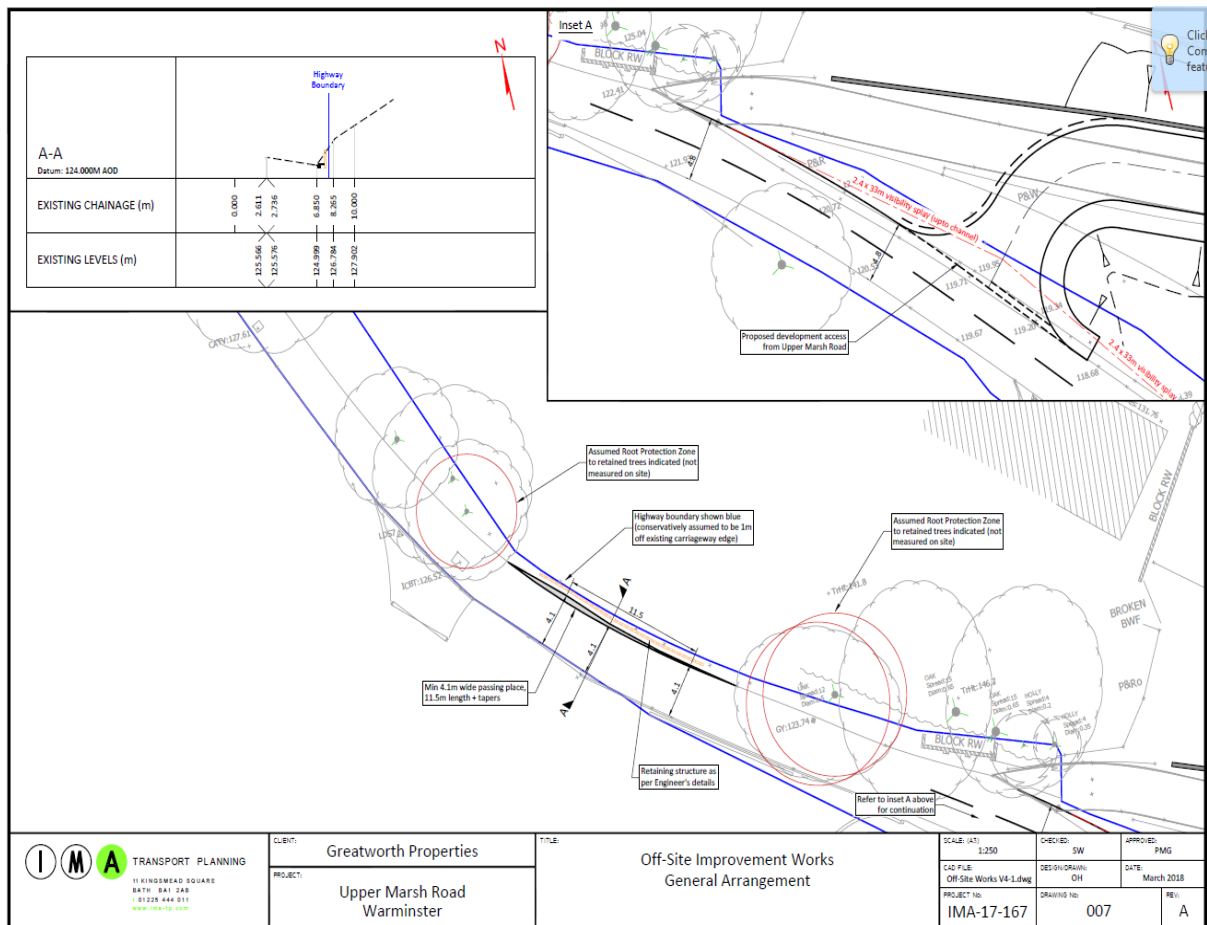
#### 9.4.4 Suitability of Local Roads

As has been acknowledged by the applicant and highlighted by much of the local representations that the roads to the south of the site are narrow in width and lack dedicated pedestrian facilities. This includes the section of Upper Marsh Road that the proposed site would access off, with average widths of less than 4m.

The roads south of the site that future residents or visitors of the proposed development could reasonably be expected to use are namely; Smallbrook Road, Gipsy Lane and Chain Lane. Gipsy Lane is generally of a better standard than Smallbrook Road and Chain Lane, with the latter two roads being of narrow width and without dedicated pedestrian facilities. The concerns raised by local representations can be summarised under two main points; 1. The risk of conflict between vehicles and 2. The risk of conflict between vehicles and pedestrians/cyclists.

As mentioned above, the trip generation and assignment work submitted by the applicant projects that the scheme would result in very few additional vehicle movements to the south of the site, using the roads named above. The trip assignment work suggests that 2 vehicles would leave the site/ approach the site to/ from the south in the peak periods and whilst this could be an underestimation, the number of vehicles to be generated would not be significant. This level of additional traffic is minor and unlikely to be perceivable as a direct result of the development; and on this basis, the Council's highways officer concludes that the impact of the development on the roads to the south of the site would not represent a severe impact or highway safety concern.

