

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	3 November 2021
<b>Application Number</b>	20/09701/FUL
<b>Site Address</b>	Land at Elizabeth Way, Hilperon, Trowbridge
<b>Proposal</b>	Construction of up to 187 dwellings, means of access, landscaping, drainage, public open space and all other associated infrastructure.
<b>Applicant</b>	Barratt Homes
<b>Town/Parish Council</b>	HILPERTON
<b>Electoral Division</b>	HILPERTON – Cllr Clark
<b>Grid Ref</b>	386180 159631
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

The application is called to Committee at the request of Councillor Clark.

#### 1. Purpose of Report

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

#### 2. Report Summary

The 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 6.4ha in area is located within Hilperton Parish, with its south western edge adjoining the boundary of Trowbridge Parish. It forms part of a larger land parcel that has been allocated for housing within the Wiltshire Housing Sites Allocation Plan (WHSAP) under the reference H2.3 (totalling 21.24ha to the south west of Elizabeth Way on what is known locally as The Hilperton Gap).

Running across the middle of the site in a north-south orientation is HILP4, a public right of way (PRoW). Running along the north western edge of the site is HILP5 and the south eastern edge, HILP33 which are also PRoWs.

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 grades.

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 the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal).

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 policy 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.*

A masterplan for the site has been approved by the Council.

Separately an application by HTC Developments Ltd. on the parcel of land to the north of the application site (within the wider H2.3 allocation) has been granted outline planning permission for 165 dwellings. This decision was made on 2 December 2020 at the Strategic Planning Committee and the application was finally signed off with a completed s106 in May 2021.

There is also a live application by Persimmon Homes on the parcel of land to the south of this site (within the wider H2.3 allocation) for 71 dwellings (20/07751/FUL). This is a full application.

## **5. The Proposal**

This is a full planning application for a development of 187 dwellings.

The proposal has means of access on to Elizabeth Way, landscaping, drainage, public open space and all other associated infrastructure.

Appendix 1 shows the location plan, indicative layouts and photographs of the site.

## **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 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. Consultation responses (both original and revised comments where applicable)**

Hilperton Parish Council: Objection

*Hilperton Parish Council has considered this application and wishes to object on the following grounds:-*

- (a) The proposed play area will be situated near a busy road and should therefore be moved away from any traffic.*
- (b) There should be a 40mph speed limit imposed along the road.*
- (c) Bearing in mind the increase in the number of houses intended for the whole of the west of Elizabeth Way, formal pedestrian crossing facilities should be provided.*

*The Parish Council would also like the developers to provide swift boxes and hedgehog highways in what has always, primarily, been a green area.*

Trowbridge Town Council (adjoining): Objection

Initial response -

*The Masterplan drawings lack sufficient detail to fully understand the proposals for the whole of allocation H2.3. The Urban Design Officer has raised concerns about WHSAP sites seeking to accommodate significantly more houses than allocated in the WHSAP. The proposal is significant overdevelopment of the site compared to the density for H2.3 as a whole and in comparison to the applications for the other two parts of the site and in*

comparison to the neighbouring areas on Osborne Road and Albert Road and will therefore be out of character with the local area.

If Wiltshire Council were, as required by the WHSAP Inspector, to work with the applicants to provide clear guidance for a Masterplan for the whole of WHSAP site 2.3, including the land owned by Wiltshire Council it may be possible to find a solution for this site which would garner approval.

The following matters also need to be resolved and clarified prior to permission being granted:

- The developer should provide the footway/cycle way links to the other parts of the site (indicated by yellow blobs on the masterplan) through construction right up to the actual boundary (not the outer edge of the hedgerow) and funding to allow completion when the other parts of the site are built.
- Wiltshire Council as landowner should confirm whether it intends that its own parcel of land is to be retained as open space or developed at a later date and if any development is intended the masterplan should indicate this.
- Construction and demolition should be limited to the hours 07:30– 18:00 Monday to Friday and 08:00-13:00 Saturday, with no construction or demolition on Sundays and Bank Holidays. (In accordance with the conditions imposed on the neighbouring site by the Strategic Planning Committee.)

