

Date of Meeting	2 nd December 2020
Application Number	16/00672/OUT
Site Address	Land West of Elizabeth Way, Trowbridge/Hilperton, Wiltshire
Proposal	Proposed development comprising up to 165 new homes with access from the newly constructed relief road, new open space and associated infrastructure (Amended information). (Outline application relating to principle and access).
Applicant	HGT Developments LLP
Town/Parish Council	HILPERTON
Electoral Division	Hilperton (Cllr Clark)
Grid Ref	386180 159631
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is called to Committee at the request of Councillor Clark. His concerns are that policy H2.3 of the Wiltshire Housing Sites Allocation Plan 2020 (WHSAP) states that 'development will take place in accordance with a masterplan approved by the (WC) council.....' which, until produced and approved, means any application is premature. He also states that at 5.46 of the same policy, reference is made to attenuation of both noise to the new housing and reducing the visual impact of the development. The adopted Hilperton Neighbourhood Development Plan (having 'full planning weight' behind it) states at Policy 1g 'Development should be well set back from Elizabeth Way, avoiding a new and abrupt urban edge. Landscaping should help conceal the development from Hilperton and the eastern side of Elizabeth Way'. He states that the plans do not appear to comply in the slightest with HNBP 1g.

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.

In reading this report, it has to be remembered that the application was first submitted in 2016, which was well before the WHSAP was adopted (February 2020). Many of the initial consultation responses and representations were submitted at a time when the principle of the development of the site was still an issue. That matter has now been resolved by the inclusion of the site in land allocated for housing development in the WHSAP.

2. Report Summary

The main issues to be considered are:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);

- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)?
- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

3. Site Description

The site of approximately 10ha in area is located within Hilperton Parish with the southern and western edges of the site adjoining the boundary of Trowbridge Parish. It forms part of a larger site that has been allocated for land within the Wiltshire Housing Sites Allocation Plan (WHSAP) under the reference H2.3 which totals some 21.24ha of land to the south west of Elizabeth Way on what is known locally as 'The Hilperton Gap'.

Running across the eastern side of the site is HILP8, a public right of way (PRoW).

The Hilperton Brook (an ordinary water course) traverses the site. A narrow strip of land following the path of the brook is classified as Flood Risk Zone 2 and 3.

There are a number of grade II listed buildings on Victoria Road whose back gardens adjoin the site.

In terms of Agricultural Land Classification, the site is a mixture of grade 3a and 3b.

The site lies within the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy.

4. Planning History

There is no relevant planning history pertaining to this application i.e. no previous applications submitted on the site that are of relevance to this scheme.

However, the site is allocated in the Wiltshire Housing Sites Allocation Plan (Feb 2020) as part of the wider H2.3 allocation. A site-specific policy is attached to the allocation with criteria that are expected to be met during the submission of the individual applications across the whole parcel of land. This is of course relevant to the site. The wording of this is as follows:

Land to the South West of Elizabeth Way, as identified on the Policies Map, is allocated for development comprising the following elements:

- *approximately 355 dwellings;*

- vehicular access points from Elizabeth Way;
- and improvements to cycling and walking routes through the site to link into the existing network.

Development will be subject to the following requirements:

- *core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and Trowbridge Bat Mitigation Strategy (TBMS);*
- *appropriate mitigation to protect bats, including financial contributions towards management, monitoring and any off-site measures as necessary, as informed by the TBMS;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings are not subject to unacceptable harm. This shall be informed by appropriate heritage and archaeological assessments;*
- *retention and reinforcement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements, incorporating noise attenuation measures and open space provision; and*
- *a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Development will take place in accordance with a masterplan approved by the Council as part of the planning application process. The design and layout will take account of all policy requirements, including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site.

5. The Proposal

This is an outline application for a development of up to 165 dwellings. The application includes the provision of new open space and associated infrastructure.

It should be noted that this is an outline application where all matters except access are reserved for subsequent approval by way of an application(s) for approval of reserved matters.

Vehicular access is to be formed off the Elizabeth Way in two places on either side of the attenuation ponds for the relief road. A pedestrian and cycle access is to be formed in the south western corner of the site connecting with Wyke Road. Pedestrian access is retained at the points of entry into the site from HILP8.

Appendix 1 to this report shows details of the location plan, indicative layouts and the concept masterplan for the allocation.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP48 – Supporting Rural Life

- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Housing Sites Allocation Plan

The site is allocated for development under policy H2.3, as set out above.

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

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

U1a Foul Water Disposal

U2 Surface Water Disposal

U4 Ground Source Protection Areas

Hilperton Neighbourhood Plan (2020)

National Planning Policy Framework 2019

7. Summary of consultation responses

Wiltshire Council Highways

No objection to the current plans, provided a series of conditions and s106 contributions are imposed / obtained. These are set out in more detail in the report and can be seen in the full highways response online. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Drainage (Lead Local Flood Authority)

After much deliberations, the applicants have submitted an acceptable drainage strategy to which the LLFA do not have any objections to, subject to a condition to ensure development is carried out in accordance with it. However, it is noted that as the site is marsh land, infiltration testing that proved to work now, may not in the future when they come to build the development. The LLFA have suggested that the condition also allow for an alternative drainage strategy to be submitted to the LPA for approval in the event of the above.

Environment Agency

The Environment Agency were initially objecting to the scheme with further work required to the FRA. Since the submission, a revised FRA has been submitted and additional details such that the EA are no longer objecting to the scheme. This is of course subject to a range of conditions which are summarised in this report.

Wiltshire Council Affordable Housing

Under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 165 new homes, the on-site affordable housing requirement will be for 50 affordable homes - a tenure split of 60% affordable rented homes and 40% shared ownership homes is required. Therefore, the Council would seek 30 homes for affordable rent and 20 homes as shared ownership.

Wiltshire Council Education

No objections to the development subject to securing s106 money towards the provision of early years, primary and secondary education. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Conservation Officer

Support the application concluding that due to the distances between the site and the surrounding heritage assets, including the intervening fields and gardens, it would be possible to create a development on this site that does not conflict with the settings of nearby heritage assets.

Wiltshire Council Public Open Space

No objections to the development, on the proviso that public open space is secured on the site via s106 as well as money for the improvement or development of sports pitches or associated facilities that enable their use. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Public Protection

No objections to the development on the proviso that s106 money is obtained for air quality monitoring as part of the Council's requirements to reduce emissions, and that conditions are imposed to deal with construction management, hours of construction, lighting and waste and noise to respect the amenity of the local area.

Wiltshire Council Ecology

At the time of writing this report, the Council's Ecologist is awaiting comments back from Natural England (NE) on the Appropriate Assessment (AA) that is required to be carried out for this development under the Habitats Regulations. The Council has concluded favourably on the AA and is awaiting agreement from NE.

The Council's Ecologist has put forward some suggested conditions and informatives as well as requested s106 contributions per dwelling. The section 106 requirements are set

out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development. With these in place there is no objection on these grounds to the development.

As there is a wider masterplan for the site (to ensure that a comprehensive approach is taken to mitigation) they can be confident that the ecological mitigation can be secured for the level of development proposed.

Natural England

Having reviewed the bat mitigation strategy Natural England have no concerns subject to securing, through appropriate planning conditions, mitigation as set out in the bat mitigation strategy.