Additional concern has been raised by local residents about the narrow width of a section of Upper Marsh Road north of the proposed site access. In order to overcome this issue the applicant proposes some localised road widening to address the narrow width of this section of road. The proposed access position means that vehicles must travel along approximately 100m section of Upper Marsh Road that is of single width, however, the applicant has offered some localised road widening along this section to mitigate any conflict caused by the development. The proposed widening shown on the 'Off-Site Improvement Works General Arrangement' plan (IMA-17-167-007-A) would secure provide a 4.8m carriageway width, which MfS states as being adequate to allow a large service vehicle and car to pass each other. Where 4.8m is not achievable, 4.1m width would be maintained, which MfS states is adequate to allow two cars to pass. This proposed widening would result in an approx. 35 metre section of road that is of single width, however, it would still deliver some betterment and the Council's highways officer is satisfied that forward visibility is adequate so that vehicles would be able to see each other at the wider sections of road, thus mitigating the likelihood of any future conflict between vehicles.



**Proposed Off-Site Improvement Works General Arrangement' Plan (IMA-17-167-007-A)**

In response to the concerns raised about conflicts between vehicles and pedestrians on Upper Marsh Road, due to the lack of footways/ pedestrian facilities, it is important to appreciate that existing pedestrians continue to use this route, and the main pedestrian and cycle route from the development would be via a new footway/cycle path onto the upper section of the existing emergency access and onto Damask Way. It is therefore not anticipated that a significant increase in pedestrian activity would be generated on Upper Marsh Road, as the gradients along Damask Way are for more attractive. Details submitted by local residents would seem to indicate that conflict with pedestrians is an existing issue on Upper Marsh Road, but it is not considered to be substantively dangerous given the respective low traffic speeds, which as previously reported, are generally lower than 30mph.

The Council's highway officer does not consider that the proposed development would result in a significant increase in pedestrian activity along Upper Marsh Road as a result of the development. There is no record of any accidents in the last 5 years on the roads in the vicinity of the site and whilst it is accepted that this does not necessarily mean there is not a hazard, the proposed development with its projected modest traffic generation would not present a significant danger compared to the existing situation, to justify a refusal. Officers submit that the development would not result in significant increased harm to pedestrian safety in the immediate area, and in particular along Upper Marsh Road, as a result of the development. The proposed road widening would deliver adequate mitigation for the scale of the development in this location.

#### 9.4.5 The Existing Damask Way Emergency Access

The site access is proposed at a point where it would require the removal/alteration of part of the existing emergency access for Damask Way and the scheme would involve the regrading of the existing emergency access to integrate the access into the new proposed access to the service the development. It is appreciated that the regrading works would involve a significant level of engineering. However, because the application is outline with all matters reserved, these works would form part of a reserved matters application. The Council's highways officer is however satisfied that the a safe and suitable access and road is achievable in engineering terms and that any subsequent REM application would need to confirm the full engineering details including retaining works, construction formation and drainage.

The proposed alterations to this emergency link has been highlighted as a concern within local representations on the basis that the planning approval for the previous development off of Damask Way included a condition that this emergency access should be maintained in perpetuity. The proposed amendments to this emergency access would materially alter the emergency access, but the Council's highway officer highlights no in principle opposition to such works, subject to conditions. The emergency access would still be maintained for Damask Way in perpetuity.

Concerns have also been raised by third parties that the developer has no right of access across the existing emergency access. However the applicant has served notice on the landowner of the emergency access and officers have not been informed of any in principle objection to what is being proposed and following the submission of a revised location plan (07179 - 12 rev C) to capture the off-site works on land not within the applicants control or ownership, no objection was raised by the Council's highways officer.

#### 9.4.6 Parking/On-Site Provisions

Whilst this application seeks outline consent with all matters reserved except access, the submitted documentation and the applicants have committed themselves to satisfying Wiltshire's Council's Car Parking Standards for the development, including provision of unallocated visitor parking spaces.

In terms of proposed cycle parking, details would be submitted as part of a reserved matters application and through the discharge of planning conditions. Officers are satisfied that the development would comply with current Council cycle parking standards.

A condition can also be imposed on any approval requiring the submission of a Travel Plan Statement, in order to encourage the use of non-motorised modes of travel to and from the site.

#### 9.4.7 Highways Issues - Conclusion

The site is considered to be a sustainable location within reasonable walking distance of the town centre, local shops and Warminster Railway Station. There are bus stops approximately 500 metres from the site on Avon Road off Upper Marsh Road that link the site to the town centre; and public footpaths run through the site and nearby providing people with options to walk.

Through the proposed road widening along the narrower sections of Upper Marsh Road and the modest projected increase in traffic numbers generated by the development, officers submit that the proposed scheme would not have an adverse impact on highway safety in the immediate area, and in particular along Upper Marsh Road. In addition the proposed site access and access road proposals would satisfy with current national guidance and is considerate adequate for the proposed development of 28 dwellings. Pedestrian safety in the immediate area would not be substantively harmed or at elevated risk to justify a refusal.

Following a detailed and lengthy appraisal of the application, the Council's highways officer has no objection to the scheme, subject to conditions.

## **9.5 Ecology Issues**

### 9.5.1 Introduction – Ecology Issues

WCS Core Policy 50 'Biodiversity & Geodiversity' requires 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 is surrounded by species rich habitats, including scrub, woodland, wetlands, road verges, mature trees, grazed pastures and regenerating woodland habitats. Together they form a matrix which is likely to support high levels of biodiversity. The field itself supports a wide range of grass species as well as large swathes of sheep's sorrel and field woodrush indicating the site is has not been subject to reseeding and fertilizer treatment. The invertebrate abundance and biodiversity associated with such vegetation can be expected to be high especially with light levels of sheep grazing and this will contribute to the numbers and range of birds, mammals, amphibians and reptiles in the local area.