Follow-on response –

*Objection: Contrary to the requirements of the Inspector and the WHSAP; the current proposal fails to include a Masterplan for the whole of the H2.3 site. The Equipped Play Area is in a completely unsuitable location close to the busy Elizabeth Way and should be located close to the existing development so that it serves the whole community.*

Wiltshire Council Highways: no objection, subject to S106 and conditions

Despite initially objecting to the scheme, WC Highways now no longer have any concerns that would justify refusing the application. They have offered to advance no objections provided a series of conditions and s106 contributions are imposed/obtained. These are set out in the report and can be seen in the full Highways response online and below –

*The Highway comments are predicated on the fact that the site and adjacent plots to the South Western side of Elizabeth Way in Trowbridge are subject to the allocation for the delivery of housing in Wiltshire Housing Site Allocations Plan, adopted in February 2020. Whilst the allocation sets out an approximate number of dwellings of 355 and that the site with adjacent dwellings will deliver more than this number, it is assumed that unless other departments raise objections on lack of capacity in supporting facilities, as a result of the dwelling increase, then the highway authority are simply required to assess the transport accessibility of the site by all modes and to confirm highway capacity of the various networks. Notwithstanding this, it is acknowledged that the density of the development is considered high and this has resulted in a number of design reconsiderations, particularly around parking; this is considered further below.*

*Having reviewed the Transport Assessment for the scheme, it is clear that the site is beyond the typical target walking distances to bus stops, the town centre and shopping facilities. However, the principle of the site allocation for housing has been made and this is no longer under consideration. It is however the Highway Authorities responsibility to assess the means by which these facilities are accessed and the quality of the route.*

*It is recognised that Elizabeth Way accommodates a well used 3m shared use cycle path. The use of this path can however become overly utilised, with cycle use intimidating pedestrians through the speed of cycle journey. To address this, the site is providing a recreational walking route close to Elizabeth Way, but through landscaped Public Open Space, which will accommodate pedestrians and lessen the conflict along the Elizabeth Way cycle route. The site will also deliver 4m cycle route connectivity to the adjacent sites within the allocation, to ensure that the impact upon external infrastructure is reduced wherever possible and to also facilitate modal shift to cycling which brings many of the local facilities and the town centre to within a sustainably accessed distance. The site will also deliver a 4m wide cycle route connection to Osborne Road, to facilitate wider westbound connectivity through a network of quiet streets.*

*With regards to bus accessibility, the site is served by hourly frequency services to Melksham, Chippenham, Devizes and Swindon. However it is recognised that some of the local bus stops require infrastructure upgrades, not only to facilitate the site, but also to engender modal shift in existing communities to offset the traffic generation of the site.*

*With regards to on-site parking, this has been the subject of much discussion. In order to deliver a more aesthetically pleasing site, the Highway Authority has sought to reduce the extent of 'banks' of visitor parking within the site. Whilst unsightly, large banks of visitor parking inhibit modal shift to more sustainable modes of transport and also present conflict of additional vehicle movements in areas that should be enjoyed by local residents and also provide opportunities to access the wider network by walking and cycling. To address this, the Highway Authority provided a threshold of parking to be achieved, which reflected the minimum on plot and visitor parking numbers. Given an over-supply of on plot parking, the number of visitor bays reduced, but the overall number remains static.*

*Finally, upon typical vehicular capacity, the Transport Assessment has illustrated that the site access is sufficient to accommodate the needs of the site, with external junctions operating within capacity, except the signals at Staverton Bridge which currently operate over capacity; upgrades to the signals and junction arrangement at Staverton Bridge are considered within the transport strategy to deliver and serve the wider allocation.*

*The wider Transport Strategy - A transport strategy contribution for the whole allocation has been devised totalling £336,364. (This figure will require indexing to the approval date of 16/00672/OUT through which the strategy was devised). The strategy was designed to accommodate 355 dwellings within the allocation and hence additional mitigation measures will be required if additional housing is delivered. In this regard, the strategy contribution represents £947.50 per dwelling (Index Linked), with funds additional to the £336,364 allocation figure going towards additional measures that may otherwise not be necessary. The full strategy and additional infrastructure is listed below:*