Having spoken with the county ecologist (Louisa Kilgallen), Natural England notes this proposal forms part of wider allocation (policy H2.3) within the WHSAP as adopted in February 2020. Development at this location should only take place in accordance with a combined masterplan.

Wiltshire Council Urban Design

Based on the indicative layout it would appear that a scheme of 165 units could be realistically achievable at reserved matters stage. Some misgivings over the current concept drawings but subject to appropriate controls / conditions and informatives, the matters can in principle, be resolved to ensure a high-quality design at reserved matters stage.

Wessex Water

They have no objections to the development. The site will be served by separate systems of drainage constructed to current adoptable standards and the developers were in discussion with Wessex Water prior to the submission of the application about how this would be delivered / realised.

Wiltshire Council Arboricultural Officer

According to the illustrative masterplan drawing no. 9302, Barton Willmore, the majority of the trees surveyed by Cotswold Wildlife Surveys, are within the POS in the south west area of the proposed development. There appears to be a 30m buffer to include the expected zone of influence for Willow growing on shrinkable clay soils and in accordance with NHBC Building near trees-section 4.2 which would allow for seasonal fluctuations. As long as the applicant has consulted with a structural engineer in respect of foundation depths for any incursions into the zone, they would not hold any objections.

The applicant would need to indicate foundation depths on plans if they are building within 30m of retained trees.

The hedges around the site have been neglected over the years and would have a far smaller RPA in relation to mature trees so therefore the potential pressure on roots would also be smaller.

Crime Prevention Officer

As this application is outline and in relation to access, they have nothing to comment but would ask that they be included in discussions when layout is brought forward.

Trowbridge Civic Society

No comments have been received by the Civic society on the amended proposals since the allocation of the site for housing has been confirmed in the approved WHSAP.

(Initially objected in 2016 on the grounds that the development was then contrary to the WCS. It is also contrary to the aims of the NPPF. The loss of this vital green space will have an impact on the residents who use it for recreation, health and well-being and for the wildlife who live / forage here. The land also helps to retain the separate identity of Hilperton)

Wiltshire Council Waste and Recycling

No objections subject to the provision of s106 money to provide waste and recycling containers for each dwelling. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Rights of Way

Support the scheme subject to HILP8 being surfaced with tarmac. Also request a cycle lane is put in across the site that connects with Wyke Lane.

Wiltshire Fire and Rescue

No objections to the development. The letter from them includes standard advice and guidance which is largely relevant at reserved matters stage and post planning (i.e. Building Regulations).

Hilperton Parish Council

Hilperton Parish Council were initially strongly opposed to the application. However, this was back in 2016 when the application was submitted prior to the site being allocated for development in the WHSAP. Latest comments are as follows.

In line with the resolutions passed by Hilperton Parish Council at its March 2020, meeting, I forward the following response to this planning application:-

- a) Suitability of the planned junction with Elizabeth Way. The Parish Council feels that a 'tee' junction, with or without a ghost lane, will not be suitable for this number of houses and the traffic movements generated.
- b) These houses will add to the number of people using Hilperton Village Hall and its sports facilities. A sum of money should be allocated for the enhancement of the village hall and/or its sports facilities.
- c) Wiltshire Council has not yet produced/approved a 'master plan' for the land west of Elizabeth Way as required in Policy H2.3. Until this is done, any application is premature. Wiltshire Council needs to ensure that the allocation figure given by the Planning Inspector is not exceeded.

- d) This application fails to meet several specific criteria of Policy H2.3. Little attention seems to have been paid to 5.43 or 5.45. The first sentence of 5.46 seems to have been totally ignored with little/no provision of landscaping between Elizabeth Way and the housing.
- e) Following on from the last point, the adopted Hilperton Neighbourhood Development Plan states in Policy 1g 'Development should be well set back from Elizabeth Way, avoiding a new and abrupt urban edge. Landscaping should help conceal the development from Hilperton and the eastern side of Elizabeth Way'.

Please note that the HNDP was worded with advice from both a Planning Inspector and Wiltshire Council before its adoption. Policy 1g is NOT 'advice' to any applicant. It is statutory in its content and clearly worded to avoid any misinterpretation.

The agent for this application objected to several parts of the HNDP but failed in their attempt to get various policies deleted. Consequently, the agent is fully au fait with the content of the HNDP and should ensure that any application is fully compliant. It is a shame that the applicants seem to have taken no notice of the adoption of the HNDP and its policies.

Trowbridge Town Council

No comments have been received in respect of more recent revisions, although when the application was originally submitted in 2016, the comments were as follows:

- a). Trowbridge Town Council OBJECTS to the above application, as Wiltshire Council will be able to demonstrate that it has a 5-year land supply during 2016 and that this application, in a location which is not supported by the local communities is therefore contrary to the Wiltshire Core Strategy.
- b). If Wiltshire Council is minded to approve this application then the development should;
 - i. Provide for a shared use footpath/cyclepath access from the development to the adopted road which runs to the rear of Wyke Road, but in a position which access the development within the open greenspace area, possibly at a point further north than the purple arrow indicated on the Illustrative Masterplan and additionally from that point of access to the development, it should provide a reasonably direct shared use footpath/cyclepath link through the development to Elizabeth Way. If this considered inappropriate then all necessary arrangements are made to ensure that future access is provided via the remaining land between the bottom of the adopted road to the rear of Wyke Road and the proposed development, providing a reasonably direct shared use footpath/cyclepath link through the development to Elizabeth Way as far as practically possible via off road routes.
 - ii. Provide a significant contribution to Wiltshire Council for improvements to the cycle infrastructure along Canal Road between Horse Road/Wyke Road and Kennet Way/ Hammond Way and along Hammond Way between Canal Road/Kennet Way and Thestfield Drive and along Thestfield Drive to provide access to the NCN route 4 at the Kennet and Avon Canal.

- iii. Provide a significant contribution to Wiltshire Council for improvements to the cycle infrastructure along Hilperton Road between Elizabeth Way and the Zebra Crossing immediately east of the entrance to Fieldways Hotel.
- iv. Provide a single Local Equipped Area of Play (LEAP) and no LAPs, combining all of the indicated provisions for children's play areas into a single site for the whole development, which will result in a better community facility with a greater range of play activities, will be easier to maintain and therefore will be more sustainable.
- v. Provide the full 30% affordable housing requirement on site with no financial set-off for off-site provision.
- vi. Result in the speed limit of Elizabeth Way reducing to 40mph.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been two series of amendments to the application, the first was advertised by way of additional site notices and neighbour notification letters, the second, by letter only. A very large number of objections to the development were received at the outset in 2016/17. The material planning considerations are summarised below.

Need

- It is not inevitable at this time that green fields should just be demolished to meet housing supply
- We have already had large housing developments at the Mead and West Ashton
- Currently a large housing development being built in Westbury to meet the needs of our immediate area
- Whilst the Council cannot demonstrate a 5YR Housing Land Supply this doesn't mean Trowbridge is up for sale and should be built upon at all costs.
- Any benefits the proposal would bring in terms of the need for housing would be outweighed by the negatives
- Land should be put to a better use to serve the community such as a school, playing fields, surgery etc.
- The last thing Trowbridge needs is more housing
- The new evidence supporting the resubmission actually weakens the application.