### 9.5.2 River Avon Special Area of Conservation (SAC)

The Council has been advised that all development individually or in combination within the River Avon catchment has the potential to give rise to adverse effects on the River Avon SAC, and in order for planning permission to be granted, all residential development should demonstrate that would be 'phosphate neutral'. As this site would be connected to the Warminster sewage treatment works it would need to comply with this requirement.

To secure a common approach to assessing the effects of development in the River Avon Special Area of Conservation (SAC) as well as having consistent approach to achieving the Nutrient Management Plan (NMP) ambition targets and identifying appropriate and proportionate mitigation measures, a Memorandum of Understanding has been agreed with Natural England, Wessex Water, the Environment Agency, Wiltshire Council and our neighbouring authorities of New Forest District Council and Christchurch and East Dorset Council.

The Council was advised by the Environment Agency (EA) and Natural England on 9 March 2018 that it cannot rely on the River Avon Special Area of Conservation Nutrient Management Plan (NMP) to demonstrate that impacts from new development would be offset and thus not lead to significant effects. A joint statement advised:

*"Evidence suggests that the targets in the Hampshire Avon nutrient management plan are unlikely to be delivered by 2021. We are modelling what this means for the Nutrient Management Plan, and will be providing recommendations in March 2019. We know that there will be new development and we advise that the new development within the catchment of the Hampshire Avon needs to be "phosphate neutral". We will work with you to help you demonstrate how that can be best achieved."* (Source: 9 March 2018 email from EA to Wiltshire Council, New Forest District Council and East Dorset/Christchurch Council).

The aim of the NMP is to bring phosphate concentrations in the River Avon SAC down to the conservation targets set by Natural England in order to bring the river system into a favourable condition. This is a requirement of the Habitats Regulations. The underlying premise of the

Plan is that increases in sewage derived phosphate would be more than offset by reductions from Defra's catchment sensitive farming (CSF) initiatives. However, by early 2018, Natural England and the EA reported that CSF has been much less effective than that which was projected by the NMP modelling and is unlikely to offset the increased level of phosphates from new development.

Where CSF cannot be relied upon, the NMP requires reductions to be made at point sources (i.e. sewage treatment works) if development is to be allowed to proceed. However until the EA's modelling has been completed, it is unclear how much phosphate would need to be offset to ensure the conservation targets are met. As an interim measure therefore, EA and NE have agreed that development would not lead to significant effects if it can be demonstrated it would be phosphate neutral. This applies to all development in the River Avon SAC catchment; and the availability of permit headroom in some sub-catchments does not set aside this requirement.

Consequently the local authorities in the catchment together with the EA, NE and Wessex Water worked together to prepare and sign up to a Memorandum of Understanding (MoU) to demonstrate how phosphate neutral development would be achieved until permanent reductions can be accommodated through the water company's asset management plan or other means such as reducing agricultural runoff.

The MoU commits the parties to deliver phosphate neutral development by:

- Imposing a planning condition on all planning permissions for new dwellings requiring their construction to adhere to the Building Regulations optional requirement of capped maximum water usage level of 110 litres per person per day;
- To have a draft Annex detailing appropriate offsetting measures within three months of the MoU being signed; and,
- To use appropriate developer CIL contributions to secure measures identified in the Annex sufficient to ensure that all development permitted up to 2025 is phosphate neutral.

The Wiltshire Council CIL Regulation 123 list includes provision to support the 'Nutrient Management Plan (NMP) – to address the level of phosphate in the River Avon.' Annex 4 to the NMP already provides some estimates of costs for off-setting measures and it is clear that together local planning authorities in the catchment are capable of funding off-setting measures for as long as they are needed to breach the gap when permanent measures to reduce phosphate are introduced. The MoU lists the measures currently under consideration which will be developed further and the approach in the MoU will be reviewed regularly with the first review planned for March 2019. In signing up to the MoU all the signatories agree that as a result of offsetting proposed in the Annex, development authorised between 9 March 2018 and the end of March 2025 is unlikely to lead to significant effects on the River Avon SAC. Consequently, permission for the current development can now be issued lawfully provided a condition is included requiring dwellings to be constructed to achieve the higher water efficiency standards of 110 litres per person per day.

#### 9.5.3 Salisbury Plain Special Protection Area (SPA)

The 'HRA and Mitigation Strategy for Salisbury Plain SPA' has recently been reviewed with the consequence that the radius for visitor impacts has been revised to 6.4 km from the boundary of the SPA. This application site lies well within this limit but as contributions to avoid and offset the impacts to Salisbury Plain SPA are included in CIL payments, there is no likelihood for significant impacts to this European site.

#### 9.5.4 Badgers

The Council's ecologist states there are no badger setts on the application site but the density of setts in the local area could be high. The application site is traversed by badgers and it

undoubtedly forms part of their foraging territory. Legislation protects badger welfare only rather than foraging ground; and this species is not of conservation concern. However the reduction in greenfield land could potentially lead to a reduction in the population of badgers in the long term but it would be insufficient to lead to any significant loss and badgers would continue to be present in good numbers in the area. The development is located sufficiently far away from setts to ensure that disturbance during construction can be kept to a minimum. If Members are minded to approve the application a condition requiring a Construction Method Statement would be necessary to secure details of the storage of plant and materials for the construction phase of the development and measures to be adopted for the protection of the natural environment before works on site commence.