- 1. B3105/B3106 Staverton Bridge - £20k – As result of the MOVA works to signals at Staverton bridge, complimentary works to make Holt Road one way north bound except for buses and cyclists is to be researched and implemented where possible. Alternative financial support to a wider scheme to address Staverton bridge may also be sought.*
- 2. A361/B3105 Roundabout - £150k - Notional kerb line alterations, it is clear that the A361 arms of this junction are significantly affected in both peaks and capacity enhancements are necessary. Such works will cost in the region of £150k dependent upon buildability on a congested network. Please note that full junction analysis and modelling is outstanding and will inform this final outcome.*

3. *St. Thomas Road NMU Scheme - £60k- To serve the allocation, a smaller NMU focussed scheme will be required along St Thomas Road (PC11).*
4. *Wyke Road Public Transport improvements - £80k - A bus friendly traffic calming scheme. Additional bus stops, with Tin Church requiring a new shelter and the installation of Real Time Information; circa £30k. To access Tin Church, we may also require a new Toucan, at circa £120k. The other bus stops on A361 may also be upgraded to Real Time info at £20k each.*
5. *NMU Routes - £25k - Provision of local on-highway upgrades including signage, tactile paving at junctions, road markings and associated works.*
6. *Secure future access arrangements to land to the north of the site via an internal estate road, to be secured via S106. The masterplan should address this by extending the principle road to serve this plot. It is intended for the developer to deliver this link and offer for Highway Adoption, subject to any forthcoming information. The S106 will also include delivery and highway adoption of a road link to serve the parcel of land to the south west of the site. The delivery of this link shall be the subject of a phasing plan but should be delivered no later than the 150th occupation or within 5 years of the 100th occupation whichever is the earliest. The link will be the subject of a S38 highway dedication agreement, which shall be entered into prior to commencement of the link.*
7. *Hilperton Road Zebra - £TBC - Upgrade of Zebra Crossing to formal crossing (toucan) allowing cyclists to access without dismounting and into the Paxcroft Mead development.*
8. *Public Rights of Way:*
  - A.) *Bridleway HILP 33 – The bridleway surface from the B3105 to the Knap. This surface should be upgraded from the gravel surface to an asphalt consolidated surface.*
  - B.) *Bridleway HILP 33 - A scheme of lighting is required along the section from Albert Road to the Knap. Design considerations of the Bats.*
9. *Elizabeth Way Crossing – £120k - Toucan crossing facility across Elizabeth Way (In vicinity of Middle Lane).*

*The proposed 187 dwellings will be required to contribute £177,182.50 towards the strategy, however should the developer seek to implement any of the listed schemes of work, then these would be considered to offset the contribution requirement.*

*In addition to the strategy contribution, the following site specific measures are required:*

- *£46,750 retained for green travel vouchers; unspent monies to be deposited with Wiltshire after 5 years. Vouchers shall be offered to each on site dwelling household to the value of £250, or £150 for those dwellings where the majority of occupants are entitled to concessionary travel.*
- *£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.*
- *The entering into of a Section 38/278 highway dedication/works agreement to secure the cycle connectivity through the site and to connect to Osborne Road by peds and cyclists only. The access works will also further require S278 consideration.*

Wiltshire Council - Lead Local Flood Authority: no objection

In summary, the LLFA's initial comments were that they required further justification and proof of concept on the proposed discharge route and the proposed SuDS design provision. There was, however, no objection in principle.

The final comment received from the LLFA after several revisions to the plans and after further documentation has been submitted, is that it still has reservations about the current density of housing and overall layout of the scheme as it limits the delivery of a fully integrated SuDS scheme that realises the benefits across the whole community within which it sits. Particularly given the current drive for biodiversity net gain and climate change resilience. The LLFA considers that this may be a missed opportunity to deliver an exemplar site for drainage, sustainability and biodiversity.