Drainage / Flooding

- It is within a flood zone – can't possible build houses in a flood zone
- It is marsh land – not good for building on
- It is prone to flooding
- Existing properties gets flooded – surface water and foul – this will only get worse
- Water from this site will be displaced and flood Wyke Road and other properties – the planners will be held to account for repair works etc when this happens
- It is called Hilperton marsh for a reason – it floods every year!
- Inadequate FRA and drainage strategy
- Older Victorian homes near to the site will suffer badly if flooding happens
- Who would insure a house built on a Marsh?
- Since Elizabeth Way has been built flooding has worsened in the area

- Who will compensate the local residents when it floods – the developers or the council?
- Has anyone at the Council looked at cumulative impacts of all these developments (in Trowbridge, Chippenham and Melksham) venting into the River Avon at the same time?
- Does not pass sequential test
- Sewage treatment must be considered; are the existing systems capable of dealing with increased effluent?

Ecology / Environment

- The Hilperton Gap is habitat to a vast variety of birds, mammals and reptiles including rare and endangered species, such as the Grass Snake, the Great Crested Newt, Pipistrelle bats, Sparrowhawks..to name just a few.
- The loss of the Gap will destroy the local ecology and wildlife
- Loss of trees
- The development concerned has the potential to increase recreational use of Biss and Green Lane Woods (home of significant bat roosts and populations of bats) both through the uplift in population, and through the loss of recreational amenity of the site being built upon.
- HRA required to assess the effect of the development on the Bath and Bradford upon Avon SAC.

Loss of Green Space / Conglomeration

- This is a green lung amongst an array of housing and commercial development
- The space is much used for recreation
- Trowbridge and Hilperton will merge as a result of this site being developed which ids against WCS policy to ensure they maintain separate identities.
- Hilperton Marsh should be seen as Valued Landscape
- This does not safeguard trees, green space etc.
- The loss of the green space will have an impact on existing resident's health and well-being as they will lose a place of recreation and enjoyment
- This is a green area and should be made a conservation area like Southwick Country Park.
- Area should be planted with lots of trees for future generations to enjoy – not destroyed by housing
- If development needs to take place, it should be to the north and south leaving the whole middle as country park.
- Amalgamation of settlements means individual identity is lost
- We need this to remain as green space as there is a real need fore a country park like Southwick on this side of Trowbridge
- It's a great space to walk for all ages and burn calories.... Less fat people = less costs on the NHS...,win win!
- Allowing this development would set a precedent that the rest of the Gap is up for grabs
- West Wiltshire District Council designated this area as Recreational when consent was given for the Hilperton Relief Rd in 2006. Why is this being quietly forgotten?

- For those who can't drive or the elderly, this is a very important green space for socialising, exercise and dog walking
- Much used space by kids for socialising and play and its loss would take this away and most likely drive them in doors to computer games and videos.
- Open land is important, please, let us have these spaces to breathe. Don't we live on top of each other enough?
- People need access to green spaces what with modern houses providing such small gardens and the government informing us of the need to have daily exercise
- In this current climate covid-19. It is not appropriate to consider any planning at all. This area is currently being used as an open space for exercise. It is very busy and even now it is hard to social distance. If more houses were built what would it be like if there was another pandemic?

Design / Character of the Area

- Density of development is out of keeping with the character of this part of Trowbridge
- 3 storey development is not in keeping with this part of Trowbridge
- There is green space within the development – why can't this be on the edges to avoid houses having to back on to existing ones

Location

- Housing should be on the Melksham side of Marsh Road
- Housing should be on the West Ashton side of Trowbridge
- Housing should be built on brownfield land like the old Bowyers site and Innox Riverside
- Poorly located to access the town's secondary schools
- Housing should be in the town centre which is in much need of redevelopment
- Developments such as these, will increasingly urbanise the countryside without the benefits of public transport and usable green spaces that are available to people living in urban areas.

Infrastructure

- No school places available in Trowbridge
- Lack of places at doctors surgeries
- No additional public transport for the development
- Public transport in the area is poor
- Lack of infrastructure in general to cope with this amount of extra housing
- There is no local Post Office and a scarcity of post-boxes.
- If this area is to be built on, it should be used for the missing amenities e.g. a secondary school or health centre.
- Wiltshire Council needs to be building more schools, dentists and doctor's surgeries before building any more houses.

Pollution

- Air quality will be damaged from traffic congestion, building works and loss of green space
- This is one of the last remaining green spaces with good air quality

Visual Impact

- The number of proposed housing will have a pronounced visual impact
- Loss of wonderful views across the Gap
- Light level from development will pollute this area
- Hilperton village wants the whole site as hidden as possible from view. Living on the other side from Elizabeth Way, I too would like the site camouflaged from my view as much as possible. What steps are intended to lessen the visual impact?

Contrary to Development Plan

- Premature application – WHSAP not adopted yet
- Does not comply with Core Policies 1 and 2 as outside the settlement boundary
- Trowbridge Community Area Strategy states that outlying villages need to maintain their separate identity – this would go against this point
- Do not agree with the methodology of the WHSAP
- WC should resist speculative development that is contrary to development plan
- The development should not be approved before the WHSAP
- The numbers in the draft WHSAP for this site are only 210 whereas this is a development of 170 on just part of the site. This surely contrary to draft WHSAP.
- Loss of Green Space is contrary to CP 50
- Wiltshire Council can demonstrate a 5 year HLS and so this application should be refused in line with WCS

Contrary to Hilperton Neighbourhood Plan

- A neighbourhood plan is under development for this area and the community should be given adequate time to complete this process before any decision is reached.

Contrary to government guidance

- This would not reduce the need to commute which the government are seeking to promote

Highways / Parking

- Cycle route onto Wyke Road will conflict with cars wishing to access garages and present a road hazard
- Elizabeth Way is a 50mph Road – cars wanting to turn into the development will pose a hazard and cars wanting to turn out will have difficulty
- Elizabeth Way was designed to take traffic away from houses – why put more houses next to it?
- Extra traffic will cause congestion on Elizabeth Way and surrounding streets
- The Road is dangerous to cross – more housing will add to this problem
- Introducing junctions onto the Elizabeth Way would be extremely hazardous

- Elizabeth Way is already barely sufficient to cope with existing traffic and we have seen a small drop in the numbers on outlying streets. With another 210 houses on the land surely this will make the current situation worse and make a wasted point of the relief road in the first place.
- If the crossing of the River Avon were enhanced to allow two-way traffic and the B3106 to Holt were made one way to Holt only then the traffic flow would be eased to such a degree that I would remove my objection to this housing development.
- Simplification of the road layout on the plan is welcomed but its still not ideal.
- No provision for the disruption to the cycleway and footway
- The application was supposed to show access, it does not!
- If allowed, parking should be provided for the people to enjoy the rest of the Gap and to help with parking for the Church.

Heritage

- Impact on nearby listed buildings
- No evidence that archaeology has been taken into account
- Interestingly the Archaeological Evaluation by Cotswold Archaeology states as follows in paragraph 7.2: "...much of the site consists of heavy clay with a high water table. The majority of the 41 trenches were devoid of archaeological activity suggesting the heavy, wet nature of the ground discouraged widespread occupation across the current site." We should learn from our wise forefathers who knew a thing or two about land management.