#### 9.5.5 Bats

The Council's ecologist considers the site to hold good potential for foraging bats and this is enhanced by low level sheep grazing. The application site lies outside the consultation areas for Annex II bats (such as Lesser and Greater Horseshoe bats and Bechstein's bats) but lies on high ground overlooking the River Wylye, a potential flight route between the Bath and Bradford on Avon Bats SAC and the Chilmark Quarries Bats SAC. The low number of roost records in the general area does not discount the possibility of older farm buildings supporting Annex II roosts especially as the habitat conditions are ideal for greater and lesser horseshoe bats. If these bats are roosting locally, then there is a good chance that the application site forms part of their foraging range.

It is noted that no bat survey has been undertaken by the applicant; and in response to this, the Council's ecologist accepts that no bat survey is required because; i) a bat survey would be unlikely to establish a connection with the Bat Special Area of Conservation even if horseshoe bats (i.e. SAC bat species) were identified using the site; ii) the application is unlikely to trigger a HRA in respect of Chilmark Quarries SAC and Bath and Bradford on Avon Bats SAC because it would be difficult to make a connection between the application site and any of the European sites which specifically protect Annex II bats; iii) the scale of the development is relatively small and iv) the amount of land set aside for mitigation is relatively high.

The Council's ecologist concludes that although lack of bat survey means the site cannot be assessed as to whether there would be a net gain in biodiversity, due to the creation of the proposed mitigation buffer zones to the north, east and south of the site (which would need to be conditioned and available before works commence), the development would not result in any net loss of biodiversity.

#### 9.5.6 Other Species

The site conditions are not suitable for dormice. While woodland adjacent to the site is not ideal for this species, the large amounts of woodland locally increase the chance that habitats adjacent to the application site could be used by dormice. A small population of dormice may be present in the adjacent woodlands on a permanent or periodic basis, however the impacts on this species would mostly occur indirectly as a result of predation by domestic cats or increased use of the woodlands north and south by walkers and dogs. The effect may be to reduce their dependence on the area around the application site which would ultimately reduce the local population size. However due to the small population size it is not considered that the impact of the development on any dormice population would be severe and it certainly would not be substantive grounds to justify a refusal.

In terms of birds, Smallbrook Meadows is likely to support a wide range of birds, some of which will likely use the application site for feeding. It is unlikely any species would nest on the site given its management and small size. As such no loss of bird species would be expected due to the development and habitats in the proposed buffer may be expected to offset foraging habitat and create new nesting opportunities.

As far as reptiles are concerned, conditions are not conducive to supporting large populations. However the Council's ecologist concludes that populations of slow worm, common lizard and grass snake may remain neutral as the effects of increased disturbance and predation may be offset by increased unmanaged habitat in the buffer areas.

#### 9.5.7 Proposed Mitigation

In order to overcome issues raised above and to comply with Core Policy 50 in terms of providing a development that would maintain ecological value, the development would include a buffer zone to the north, east and south of the site of between 6 and 20 metres. Conditions should be imposed for any approval requiring that these buffer zones are be planted before works on the development commences in order to ensure sufficient advanced mitigation is provided.

The amended Indicative Site Layout drawing Rev U demonstrates that at the northwest end of the site, the buffer would be 6 metres whilst along the northern site extent the buffer to offsite woodland would be 10 metres wide. At the eastern end there would be a large area of open space on a steep slope which is to be left undeveloped and to the south the buffer to the woodland would 20 metres wide. The Landscape Strategy Rev B demonstrates how these areas would be planted up, which is acceptable and would ensure that adjacent habitats are not affected by light spill from the development and provide a suitable amount of land in which to offset habitat loss. In terms of the 6 metre buffer, in order for this to be effective at reducing light spill effects from bedrooms and exterior lighting, it would be necessary to provide significant dense and mature planting in the buffer area to provide a suitable screen. Details of landscaping would form part of any subsequent reserved matters submission, but officers are supportive of the principles and on site capabilities to secure biodiversity safeguards and mitigation. Robust planning conditions are necessary however.

In addition the woodland surrounding the site to the north and south and within the ownership of the applicant is covered by a Tree Preservation Order (TPO) which should provide a degree of security for important wildlife species and habitat.

#### 9.5.8 Impact of the development on the Smallbrook Meadows County Wildlife Site (CWS)

It is recognised that the development would result in some additional visitor pressure on the CWS from the development. However the Council's ecologist considers that the scale of recreational impacts from the scheme is unlikely to cause significant damage to the more vulnerable wetland features and impacts can be expected to be minor overall. In addition the scheme would include a buffer area of between 6 and 20 metres between the rear of proposed residential gardens and the edge of the woodland to the south of the CWS. As such it is considered the proposed development would have no adverse impact on the setting or character of the CWS.

#### 9.5.9 Conclusion – Ecology Issues

Although the applicant cannot achieve a net gain in biodiversity terms, the Council's ecologist concludes that the development, subject to the creation of the ecological buffer zones, would result in no net loss. Appropriate management of the mitigation areas as well as other habitats to be retained and created on the site would be included within a LEMP. Management of the open spaces and mitigation buffer areas would be the subject of a legal agreement, and on this basis no ecology based objection is raised.