However, the LLFA notes that if the LPA is minded to approve the application then they would recommend conditions to ensure that the surface water discharge route from the site is agreed and the design details of the SuDS features are in accordance with the minimum design requirements noted in their full response (which can be viewed online).

Wiltshire Council Affordable Housing: No objection, subject to S106

Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% would be required in this location. As the site is proposing 187 new homes, the on-site affordable housing requirement would be for 56 affordable homes. From this a tenure split of 60% affordable rented homes and 40% shared ownership homes would be required, equating to 34 homes for affordable rent and 22 homes as shared ownership dwellings.

Wiltshire Council Education: No objection, subject to S106

The Council's Education Team have no objections to the development subject to securing a s106 contribution towards the provision of early years, primary and secondary education. The contributions requested are set out in more detail within the report.

Wiltshire Council Conservation: No comments received

Wiltshire Council Archaeology: No objection

The site has been subjected to geophysical survey and field evaluation (trial trenching). The trial trenching revealed some modern disturbance and the remains of what appear to be post-medieval field boundaries, features that are considered of low to negligible importance.

Wiltshire Council Public Open Space: no objection, subject to S106

On site POS and off-site financial contributions towards the improvement or development of sports pitches or associated facilities that enable their use. The space requirements and contributions are set out in more detail within the report.

Wiltshire Council Public Art: no objection, subject to S106

A public arts contribution will be required for this development in line with local and national planning policy. The contribution requested is set out in more detail within the report.



Wiltshire Council Public Protection: no objection, subject to S106

Financial contribution for air quality monitoring as part of the Council's requirements to reduce emissions, and conditions to deal with construction management, hours of construction, lighting and waste and noise to respect the amenity of the local area.

Wiltshire Council Ecology: no objection, subject to S106 and conditions

A positive conclusion has been reached on the Appropriate Assessment (AA) (required to be carried out for this development under the Habitats Regulations), agreed with Natural England. Conditions and informatives, and S106 contribution, are required.s per dwelling.

Natural England: No objection

*Having considered the Appropriate Assessment undertaken for the application, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.*

Wiltshire Council Urban Design: no objection

Initial holding objection until a number of design issues addressed. There have been 3 detailed responses from the Urban Design Officer which can all be viewed on the online public folder and all naturally related to matters of good design with regards to local and national policy as well as design guidance documents. Through subsequent meetings and revised information, the Urban design Officer has removed the holding objection – final comment as follows:

.... do not unreservedly support this scheme because there are missed, easy opportunities for better design, and the applicant has not been flexible in reconsidering the amount of housing, despite the fact that the site was not allocated for this amount of development. However, notwithstanding these final comments, no objection subject to a number of conditions to cover materials, street tree design, parking court design and Suds design.

Wessex Water: no objection

WW have not objected to the development. WW has provided standard advice and guidance in respect of new foul and water supply connections.

Wiltshire Council Arboricultural Officer: no objections

*There are no objections to this application in principle however, the retained hedgerows are of key wildlife importance as well as screening and should be maintained as such. Any hedgerows identified as poor quality or species poor should be thickened-up with native species.*

*I did note on the soft landscape plan that there is the intention to plant Blackthorn (*Prunus spinosa*) within the various hedges. As this can be an invasive species with extensive adventitious root suckering growth, it may be prudent to remove this species from the planting schedule and replace with Spindle (*Euonymus*), as if the blackthorn is left unmaintained in any open spaces, could lead to domination of other nearby species.*

Wiltshire Council Waste and Recycling: no objection, subject to S106

No objections subject to the provision of s106 money to provide waste and recycling containers for each dwelling. The money requested is set out in more detail within the report.

#### Wiltshire Council Rights of Way: Comments

Initial response –

Footpath HILP5 runs along the north of the site, footpath HILP54 runs through the middle and bridleway HILP33 runs immediately to the south.

The route for HILP5 within the site should be 2m wide, surfaced to adoptable standard and adopted through the S38 process. A gap of 3m should be left from the edge of the path to the centre of the hedge line to avoid overgrowth causing an obstruction.

A pedestrian and cycle link should also be provided from the end of the road within the development to Osborne Road.