Neighbour Amenity

- The new Properties will overlook the gardens on Wyke Road and Victoria Road causing loss of privacy
- The new buildings will cause loss of light to existing dwellings on Wyke Road and Victoria Road
- Noise and disturbance generated during construction and from post development activities would be harmful to existing residents
- Lighting from the development will be a nuisance
- There is no provision on the North side of Elizabeth Way for noise reduction.

Democracy / Local Opinion

- Nobody locally wants this development and the views of the people should be considered as the Council is here to advocate for them.
- This proposal was circulated for comment in March this year along with other proposals, the Council received more objections to building in Hilperton Gap than the whole of the rest of Wiltshire together.
- Hilperton Neighbourhood Plan Steering Group did local surveys to identify housing – 93% of residents were opposed to the building of the Gap
- A decision should be deferred until such point that all that all applications to build housing on the Hilperton Gap have been submitted.

Employment

- Lack of jobs in Trowbridge to cater for new population
- Out commuting by a lot of residents for work

Affordable Housing

- Will these houses be affordable?
- Not enough smaller dwellings like flats being built

Religion

- I am a practitioner of the Wiccan faith and building a development on this open, wild land, would interfere with that practise and my religious choices and freedoms.

Other

- Exhibition by Frampton's was unacceptable – didn't display enough information and questions raised were not answered
- Approving this would go against the wishes of many local residents, Councillors and the MP
- Support the views of the Parish Council
- Will aid crime as the cycle route at the back of the properties in Victoria Way creates an easy escape route
- Landownership issues have been ignored in places which affects connectivity to the site via the existing public right of way – the land owner would not permit any upgrade to this PRoW on their land to make it a safe and suitable means of access to the development.
- The development of this gap for housing was never part of the plan when the road was built
- Another decision not well thought by WC - Please think about what you are doing to this old historic town.
- Reduced numbers in amended plans welcomed but doesn't overcome original objections
- Revised application does not address any of the concerns raised originally
- Support the comments of the Hilperton Gap Action Group
- Application should be deferred until after the COVID-19 crisis
- Resubmissions and reconsultation should not have occurred during the COVID-19 pandemic

Some limited comments have been received in support of the application. Largely, on the premises that the larger part of Hilperton Gap remains undeveloped. Also, the need for young people to get on the property ladder.

9. Planning Considerations

9.1 Principle of Development

The National Planning Policy Framework (NPPF) advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance

Turning therefore to the development plan (the WCS), the site lies outside the Limits of Development of both Trowbridge and Hilperton where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

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

In this case, the site forms part of the wider H2.3 allocation contained within the adopted WHSAP and is thus a site intended to be brought forward via the site allocation process. Therefore, the development complies with the requirements of Core Policies 1 and 2 of the WCS as the site is advanced via a development plan document. The policy attached to the H2.3 allocation does stipulate that developments on this parcel of land must be in accordance with a masterplan which is to be approved by the Council as part of the application process. The development is in accordance with the submitted masterplan which has been agreed by the Council with the developers and therefore, does not conflict with this requirement of Policy H2.3 of the WHSAP.

With regards the Hilperton Neighbourhood Plan (NP), there is also no in principle objection to the site (primarily as the plan must be in conformity with the strategic aims of the WCS). Policy 1 of the NP places conditions upon the development of this site to ensure landscape, design, heritage, drainage and ecological matters are not compromised. Such conditions are looked at in further sections of this report. In principle therefore, the development is considered to be in accordance with the WCS.

However, it should also be noted that the absence or otherwise of a five-year supply of deliverable housing (5YRHLS) is a material consideration. It is accepted at the time of writing this report that the Council is unable to demonstrate a 5YRHLS. The precise figure is disputed but is agreed to lie between 4.4 - 4.62 years of land supply of deliverable sites for housing. An approximate shortfall of over 800 homes. It is therefore accepted that at the time of determining this application, paragraph 11d of the Framework is engaged. This means the policies most important to the determination of this application would be considered out-of-date and accordingly would be afforded reduced weight in the planning balance. Before considering the detailed merits of this application, it should be noted that given the outstanding requirements for housing in the Trowbridge Community Area and the present lack of a 5YRHLS in Wiltshire as a whole, this proposal would make an important contribution to identified need and, the provision of market and affordable housing should carry significant weight in favour of the proposal.

In addition to the above points, it should also be noted that, as this site forms part of an allocation in an adopted development plan document, the following points apply:

- the WHSAP has been produced to provide a surety of supply of land to greatly facilitate the delivery of the housing figures in the WCS up to the period 2026;

- this site has been selected as an appropriate location for housing by the Local Planning Authority (and agreed by the Planning Inspector at examination);
- the issues contained within this report have all been looked at in respect of the ability of the site to accommodate housing in principle during the WHSAP process and examination.

In sum, the principle of the development of this site for housing has been agreed and cannot be challenged at this stage.

9.2 Design

It should be noted that the detailed comments on the design of the scheme i.e. the layout and appearance of the development are matters that cannot be determined at this stage as they will form part of the later submissions for reserved matters approval. At this stage, the LPA is looking to see if the figure of 165 dwellings put forward can be achieved on the site with regards to Core Policy 57 and good design principles in general.

The original submission was for 210 houses which, when taking account of the constraints on the site, was revealed through assessment of the scheme to be an unrealistic and unachievable figure without comprising the design of the scheme. Ecology mitigation, landscape mitigation, noise attenuation and drainage requirements have reduced the net developable area and so, to ensure a scheme that has an appropriate density and layout, it has been necessary to reduce the numbers from those originally applied for.

In summary the Urban Design Officer has they made the following comment in respect of the layout for 165 units:

“The indicative layout is quite detailed and appears one which a reserved matters layout could be closely based on.”

From the above it is concluded that 165 dwellings can be accommodated on the site without compromising the ability to comply in principle with Core Policy 57 at reserved matters stage. I.e. it is fair to say that a high quality design can be secured at this later stage based on a figure of 165 dwellings without the appearance of overdevelopment, and one that can ultimately fit in with the prevailing character of the area (e.g. in terms of density, appearance and layout). A suitable level of detailing has been provided by way of illustrative plans and within an updated Design and Access Statement (DAS) to enable officers to reach this conclusion. In any event, the scheme as applied for is for ‘up to’ 165 dwellings, which does allow flexibility to reduce the numbers should that be necessary at reserved matters stage because of unforeseen issues.

Whilst the Urban Designer does have some smaller criticisms of the scheme, on the whole they support the development. The smaller points can be ironed out at the reserved matters stage and with appropriate conditions / informatives, the applicant can be made aware of these points. Ultimately, as said previously, this is an outline application where detailed design matters have been left for future consideration and so the Council cannot be getting too prescriptive at this stage. However, at the request of

the Urban Design the DAS has been updated along with the illustrative material to include more design principles in the scheme, which has provided the Council with a solid platform moving through to the reserved matters applications to secure a high quality design. A condition can be imposed to ensure the development is in general accordance with the DAS.