### **9.6 Impact on Heritage Assets (Adjacent Listed Building)**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting. Paragraph 132 of the NPPF states that "*when considering the impact of a proposed*

*development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."* Paragraph 134 of the NPPF states where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal.

Turnpike Cottage, a grade II listed building, lies to the south of the site on the opposite side of Smallbrook Lane and approximately 60 metres distant from the southern boundary for the site. The Council's conservation officer submits that the proposed development would lead to 'some harm' i.e. 'less than substantial harm' to the setting of the aforesaid grade II listed building because the ridge line of the proposed development would be partially visible when the listed building is viewed from Smallbrook Lane to the south and the views of the building from the PROW would be partially obscured by the proposed development.

In accordance with paragraph 134 of the NPPF this harm needs to be offset by a public benefit.

In this case the proposed development would result in the construction of 8 affordable homes as well as deliver 20 open market houses, which would help boost local housing supply and in addition, the development would secure improvements to the local highway through the localise road widening proposals. As such it is considered that the proposed development harm to the wider setting of the local heritage asset would be substantively outweighed by these public benefits and in the opinion of officers, the development would comply with the NPPF.

### **9.7 Drainage Issues**

Wessex Water has not objected to the scheme. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. In this case, the site is recognised as being flood zone 1 – land that has the lowest probability of flooding and there are no known land drainage constraints which cannot be addressed.

The applicant proposes to deal with foul water drainage by connecting to the existing public foul water sewer within the immediate vicinity of the site. In addition a condition is recommended, if the scheme should be approved, requiring details of surface water drainage – which should be submitted before works on site commence. Issues of water runoff and its impact on the River Avon SAC are dealt with above under point 9.5.1.

### **9.8 Public Rights of Way (PROW)**

Public right of way WARM53 bisects the site north to south and the submitted indicative site layout (amended plan 07179-10 rev U) illustrates how the public footpath would be incorporated into the site. The Council's public rights of way officer has no objection to the scheme and has requested steps to be installed along the path to the north and south where the land slopes and surfacing through the nature reserve to the north to provide some local enhancement. In addition the Council's highways team have requested the surface of the right of way be metalled. The submission of details pursuant to the surfacing of the PROW would form part of any reserved matters application and be subject to planning conditions. Officers submit that the proposed development would not adversely impact the public right of way.

### **9.9 Loss of Agricultural Land**

The application site comprises approximately 2.23 hectares of agricultural land which is categorised as agricultural land grade 3a and 3b. Grade 3a agricultural land is identified as being 'good quality land' capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops. Grade 3b land is 'moderate quality land' capable of producing moderate

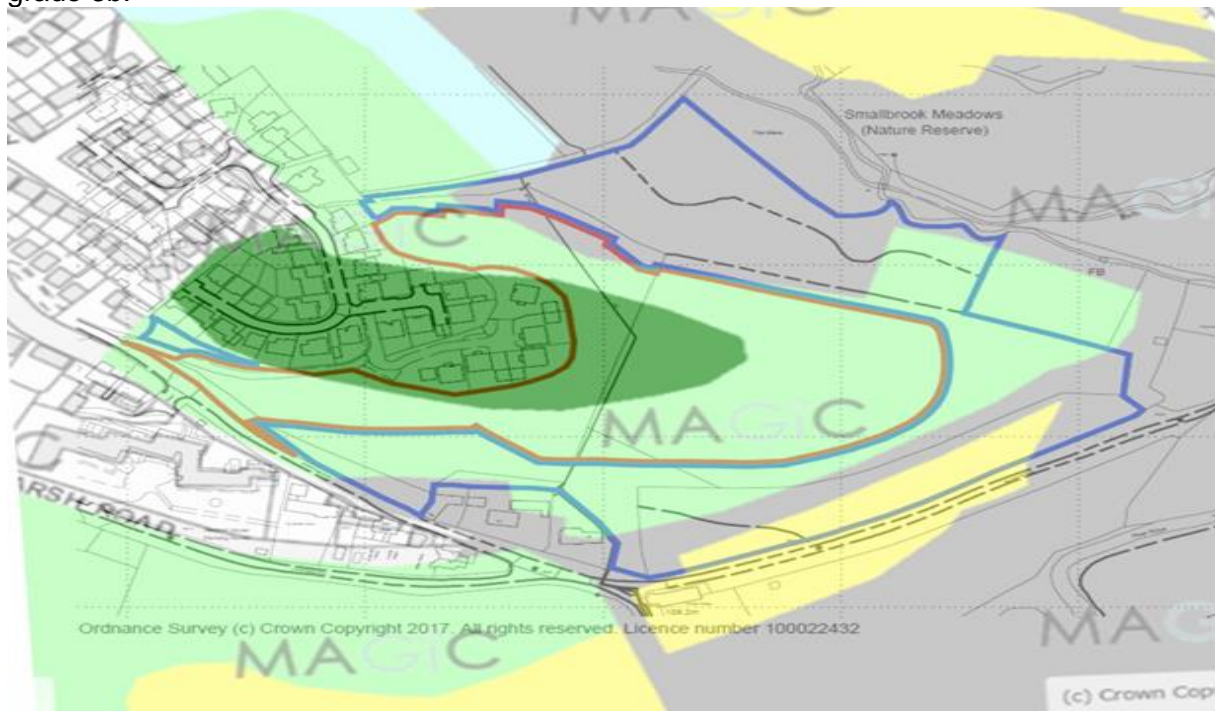


yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.