Other comments (verbatim) -

*The design and access statement says the developer is going to apply to divert HILP54 around the housing. They need to apply early to do this (see attached information on applying for diversions) as it can take a considerable time if objections are received. It must also be noted that a successful outcome cannot be guaranteed. The diverted route should be 2m wide, surfaced to adoptable standard and adopted through the S38 process.*

*HILP33 will be the key link from the site for walkers and cyclists to both Trowbridge and Hilperton. A contribution of £80,000 will be required to improve the surfacing of the stretch from Elizabeth Way to Hilperton. This would provide a hard-surfaced route which could then be adopted. We would also install conduits for possible lighting in the future. We would not seek this currently because colleagues in ecology say it is a key bat route at this time.*

*The link from HILP33 to the road within the site should be a segregated pedestrian and cycle link to the spec required by highways development control. There should also be another link of the same spec at the very SW of the site to provide a convenient link for those walking to the SW.*

Final response –

*The revised Site Layout plan (22/06/21) reflects some of the changes I requested in my previous comments (25 November 2020) but not all. The addition of the link to Osborne Road is good to see, it should be for both walkers and cyclists, built to an adoptable standard and adopted.*

*There is currently one access from the development to bridleway HILP33. If a person lives in the SW of the development and wants to head in the Trowbridge direction along HILP33 (west), they would not want to have to head east, through the hedge, then west along HILP33. It's probable that they'd just try to create a route through the hedge on their desire line. There must be ped/cycle links at the SW of the site and the SE of the site onto HILP33 to cater for the direct desire lines from all locations on the site.*

#### Trowbridge Civic Society: Objection

On behalf of Trowbridge Civic Society, I object to this application on the following grounds:

- The design of the buildings is dull. We recommend that the designers revisit the National Design Guide to be reminded of the possibilities that are open to them.
- We were unable to find references to electrical charging points for vehicles.

## 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 a series of amendments to the application which have been consulted upon. A very large number of objections to the development were received. The material planning considerations are summarised below.

### Need/Location

- There are plenty of brown field sites in this area which the developers could choose instead. The old Bowyers site, for example, which would inject new life into that part of town and rejuvenate the area.
- The additional Housing is not needed at this time and – if the Wiltshire Council is to honour its own Core Policies - this Application should be deferred for consideration to a future time, after 2026?
- With the present Covid-19 pandemic which is decimating old folk the Government has already recognised that the future will be so much different and that, perhaps, past estimates of Housing Needs will need to be re-addressed.
- Other locations to the East of Trowbridge (i.e Leap Gate/West Ashton) are better suited for provision of the additional housing.
- The Western side of Trowbridge is not well served with schools, medical facilities, employment or recreational opportunities.

### Drainage / Flooding

- The proposal is also on land which is a natural flood plain and could affect water levels and with climate change a fact of life, remove vital drainage land needed in times of increased and sudden rainfall.
- The Environment Agency commented that any proposed development would not increase the flood risk. Their analysis has failed to consider that the new Elizabeth Way Road had covered a substantial area with non-absorbent material, restricting the land's ability to drain off, and the additional Study, just offered, does not record that some 60% of the site will be 'sealed' with buildings, roads, drives etc.
- Contrary to Core Policy 67 of the WCS.

### Ecology / Environment

- The proposal also threatens our local wildlife populations particularly the bats which are rare and unique in this area and require extensive flight paths in their habitat. It is also home to wildlife such as muntjac deer, badgers, birds and foxes and its unspoiled character is crucial for bees and insects. They are already under threat with their numbers declining and need these wild spaces to survive.
- All three existing Applications have not properly addressed the Bats and other wildlife concerns.
- The Bio-diversity report states that all the proposed habitat/foilage improvements will realise an 10.06% gain. But that will only be reached when all the plantings are mature – possibly in 30 years' time? Meanwhile the impermeable footings/roads/dwellings etc. will have an immediate impact- from the very beginning - as existing hedgerows and fields are torn up. Not in line with the Government's "Carbon-Neutral" programme.
- Contrary to Core Policy 50 of the WCS.