The illustrative layout satisfactorily demonstrates that a scheme of 165 dwellings could be accommodated on the site in principle without giving rise to adverse amenity impacts in terms of overlooking, loss of light or overshadowing. Enough space is left around the margins of the development for landscaping etc. and this helps to provide buffering in respect of amenity. The detailed aspects of amenity will of course be controlled at reserved matters stage but in principle there are no concerns at this stage.

9.3 Landscape and Visual Impact

Landscape and visual matters have already been considered as part of the housing site plan allocation process. In summary, during this process, the sites that were deemed to be unacceptable to develop in landscape terms were removed at various stages of the plans' advancement with the final sites subject to a more detailed landscape assessment (Stage 4a Site Landscape Assessment). By way of information, page 27 of this document concluded on the sites ability to accommodate change as follows:

“Whilst development of this site would result in the loss of some farmland, remaining farmland would retain the gap between Trowbridge and Hilperton. Although the site is prominent, there is scope to screen and filter views from adjacent land-uses and PRoWs in the site and to improve the appearance of Trowbridge’s northeast settlement edge in views from the north and northeast, provided that development is sensitively designed within a greenspace framework, which allows space for mitigation planting. The greenspace framework should allow for the retention of existing landscape features such as field boundary vegetation and watercourses, the incorporation of PRoWs crossing the site within greenspace corridors, the retention of the parkland character at the southern end of the site through its incorporation in green space, and the retention of vistas toward St Michael and All Angels Church. Additional planting should consist of new hedgerows, individual trees and tree groups with the aim of creating varied planting. It is recommended that consideration is given to the function of the narrow piece of farmland between the Hilperton Relief Road and the site. It would be beneficial for this to be incorporated into the green space network. This land would provide additional space for planting, which would soften the appearance of housing in the site and also the appearance of the new road. Overall the capacity to accommodate change is moderate-high.”

This initial assessment of the site in landscape terms suggested that the site was capable of accommodating development without having overriding significant adverse effects. As such, in allocating the site, the Council has already made the assumption that residential development of the site in principle will not cause unacceptable landscape harm.

The appellants have submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has looked at both the impact of the development on the landscape

character of the area and on the visual effect, assessing the amenity value of the views.. The principle conclusion of this assessment was that:

“On balance, the potential landscape and visual effects of the proposed development on the allocated housing site are not likely to be significant. Furthermore, the proposals for green infrastructure and landscaping will deliver a number of enhancements in terms of the physical landscape and landscape character. As such the proposed development is considered to be acceptable in landscape and visual terms.”

In general, officers are in broad agreement with the conclusions of this report. Whilst there were initial concerns with the landscape approach to this site, changes have been made to the landscape frameworking to ensure the development will now sit comfortably within the site without any adverse impacts. This has included wider margins around the watercourses to accommodate existing planting, wider landscape buffers around the edges of the site and a more natural profile to the bund that is required for noise attenuation. A lot of the landscape changes are closely related to the ecological matters where bat habitat is needed to be created/ enhanced to ensure their conservation. This has led to greater levels of landscaping proposed where core bat habitats areas are required to be retained. Looking at the landscape assessment in more detail, the Council would make the following comments.

In landscape character terms, the site is agricultural at present, but it is heavily influenced by the new relief road and the residential development forming the edge of Trowbridge. Beyond the site, the wider Hilperton gap is encapsulated by development on all sides (Trowbridge, Hilperton, Hilperton Marsh and Paxcroft Mead) and therefore, this is also an influencing factor on its character. Much of the site's tranquillity has been lost through the formation of the new relief road and its edge of settlement location also plays a part in this. It does have a network of PRowS and watercourses running across it and some field hedging and trees – these features contribute to the character of the site and are features characteristic of the wider landscape type (Open Clay Vale). In terms of value, it is considered that the land west of Elizabeth Way is of lesser quality than that to the east due to it being a thinner slice of land and the fact that it is more closely associated with urban influences.

Development of this field will obviously see the loss of the sites agrarian character, but this in itself is not deemed to be significantly harmful. The agrarian character it has, has already been much weakened by urban features / influences (housing and the relief road) which are very much framed in its view. Furthermore, this site represents only a portion of the overall Hilperton Gap – the larger part to the east is left in its current form. Significant features on the site are to be retained and incorporated into the landscape, ecological and drainage plans / mitigation schemes for the site. This means the PRowS, watercourses, trees and hedging are to be largely left. Enhancement will occur where required to do so for the purposes of the above e.g. dark corridors for bats and thicker boundary planting to soften the impacts of the built form. Therefore, these elements that make up the character of these fields will on the whole not be lost but instead will be incorporated into the development proposal.

Overall, the sites character will inevitably undergo a lot of change, but this is not considered to be to a harmful extent. The effects on character change will obviously be felt the greatest at a localised level i.e. within Hilperton Gap itself. However, this would be the same with any development. Furthermore, in its defence, the wider area that makes up the rest of the Hilperton Gap would still retain its character despite this development and, as previously said, this site is one of the least sensitive parcels of land within the gap. When you move out to a wider area i.e. beyond the gap itself, the developments impact on landscape character becomes much less apparent. The scheme will very much be seen in the context of the wider built form of Trowbridge and the Hilperton relief road. As such, although there will be change (which is inevitable with all residential developments) this change will not be significant or demonstrably harmful.

With regards to the visual effects, these too will naturally be felt to the greatest degree at a very localised level e.g. the PRoWs that cross the site, and to a lesser extent from the roads and surrounding urban area e.g. Elizabeth Way. Despite additional landscaping the development would still be visible from the remainder of the Gap and obviously when traversing the site itself. That said, the LVIA and previous assessments of the site have noted that visible development is part of the makeup of the Hilperton Gap i.e. one can already see housing within most of the framed views within the gap. Therefore, to hide the development completely would be uncharacteristic. When you move outside of the Hilperton Gap the views of the development site would become almost non-existent as the Gap is pretty much encapsulated by development on all of its sides.

Overall, it can be concluded that the visual effects of the development are very localised upon the Hilperton Gap itself and do not relate to a wider geographical area. This is however, the case with most new development. When you consider that these localised views are already heavily influenced by urban development and noise, it is considered that the additional development would not be significant or demonstrably harmful to the views and visual amenity experienced at this localised level. Coupled with the fact these there are no longer distance views of the site, officers do not consider there to be sufficient grounds to refuse the application on landscape and visual grounds.

A sufficient landscape framework plan has been submitted, coupled with the other illustrative materials and DAS to enable officers to have reached this conclusion. Development will need to be carried out in general accordance with the landscape framework plan and, in accordance with a detailed landscaping scheme to be submitted to the LPA for approval. Such matters can be conditioned and when in place, would make the development acceptable in planning terms.

9.4 Heritage Impact

There are several listed buildings within the vicinity of the site. The closest buildings are all Grade II Listed and known as 1 & 3 Victoria Road which lie approximately 168 metres south of the proposed site, 13,15 & 17 Victoria Road which lie approximately 180 metres south and 120 metres west of the proposed site. Pound Farmhouse and 3 Horse Road lie approximately 223 metres north of the proposed site. 16 Horse Road (Weavers Cottage) lies approximately 330 metres north of the proposed site. The Church of St

Michael and All Angels lies approximately 445 metres east of the proposed site and the Hilpert Conservation Area lies at the closest point approximately 380 metres east of the proposed site.