Pursuant to any proposed loss of grade 1, 2 or 3a agricultural land, paragraph 112 of the 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*”.

Natural England’s Technical Advice Note TIN049 ‘Agricultural Land Classification: protecting the best and most versatile agricultural land’ 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, in order, is defined by grades 1, 2 and 3a.

Since the June committee referral, officers have investigated the land classification further and can confirm that the application site is identified as being partially grade 3a land (identified in dark green – which encompasses much of the previously consented residential development as shown below) and 3b land (identified in the lighter green shading). To assist members, the overlay plan was produced by officers taking into account the updated mapping records obtained from Natural England land classification and comparing it against the existing built development and the proposed application site extent. The overlay reveals that the centre of the site is designated as being grade 3a land whilst the outer edges and slopes of the site are grade 3b.



**Approx. amount of land within Grade 3a agricultural land use Land East of Damask Way**

As can be seen from the attached plan the amount of land within the application site that falls within grade 3a which is not currently developed it quite limited (approx. 0.7ha) and forms only a small part of the application site. The remainder of the site for residential development falls within the 3b moderate agricultural land classification which does not have NPPF policy safeguards. It should also be noted that approximately a quarter of the field has already been developed following the approval of applications W/12/00687/OUT for 23 houses and 15/01661/OUT for 5 houses. In addition the application site remains located within the

settlement boundary of Warminster. The land is used for sheep grazing and would have limited practical use given the terrain for intensive arable crop production. The 0.7 hectares of 3a land that would be lost would not be 'significant' when applying paragraph 112 of the NPPF. The loss of the 3a and 3b agricultural land would be compensated for in the planning balance by the delivery of new housing of which 30% would be affordable.

### 9.10 Other Issues

At the June planning committee meeting officers were asked about the planning history for a site located near to the existing emergency access road that serves the existing Damask Way development. Application W/07/01209/FUL was specifically referenced which related to a refused application for one dwellinghouse at No.2 Henford Close – a site which is located approximately 25 metres to the west of the proposed new access to the Greatworth Development proposed scheme that is before committee for determination. The 2007 application was refused for four reasons referencing concern about the design and bulk of the development and overdevelopment of the site as well as a highway related refusal which read as follows:

*The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays, which are essential in the interests of highway safety.*

From reviewing the 2007 application, officers submit that the Henford Close application was a cramped form of development with insufficient land to adequately site a dwelling and provide the necessary on-site parking spaces; and at the same time, the applicant could not provide the necessary visibility splays. In the case of the current application for 28 dwellings, the highways officer is satisfied the applicant can provide a suitable and safe access that would satisfy with current national guidance and Council policy; and the quantum of housing would not constitute as overdevelopment of the site. It must also be remembered that every application should be assessed on its own merits taking into account individual site circumstances and any mitigation being proposed by the applicant.

The following insert map illustrates the 07/01209/FUL proposed site layout with its minimal site frontage.



Other issues have been raised by third parties relative to concerns over damage made by construction traffic. This is more of a civil matter rather than a material planning consideration and it cannot reasonably influence the determination of the application.

In terms of energy saving measures, the development would need to comply with building regulations; and officers, in line with ecology NMP / phosphate reduction requirements, recommend a planning condition restricting flushed water levels entering the sewerage system and impose water efficiency requirements.

Concern has been raised by third parties that the developer did not engage in community involvement. Whilst officers encourage developers to positively engage with local communities prior to a formal planning submission, it cannot be forced upon a developer.

Some third parties submit that the application should not have been registered in the first place due to a lack of information and poorly drawn plans. However, officers consider the submitted details to be sufficient to illustrate what is being proposed and the application is supported by sufficient evidence and supporting material to enable the Council to reach a decision.

Additional concern is raised about notifications to local residents when amended details were submitted. In response to this criticism, it should be noted that addresses of all residents who commented on the application are recorded on the Council's planning system and officers submit that sufficient notification to the local community was carried out as set out within section 8 of this report.

Third parties also criticise that lack of a waste audit undertaken by the developer. However it is considered that such details and a Residential Waste Minimisation and Waste Management Plan can be conditioned.

Enforcement Issues have also been raised by third parties in relation to the cutting down of existing trees on site and the failure of the land owner to comply with conditions imposed on previous approvals on and adjacent to the site. In terms of removal of the trees, the affected trees were not protected under a Tree Preservation Order (TPO) and the site is not a conservation area therefore there was no breach in planning control when the trees were removed. In terms of the landowner's failure to comply with conditions on previous approvals, in particular reference to landscape conditions imposed on application 12/0068/OUT and 15/0166/OUT, the matter has been investigated by the Council's enforcement team and this is a separate matter which is ongoing. Although the enforcement team quite correctly await the outcome of this application determination before taking any further steps.

In term of the likely affordable housing mix, 8 dwellings would be provided on site and that is as much information the Council needs to confirm at this stage. Any subsequent approved REM submission would confirm the type and siting of the affordable units that would need to respond to housing need at the time of its submission – which could be in several years' time.