### Loss of Green Space / Conglomeration

- The loss of a valuable and well used area of open space on the Eastern side of Trowbridge, will have a devastating effect on the local residents.
- The proposed building of the estate will destroy a pleasant area and countryside environment currently used for exercise, dog walking, etc.
- Why do you feel the need to take away the recreational needs of all who live in the Victoria Road, Albert Road areas, these have been used and enjoyed for many years for walkers, dog owners and families alike and is somewhere they can meet up and walk together and also make new friends.
- The Trowbridge Town Council studied this 'demand' and determined that there are sufficient sites to accommodate 6810 dwellings within the Town's boundaries and Ashton Park. It should be an obligation/mandatory that Developers complete their schemes as per the Town Council's proposals and that loss of agricultural land, and loss of carbon-capturing green growth, be delayed as long as possible.
- Has the recent pandemic taught us the value of green spaces.
- Does not maintain green infrastructure as per Core Policy 53.

### Design / Character of the Area

- This February 2020 the Wiltshire Council accepted the Government's Independent Planning Officer's (Mr Steven Lee) approval of the Council's proposal to build on all the land to the South of Elizabeth Way. A total of 355 dwellings were to be constructed – on all 3 Plots and this particular Plot was allocated 105 dwellings. We note that this Application has been increased to 187 dwellings – an increase of 178%. As this "over-crowding" cannot be acceptable to the Government's Planning Inspector, this Application should have been rejected by the Wiltshire Council's Planning Department and the Applicant told to revise dwelling numbers down.
- Should reflect some sympathy with all existing dwellings.
- A block of terraced houses – with high roof lines – are quite incongruous against a "low" bungalow.
- Lack of decent buffer zone between the proposed housing and the existing
- The proposed Housing is all 2-storey dwellings – not in keeping with the facing Albert Road dwellings which all have lower roof lines being Bungalows or Chalet-Bungalows.
- Does not comply with Core Policy 57 of the WCS.
- The proposed density and type of housing is not in keeping with the existing housing which is predominately detached bungalows. At the lower end of Albert Road, the proposal is to build 5 homes in the same width of plot in Albert Road that only has 2 bungalows – higher than both the Persimmon and HGT developments.

### Infrastructure

- The Western side of Trowbridge is not well served with schools, medical facilities, employment or recreational opportunities. The addition of the proposed housing will add strain on the existing provision.

### Pollution/Environment

- Pollution is already high in the area particularly on days when there is no wind.
- Air pollution from extra vehicles
- Some 65% of this site is to be blanketed with roads, dwellings, garages etc which affects water drainage, but removes carbon-capturing greenery.
- Contrary to Core Policy 55 of the WCS.

### Landscape and Visual Impact

- It is hoped that consideration is being given to the aspect that residents of Wyke road currently have looking across to Hilperton church. The sun rises behind this church and on setting the spire is the last thing it touches. We were assured that any view would not be interrupted
- The application would also mark and ruin, irretrievably, the visual amenity which the Hilperton Gap affords to all and deprive local people of the green fields which many walk in.
- This proposal impacts – very much so – on the open countryside.
- This proposal does not protect, conserve or enhance Wiltshire’s distinctive landscape character.
- Very much contrary to the tranquillity and very much an intrusion from light pollution, noise and motion.

#### Contrary to Development Plan

- The Core Strategy was approved only 5 years ago. In all three of the Planning Applications, each Proposal contravened, at least, 15 of Wiltshire Council’s OWN Core Policies. Did the Planning Officers comment?

#### Contrary to Hilperton Neighbourhood Plan

- Contrary to Hilperton NP
- The requirements of the Hilperton Neighbourhood Plan do not appear to have been considered.