The illustrative layout demonstrates that it would be possible to create a scheme on this site without causing significant harm to the designated heritage assets and conservation area. This is because there will be intervening fields and/or residential gardens between the site and the listed buildings which would protect them. It is therefore considered that the outline proposal subject to an informative ensuring that the reserved matters application must take into account the impact the proposal would have on the listed buildings and conservation area would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS. Any harm to setting would be less than substantial, has already been accepted through the allocation of the site, and can be mitigated through careful consideration of the layout at reserved matters stage. It is balanced by the public benefit of providing housing to meet the assessed needs in the WCS.

9.5 Agricultural Land

The majority of the site is classified as grade 3b i.e. not Best and Most Versatile Land (BMV). The portion of the site that is grade 3a (BMV) is not significant in area (Natural England are generally concerned where areas greater than 20ha are being lost). This portion of land falls well below that threshold and therefore, its loss is considered acceptable.

Furthermore, as this site has been promoted through the plan-led system (the WHSAP), it is noted that the issue of loss of BMV would have been looked at in conjunction with all other sites being considered.

9.6 Drainage

The Council as Lead Local Flood Authority (LLFA) have reviewed all the relevant documentation and consider that it now satisfactorily addresses any earlier concerns with the proposal as initially submitted and would thus comply with current policy (Core Policy 67 and paragraph 155 of the NPPF) i.e. not lead to increased flood risks elsewhere. The drainage scheme needs to be carried out in accordance with the submitted plans and details. As the drainage is proposed by soakaway, although the infiltration tests seem favourable, the site is marsh land and the infiltration rates would only be acceptable at the time of the test. In case the soakaways would prove to be unfeasible an alternative drainage method should be proposed and approved in writing by the LPA. The condition can be worded to allow the developers to submit an alternative strategy in the event that infiltration proves to be ineffectual further down the line. This would negate having to submit a revised outline application. With this condition in place, the development is acceptable in drainage terms.

The Environment Agency have also reviewed all relevant documentation (notably, the revised FRA) and consider that it satisfactorily addresses any earlier concerns they had

with the application. Subject to conditions they have withdrawn their earlier objection. The conditions suggested by the EA would cover the following:

- Details of the bridge design to ensure that there are no detrimental impacts to flood storage or flood flow routes.
- Control of finished floor levels to reduce the risk of flooding to the proposed development and future users.
- The submission of a Landscape Management Plan to ensure that the land alongside the watercourses which are particularly valuable for wildlife is protected.
- The submission of a Construction and Environmental Management Plan to prevent pollution of the water environment.

Without these conditions they would object to the proposal as it would not meet the requirements of the National Planning Policy Framework (NPPF). Having reviewed the conditions, officers considers them reasonable and necessary and therefore suggest they are imposed on any permission given.

9.7 Ecological Impact

Initially the scheme was subject to a holding objection until it could be demonstrated that the development would have an acceptable impact on ecology, notably local bat populations – both in terms of habitat loss (building on the green fields of Hilperton Gap) and by recreational pressure placed upon nearby habitats by new residents of the development (e.g. walking in Biss or Green Lane Woods where significant bat roosts are located).

Through the evolution of the masterplan for the whole allocation the core bat habitats have been identified and sufficient buffers put in place to ensure these habitats remain favourable for local bat populations to continue to be used post development. The Council's Ecologist has accepted the masterplan. Furthermore, the indicative layout for this site has evolved and numbers of dwellings reduced to take account of amongst other things, ensuring enough ecological mitigation is provided on site. The net result of these processes has allowed the removal of objection to the scheme on ecological grounds, subject to necessary conditions, s106 contributions and the satisfactory completion of an Appropriate Assessment (AA).

The following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with the Masterplan and Ecological Parameters Plan as supported by the Biodiversity Net Gains calculations; and,
- that development shall not commence until the submission of a Lighting assessment of the final scheme, an Ecological Mitigation Plan, a LEMP, a CEMP and a full landscaping scheme.

These conditions are reasonable and necessary to make the development acceptable in planning terms. Section 106 Contributions are also required towards the Trowbridge Bat Mitigation Strategy, to be paid before commencement.

Overall, with these conditions and s106 in place, and the positive recommendation on the AA, it can be concluded that the development will be able to proceed without unacceptable harm to biodiversity.

9.8 Archaeology

An archaeological evaluation has been undertaken on site and the report was submitted with the revised documentation. The evaluation confirmed that there is a low potential for heritage assets with archaeological interest to be impacted upon by the proposals and therefore the Archaeologist requires no further information or conditions. The proposal is therefore considered to comply with the relevant criteria of CP58.

9.9 Environmental Impact

The Council's Public Protection team have no objection to the development provided the following elements are covered:

- A s106 sum of £5000 to go towards air quality monitoring;
- that the applicant carries out and submits to the LPA for approval an Air Quality Assessment;
- that the applicant submits a scheme of Ultra Low Energy Vehicle to the LPA for approval;
- that a construction management plan is submitted to the LPA for approval; and,
- that a lighting scheme is also submitted to the LPA for approval.

Officers have reviewed the above requests and consider the conditions suggested to be reasonable and necessary to make the development acceptable in planning terms. The same conclusions were drawn on the s106 request.

9.10 Highways / Rights of Way

Whilst some initial concerns were raised by Highways when the application was originally submitted, these were subsequently addressed and in August 2016, the LHA offered no objections to the scheme subject to conditions and s106 contributions. At the time of these comments, the scheme was for 210 houses with 2 proposed accesses onto Elizabeth Way. In other words, the development was capable of being served by a safe and suitable means of access, and that the traffic generated could be accommodated within the highway network without causing severe harm. The layout of the internal roads, parking spaces, footways and lighting are matters that would be left for determination at reserved matter stage, covered by suitably worded planning conditions.

Since then, the application has undergone a number of amendments and is now a scheme for 165 dwellings, still with the two accesses off Elizabeth Way. Given the previous

comments by the LHA, it would be difficult to form a different view on a scheme where the accesses remain the same and the dwelling numbers have reduced. As such, the consultation response on the final revised scheme offers no objections subject to the a very similar set of conditions and s106 contributions. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development, and the conditions suggested would be to cover the following issues:

- Access to each dwelling provided before occupation
- All existing field accesses shall be closed off prior to occupation of dwellings
- Travel plan to be submitted to LPA prior to occupation
- Garages shall not be converted to habitable accommodation
- Car and cycle parking to be in accordance with LTP3 of Wiltshire Car Parking Strategy and Cycle Strategy respectively
- Protection of and importation of existing highways drain entering the site from Horse Road prior to any road construction.

Having reviewed these conditions, officers consider them to be reasonable and necessary and it is therefore recommended that they are imposed on any permission given. With such conditions in place, coupled with the s106 contributions, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

The existing PRoWs crossing the site are to be retained which the Rights of Way Team are happy with subject to the route being surfaced and following the legal line. The applicants have confirmed their intention to do this but, ultimately, it can be controlled via condition.