Additional concern has been raised by third parties that the submitted landscape appraisal fails to fully assess the impact of the development on issues in terms of light pollution during the houses of darkness. In response, a planning can be imposed to secure a sensitive lighting strategy and scheme for the site. It is also important to appreciate that the application site is located within the limits of development of Warminster and the built area of Warminster is spread out to the west, north and east of the site with more dispersed residential development to the south. Subject to a sensitive lighting scheme, the 28 additional dwellings would not significantly harm local amenities and the AONB objectives.

## **10. S106 Developer Contributions**

The site generates a requirement for the provision of 30% on-site affordable housing, to be provided in an integrated manner as agreed at the reserved matters stage. The type and tenancy mix shall be negotiated with the Council's housing officers to ensure a 'best fit' for local housing needs applicable at the time of the agreement.

Under WCS Core Policy 3, the proposal generates a requirement for the provision of on-site public open space proportionate to the final housing mix. The development would generate a modest increased population in this part of Warminster, placing additional demands on local primary and the secondary education provision, although the school's education head of commissioning reports that there is no requirement for a developer contribution for primary school places given the existence of some local capacity.

The summary heads of terms for the s106 for this application are as follows:

- On site affordable housing of 30%
- Onsite open space totalling 1,027.54m<sup>2</sup>, including 49.56m<sup>2</sup> of equipped play space. If no play space is to be provided on-site we would look for an off-site contribution of £7,235.76. The site would also generate a requirement for an off-site sports pitch contribution of £6,608.
- Secondary education contribution of £139,896 (subject to indexation)
- Waste and recycling facilities for the site charged at £91 per residential unit
- The creation of a management company

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

The application site is located within the settlement limits of Warminster and is considered to be a sustainable location on land located to the east of Damask Way and northeast of Upper Marsh Road and north of Smallbrook Lane. The site measures approximately 2.23ha in size and consists of a plot of agricultural land located on the southern boundary of the built up area of Warminster. The emerging Wiltshire Housing Site Allocations Plan (WHSAP) proposes an amendment to the settlement boundary for Warminster, such that the site would be excluded from falling within the settlement boundary. However as detailed above the revised settlement boundary can only be afforded limited weight in the determination at this time. As such the principle of development is considered acceptable and in line with the aim of Core Policy 31.

In terms of neutral impacts, the supporting information demonstrates that the proposed residential development would be a sufficient distance from neighbouring residential properties and officers are satisfied that the site can accommodate 28 dwellings without adversely impacting on the living conditions and amenities of the occupants. The density of the scheme is considered appropriate for the site the revised illustrative layout suggests that the level of development proposed (maximum 28 houses) could be satisfactorily accommodated on site in terms of landscape, character and visual impacts. It is recognised that the development would cause less than substantial harm to the setting of the listed building at Turnpike Cottage, however this harm would be offset by public benefits such as the provision of affordable homes, the delivery of open market housing and improvements to the local highway. Although it cannot be concluded that the proposed development would achieve a net gain in ecology terms, the Council's ecologist has concluded that the development, subject to the creation of the ecological buffer zones, would result in no net loss. The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Sufficient parking could be secured and drainage issues can be adequately dealt with.

In terms of the negative impacts of the development, officers appreciate the concerns raised about the loss grade 3a and 3b agricultural land. However, as explained above, the circa 0.7 hectare extent of grade 3a agricultural land to be lost would not be classed as 'significant' in

terms of applying paragraph 112 of the NPP; and the negatives associated to the loss of natural capital would be outweighed by the public benefits associated to delivering 28 new houses of which 30% would be affordable.

The site is located within the settlement limits of Warminster whereby the established policies support the principle of windfall residential development on agricultural land subject to the impacts being acceptable. In this case, the applicants would provide additional screening and tree planting and creation of buffers between new housing and the site boundaries. It is accepted that the new development would result in the loss of outlook for some existing residential properties, however there is no right to a view in planning terms and whilst new housing may introduce some overlooking (where none exists at present), the illustrative site layout demonstrates that the scheme can be planned to avoid harmful overlooking and maintain sufficient separation distances between existing and proposed new housing.

In terms of positive aspects, the development would provide up to 8 affordable dwellings and 20 open market new homes and the scheme would result in highway improvements along Upper Marsh Road. These can be given moderate weight. There would also be some short term benefits during the construction phase of the development through direct and indirect job creation which can be given some weight as part of the planning balance determination.

The site has good transport links, and is able to be accessed via a variety of sustainable transport methods. It is therefore considered that the benefits of the development outweigh the negative aspects and in the planning balance the proposed development is considered acceptable.

**RECOMMENDATION: 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 following the completion of a legal agreement to enshrine the developer obligations under s106 of the Town and Country Planning Act 1990**

1. 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.

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 scale 1:2500 dwg no. 07179 – 12 rev C  
Indicative Site Layout scale 1:500 dwg no. 07179 – 10 rev U  
Site Access Arrangement and Preliminary Levels scale 1:200 dwg no. 006 rev D  
Off-Site Improvement Works scale 1:250 dwg no. 007 rev A  
Proposed Site Access and Off-Site Improvement Works scale 1:500 dwg no. 009

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 discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, 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.

6. 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.

7. 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, cycle parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, cycle parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

8. No development shall commence on site until full details of the access, including drainage and retaining works, have been submitted to and approved in writing by the local planning authority. The junction shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

9. No development shall commence on site until full engineering details of the proposed highway works, forming mainly of carriageway widening and retaining works, all as generally identified on drawing No. IMA-17-167-007-A (Off-Site Improvement Works), have been submitted to and approved by the Local Planning Authority. No development shall commence on site until the highway works have been constructed in full accordance with the approved details.