9.11 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL. The site would fall under charging zone 2 where the sum equates to £55 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

10. S106 contributions

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development.'* This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the development of the application site and are required in order to mitigate the impact of the proposed scheme. The applicant has agreed to provide the following:

Affordable Housing

CP 43 states that on developments of 5 or more affordable housing provision of at least 30% will be provided. The applicant has agreed to provide 50 affordable housing units which meets the 30% required and will be transferred to a Registered Provider. Based on current housing need figures for Trowbridge these should be a mix of 60% affordable rent and 40% intermediate housing with a unit mix of 2-bed flats, 2-bed bungalows and 2, 3, 4 person houses and should also not normally be in groups exceeding 12-15 dwellings. There is also a need for 10% of these affordable homes to be identified for extra care units (adapted for disabled residents or wheelchair adapted accommodation).

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

The proposal generates a public open space requirement of 6055m² of which 292m² is to be an equipped play provision all of which should be secured in perpetuity. The Play Officer is satisfied that this requirement can be met on site (the applicants are in fact providing much in excess of this figure).

A leisure contribution of £38,940.00 is required to go towards upgrading the Changing Rooms at Hilperton Village Hall, which serve the adjacent sports pitch. This is considered a reasonable request as the Village Hall lies within walking distance of the site and is likely to be used by residents of the new development as one of the nearest community facilities. Furthermore, the Parish Council have provided the Council with details of the work required to repair / improve the changing facilities to ensure they are properly fit for modern day purposes and so, it is clear where the money will be spent.

Education

The NPPF (paragraph 72) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

Early Years - A contribution of £332,918 is required. This may go towards extending the village hall to provide improved accommodation for the pre-school (St Michaels) that operates out of it which is very popular and has high occupancy levels. The Early Years Officer has advised that otherwise the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and Childcare in this area.

Primary School – The nearest school is Hilperton CE, however there are also a number of other primary schools which lie within a 2-mile safe walking distance of the proposed development site. This development would result in a need of 46 primary school places. This amounts to a total sum of £862,868 (46 x £18,758) which will be utilised towards expanding the local Primary School to accommodate the pupil forecasts from this development.

Secondary School – There is currently no spare capacity at a secondary level in the Trowbridge area (Clarendon, John of Gaunt and St Augustine's RC Schools). The proposal would generate a need for 32 places at a cost of £22,940. A total contribution of £734,080 would therefore be required which will be put towards the provision of a new secondary school to serve the East of Trowbridge.

Refuse

A contribution of £15,015 (£91 per dwelling x 165) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Air Quality

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and as such a financial contribution towards Air Quality Monitoring is required. A contribution of £5000 to cover the cost of real time air quality monitoring equipment is being sought. This is considered reasonable and necessary as part of the Council's commitment to reducing emissions.

Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be 165 x £777.62 = £128,307.3.

The contribution towards the TBMS, are to be paid before commencement. Setting up and remit of management company is also required for maintaining the bat habitat (marked on a plan) in a suitable condition for bats in terms of the ability of habitat to support invertebrate prey for bats and maintaining it in a dark condition.

These requests are considered under Core Policy 3 of the WCS as an infrastructure priority theme 1: specific projects needed to ensure compliance with the Habitats Regulations. As there is a direct link between the residual effects of additional housing on bat habitats the money is necessary to make the development acceptable and it also shows how it directly relates to this development. It is reasonable in scale and kind as it directly relates to the number of dwellings proposed for the site.

Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of

sustainable transport alternatives and more sustainable freight movements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The proposed development will be required to contribute £150,000, as previously agreed, to a wider strategy and on-site Travel Planning. In terms of matrix prioritisation of funding the following is proposed:

- £37,075 retained for green travel vouchers; unspent monies to be deposited with Wiltshire after 5 years.
- £1,500 per annum for 5 years (Total £7,500) towards Wiltshire Council Travel Plan Monitoring. The first Monitoring fee payment to be made on first Occupation, with subsequent payments made on each annual anniversary thereafter.
- £42,840 towards upgrades to the Tin Church bus stop (including Real Time information); unspent monies to be recycled to deliver remaining elements of the strategy. The upgrade to the bus stop is key to the sustainable mode shift of the local community to facilitate headroom to accommodate the development and to serve the development directly. These works are therefore necessary in the early stages of development and the full payment of this contribution is requested upon first occupation. Unspent monies to partially fund controlled crossing facilities of Elizabeth Way.
- £62,585 towards the wider strategy to include: Implementation of Holt Road one way system, upgrade works to A361/B3105 junction, traffic calming and active travel improvements to Wyke Road and active travel improvements to St Thomas Road; additional works may be added to the strategy upon further evidence. The contribution may be split into 5 tranches of £12,517, paid on the 1st, 30th, 60th, 90th, and 120th occupation. Unspent monies to partially fund a controlled crossing facility of Elizabeth Way.

Such contributions are necessary to mitigate the impacts of the development on the surrounding highways network and to encourage more sustainable travel movements to and from the development.

11. Conclusion (The Planning Balance)

It should be noted that at the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

In the case of this application, the proposal, after significant amendment since submission, is considered to accord with the development plan policy and is thus acceptable. Accordingly, planning permission is recommended.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.

CONDITIONS AND INFORMATIVES

1. The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the formal approval of the last such matter to be approved.

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

2. Application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. No development shall commence 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. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

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

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

- Red Line Ref. 24687 9000
- Land Use Parameter Plan Ref. 24687 9601 Rev A
- Access Parameter Plan Ref. 24687 9602 Rev A
- Access Plan 11703-SK-001 C Northern Site Access
- Access plan 11703-SK-002 C Southern Site Access
- Plan ECO2 - Habitat creation and enhancements Rev A, July 2020 (Ecology Solutions)
- ECO3 - An Ecological Parameters Plan (in the Bat Mitigation Strategy, Ecology Solutions April 2020)

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

5. The development and all reserved matters submitted pursuant to this permission shall generally accord with the principles of the Urban Design Framework Plan (Illustrative) Ref. 24678 9300 Rev F; Illustrative Masterplan Ref. 24678 9302 Rev D, Updated Illustrative Landscape Masterplan Ref. Bir.4786_11G and the Design and Access Statement (September 2020).

REASON: In the interest of the visual amenity, character and appearance of the area, residential amenity, achieving high quality and in the interest of proper planning.

6. The landscaping scheme required as part of the subsequent submission of reserved matters shall include the following details:
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection during development.
 - all bat mitigation required through the Habitat creation and enhancement plan
 - other wildlife mitigation measures which will be in place during the operational phase
 - detailed cross-sections to accurately locate development in relation to landscape vegetation features
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities, together with details of how grassland habitats will be established;
 - finished levels and contours;
 - means of enclosure;
 - Size, species and location of trees to plot frontages demonstrating that zones of influence of trees will not conflict with the proposed built development in the long term.
 - Trees to open spaces will be large canopy forest species native to the UK. Size, species and locations demonstrating that zones of influence of trees will not conflict with the proposed built development in the long term

REASON: These matters will need to be assessed to ensure that the development takes proper account of the ecological requirements of the site, given its location within the area covered by the Trowbridge Bat Mitigation strategy.

7. All soft landscaping comprised in the approved plan shall be carried out in accordance with timescales agreed by the local planning authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping within a Phase shall also be carried out in accordance with the approved details in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

8. Crack willows along the water course through the site shall be retained and managed throughout the development to retain roosting habitat for bats. No development shall commence until a report providing detailed calculations with recommendations for foundations design has been approved in writing by the Local Planning Authority for any building which comes within 30m of crack willows along the water course. The development will be built in accordance with the approved report's recommendations.

REASON: the development contains high water demanding trees which are necessary for ecological purposes and may lead to building subsidence where foundations are inadequate.

9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays except for the period of British summer time between April and October 2021 when no construction or demolition work shall take place outside the hours of 07.30 to 21.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interest of Residential Amenity

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development.

It shall include details of the following:

- i. The cutting or other processing of building materials on site;
- ii. Details as to routeing and signing arrangements for lorries delivering to the site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any);
- vi. The loading and unloading of equipment and materials;
- vii. The location and use of generators and temporary site accommodation;
- viii. Pile driving (If it is to be within 200m of residential properties).

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interest of Residential Amenity

11. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority.

Where light spill has the potential to impact core bat habitat, the lighting impact assessment of the reserved matters application(s) must meet the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy in terms of the methodology for predicting post-development lighting condition; maintenance of illuminance zones A, B and C, and; lighting design solutions.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

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

12. Prior to the commencement of development, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standard as detailed in BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' with no relaxation for exceptional circumstances unless agreed in writing with the local planning authority and must include details of post construction validation. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

REASON: In the interest of Residential Amenity

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority before commencement of the development. The LEMP shall include:
 - Information and map(s) to explain to householders the firm ecological requirements the landscaping scheme must meet in relation to core bat habitat: all such habitat to be retained as informal open space; no lighting of core bat habitats; all such habitat to be managed to maximise bat foraging (i.e. for invertebrate prey)
 - the ecological and landscape objectives for each habitat in the public open space and each formal landscaped area within development footprint
 - 1-5 year and long-term maintenance requirements for each formal landscaped area and habitat type after the initial 12 month planting contract
 - Requirements for replanting where planting stock becomes diseased or dies after the initial 12 month planting contract
 - Annual and five-year work schedule capable of being rolled forward
 - Details of who is responsible for implementation and funding of the plan, and any necessary remedial measures to meet the objectives
 - Ongoing requirements for monitoring and reviewing effectiveness of the plan

- Details of SuDs management unless this is contained in a separate SuDs maintenance manual in which case this document should be referenced in the LEMP.

The LEMP shall be implemented in full in accordance with the approved details for the duration of the development

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

14. The first reserved matters application shall include a revised Biodiversity Metric Calculation broadly in accordance with that submitted to the Council on 18/08/2020 but taking account of any revisions to the calculation methodology subsequently made by Natural England and recalculated to reflect the details of the reserved matters application(s). The calculation will be supported by a revised plan for Habitat creation and enhancements demonstrating the extent and area of each habitat in ha / m². Accurate development boundaries will be overlaid on the plan to allow accurate scaling and location of mitigation measures. The calculation will demonstrate for both habitats and hedgerows that the development will achieve 100% mitigation (i.e. no net loss) for land lost to development. Any shortfall in mitigation within the application site shall be made up through a scheme approved by the Council prior to determination of the first reserved matters application, to secure, deliver and manage mitigation at land off site for the lifetime of the development.

REASON: to meet the requirements of the Trowbridge Bat Mitigation Strategy

15. 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) Measures to ensure all land included within public open space on the Concept Masterplan is excluded from any temporary or construction related use throughout the entire period of construction. Works permitted for these areas will be limited to SuDs creation, landscaping and essential utilities.
 - b) Location of temporary work compounds throughout the construction phase
 - c) The procedures, including details of compliance checking by a third party, which will be in place throughout the construction period to ensure conditions relating to biodiversity are complied with in a timely way
 - d) Measures, including surveys, mitigation and translocation, which will be undertaken to ensure risks to badgers, water voles, bats, herptiles, hedgehogs, birds and any other relevant species are identified and protected across the site before construction commences and throughout the construction period.
 - e) Any critical periods or locations where construction works will need to be controlled to avoid causing harm to biodiversity features and how such works will be overseen
 - f) Responsible persons and lines of communication
 - g) The mechanism for identifying and rectifying remedial measures

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Details of the Ecologist supervising the ecological works will be forwarded to the Local Planning Authority before vegetation clearance works commence.

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.

16. Car and cycle parking provision for the site shall be in accordance with the required standards set out in the Wiltshire LTP3 Car Parking Strategy.

REASON In order to ensure an adequacy of site parking provision and to avoid inappropriate levels of on-street parking.

17. No occupation of a phase shall take place until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation, and monitoring, and shall be implemented in accordance with the approved 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.

18. No dwelling shall be occupied until all existing field access points serving the site have been permanently closed in accordance with boundary details which shall have first been approved in writing by the local planning authority and, where applicable, the existing lowered kerbs have been replaced by full height kerbs.

REASON: In the interests of highway safety.

19. The existing highway drain entering the site from Horse Road and shown on a plan in the Design and Access Statement, shall be located prior to the construction of any roads within the site. The highway drain shall be protected or otherwise incorporated into the site drainage system in accordance with details to be submitted to and approved by the local planning authority prior to development commencing.

REASON: In order to ensure that existing highway drainage is not prejudiced by the development.

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

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

21. The development hereby permitted must not be commenced until such time as a scheme to determine final bridge specifications for the proposed vehicular crossing, has been submitted to, and approved in writing by, the local planning authority. The plan shall demonstrate but not necessarily be limited to:
- a clear span bridge with a soffit level of at least 36.717mAOD
 - the design will not increase flood risk elsewhere.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure that there are no detrimental impacts to flood storage or flood flow routes and reduce the risk of flooding to the proposed development and future users.

22. The development hereby permitted must not be commenced until such time as a scheme to ensure finished flood levels are set no lower than 300mm above the design flood level plus an appropriate allowance for climate change, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users.

23. The surface water drainage strategy shall be carried out in accordance with the following approved plans and documents:
- Surface Water Drainage Strategy 2020 Revision No. 5 dated February 2020 by Quad Consult
 - Concept Master Plan Rev D
 - Catchment 1 – Surface Water Calcs 1 in 1 year
 - Catchment 2 – Surface Water Calcs 1 in 1 year
 - Catchment 3 – Surface Water Calcs 1 in 1 year

As the drainage is proposed by soakaway, although the infiltration tests seem favourable, the site is called marsh and the infiltration rates would only be acceptable at the time of the test. In case the soakaways would prove to be unfeasible and therefore, the above cannot be implemented, an alternative drainage method should be proposed and approved in writing by the Local Planning Authority, and development carried out in accordance with it. No part of the development shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

INFORMATIVE TO APPLICANT:

The scheme pursuant to the reserved matters application shall include the following:

- a) Section drawings of the SUDs basins and swales showing detailing of appearance any above ground structures (i.e. headwalls, barriers).
- b) A design specification for the upgrading of existing Public Rights of Way crossing the site. The specification shall be designed in discussion with the local planning authority.
- c) Details of slab levels, steps, slopes, retaining walls and surrounding ground levels
- d) A public art strategy
- e) A design compliance statement, demonstrating that the REM details comply with the outline DAS, notwithstanding informative 1 (about street typology) below.

INFORMATIVE TO APPLICANT:

Any Reserved Matters applications submitted under this permission will be reassessed under the Habitats Regulations for compliance with the Trowbridge Bat Mitigation Strategy.