REASON: In the interests of highway safety.

10. No development shall commence on site until full details of the tie-in between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure the access is laid out and constructed in a satisfactory manner, in the interests of highway safety.

11. No development shall commence on site until full details of the proposed pedestrian/cycle link between the existing emergency access link and the proposed access road has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling within the site.

REASON: To ensure that an adequate pedestrian/ cycle route is provided, in the interests of highway safety.

12. No development shall commence on site until full details of the upgrading of footpath WARM53 has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any dwelling.

REASON: To ensure that an adequate pedestrian/cycle route is provided and in the interests of highway safety.

13. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

14. The gradient of the access shall not at any point be steeper than 1 in 30 (3.33%) for a distance of 9m metres from its junction with Upper Marsh Road and 1 in 12.5 (8%) throughout the site thereafter.

REASON: In the interests of highway safety.

15. No development shall commence on site until a Travel Plan Statement 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.

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

- Means of access for construction vehicles;
- Number and frequency of construction vehicles;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Measures for the protection of the natural environment;
- The location and use of generators and temporary site accommodation;
- Pile driving (if it is to be within 200m of residential properties);
- Months and hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

17. No dwelling shall first be occupied 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.

18. 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) detailing when planting will occur;
- 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.

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.

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

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- 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)
- 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.
- 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 competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority 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.

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

20. The dwellings shall not be occupied until the Building Regulations Optional Requirement of a maximum water use of 110 litres per person per day has been complied with. Within 3 months of each phase being first occupied or brought into use, a post construction stage certificate certifying that this standard has been achieved shall be issued and submitted to the local planning authority for its written approval.

REASON: To ensure that the development does not contribute to the unfavourable condition of the River Avon SAC due to excessive discharge of phosphates from sewage treatment plants.

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

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

22. No part of the residential development hereby approved shall commence beyond stab level (following approval of the subsequent reserved matters) until detailed plans showing the type of external light appliances, the height and position of the fittings, the illumination levels and light spillage levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where development potentially affects green corridors and wildlife habitat, lux plots shall be submitted for the Council's written approval. Thereafter, all approved lighting shall be installed and be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site as well as being fully mindful of the proximity to the AONB and special landscape areas.

## **INFORMATIVES**

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 [to be inserted]

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

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

The applicant is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6"(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)

The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Wiltshire's Highway Authority; [highwaysandstreetscene@wiltshire.gov.uk](mailto:highwaysandstreetscene@wiltshire.gov.uk)

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

It will be necessary for the applicant to enter into a Mini Section 278 / Section 278 Agreement with the Local Highway Authority to ensure that the works within the existing public highway can be completed to the full approval of the Highway Authority. This will include a Bond, Supervision Fee and Commuted sums for these highway works.

#### Sewerage Infrastructure:

The site is crossed by a 150mm public foul sewer. There must be no building within 3m either side of this sewer, no tree planting within 6m and ground levels along the line of the sewer shall be maintained.

The proposed site layout appears to conflict with the sewer easement. The developer should accurately plot the line of the sewer on site and on deposited plans and ensure that the easement zone for this sewer is observed and does not fall within private enclosed gardens. Soakaways must not be sited within the statutory easement.

The developer should contact the Wessex Water to agree procedures for working in proximity of the public sewers. It may be possible to divert sewers (satisfactory hydraulic conditions and network capacity must be maintained). Diversions of public apparatus are at the developer's cost and applications should be made as early as possible to our local development engineers [development.north@wessexwater.co.uk](mailto:development.north@wessexwater.co.uk) Please refer to our guidance note DEV014G and our website <https://www.wessexwater.co.uk/Developers/Sewerage/Building-near-sewers/> for further guidance and contacts.

#### Foul Drainage:

The site shall be served by separate systems of drainage constructed to adoptable standards. A connection to the public foul network can be agreed in consultation with Wessex Water.

Where proposed site levels indicate that a gravity connection may not be possible, the applicant shall make provision within the development layout for a foul pumping station (SPS) with appropriate access arrangements and 15m buffer zone to nearest dwelling. Wessex Water will adopt sewers under a S104 agreement subject to technical review of satisfactory engineering proposals. The developer should contact our local development engineer, [development.north@wessexwater.co.uk](mailto:development.north@wessexwater.co.uk) to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'

#### Surface Water Drainage:

The FRA & Drainage Strategy (IMA March 2018) proposes Surface water discharge to be managed by SuDS with disposal utilising infiltration drainage. This will be subject to approval by the Lead Local Flood Authority with flood risk measures. A robust strategy for surface water disposal will be expected. Surface water connections to the foul sewer will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

#### Phosphate Loading Impacts on The River Wylye:

We are aware that there are concerns regarding the increase in phosphate loadings from new development and the impact upon the receiving watercourse. We can advise that there are proposals to review sewage treatment consent limits, which will reduce phosphate levels with improvements programmed for 2021/22. Further measures are planned by the Wiltshire Council/Environment Agency/Natural England for Nutrient Management Plans that will address phosphate levels within the catchment.

#### Water Infrastructure:

A water supply can be made available from the local network with new water mains installed under a requisition arrangement. Point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. [www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections](http://www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections)

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the Council's PROW officer for further information and advice.

In terms of waste collection the applicant is advised 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.