#### Contrary to government guidance / Policy

- This would not reduce the need to commute which the government are seeking to promote
- Conflicts with policies contained in the NPPF

#### Highways / Parking

- Concerns about an increase in traffic on the bypass and traffic using these houses
- You have detailed a potential cycle route at the rear access of Wyke Road residences. This is an access road only for the benefit of Wyke Road residents? There is no room for cars to pass each other, there is hardly enough room for delivery vehicles down this lane. You propose to use this as a route for cycles (and undoubtedly pedestrians) to get to proposed dwellings, this will be used most definitely as a short cut from town etc. Risk of severe accident, especially if children use this route.
- The vehicular entrance and exits to the development will cause great disruption to the current traffic flow on Elizabeth way.
- Elizabeth Way should be 30mph road.
- There are very few instances in the UK of four separate exits onto a 50mph road – with an estimated 2975 vehicle activities daily.
- Whilst an added junction lane might be added to the existing roundabout at Devizes Road/Elizabeth Way, this would require Pedestrian Crossings – across 4 lanes of road.
- We suggest a new roundabout at the Middle Lane Crossing (with an improved pedestrian crossing) and an additional roundabout out of the “South Plot”.
- Electrical charging facilities should be required on all the new plots
- The location does not encourage commuters to readily use public transport, or if they do consider it, they will likely drive to the main-line station in Trowbridge. The brownfield sites within town are all within reasonable walking distance of the train and bus stations, thus a greater likelihood to encourage people to utilise public transport and reduce the impact of more vehicles on the road and the carbon output.

- The site - in relation to schools and health services - are all a car drive away, and the recently revised Planning Regulations stipulate that these should be within a sustainable distance of any new homes.
- Contrary to Core Policies 61 and 62 of the WCS.
- Congestion will increase on New Terrace, and Devizes Road.
- Traffic Management will be essential to reduce congestion, which is already challenging. However the only potential solution will be to restrict 'right turn' which will increase pollution by causing additional mileage. No account has therefore been taken in respect of the potential for an increase of 1000 vehicle movement.

### Neighbour Amenity

- Little or no consideration has been given to the residents of Osborne and Albert road. Houses will overlook bungalows (No. 4 Osborne Rd specifically noted this) and affect their privacy as well as cause noise and light pollution.
- Residents in Albert Road are elderly who either have been there for many many years or have moved to this road for their quiet peaceful retirement, building houses on this site would have a detrimental effect to their health and well being.
- The land to be built on is not level as the contours on the developers map confirms. Approximately the ground level drops about 1 meter in every 10 meters: Assuming the new properties are some 20 meters behind our boundaries as advised at the consultation the first row of houses will tower over our patio (17 Albert Road) between 10 to 13 meters.
- The development will have an overbearing impact on the residents of Albert Road.
- On looking at the proposals submitted by both HGT Developments LLP and Persimmon, a wide buffer zone has been incorporated around the peripheries of both of these sites. It is very noticeable however that in their proposal Barratt's have not incorporated a wide buffer zone between the new homes and the properties in Albert Road, but have instead positioned them in very close proximity!
- 4. The Planning Assessment also refers to consideration having been given to existing neighbours and measures have included closer dialogue with Albert Road residents and community representatives – not really true.

### Democracy / Local Opinion

- We are amazed and devastated that after PR, Barratts presentation in the Hilperton Village Hall in March this year, the number of dwellings has been increased by 82. Is this increase driven by Barratts desire for profit or the Wiltshire Councils desire for income from Council Tax?

## **9. Planning Considerations**

### **9.1 Principle of Development**

The 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 regard to the Hilperton Neighbourhood Plan (NP), there is also no 'in principle' objection to development of the site (primarily as the NP must be in conformity with the strategic aims of the WCS). Policy 1 of the NP places conditions on the development of this site to ensure landscape, design, heritage, drainage and ecological matters are not compromised. These conditions are considered in more detail later on in this report. But, in principle 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. At the time of writing the Council is unable to demonstrate a 5YRHLS. The supply figure as set out in the latest Housing Land Supply Statement is 4.56 years - an approximate shortfall of 900+ homes. It is, therefore, accepted that at this, paragraph 11d of the National Planning Policy Framework (NPPF) is engaged. This means the policies most important to the determination of this application must be considered out-of-date and accordingly are to 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 accordingly the provision of market and affordable housing carries 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); and,
- the issues contained within this report have all been looked at in respect of the site's ability 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 Scale, Design and Layout**

In terms of development policy for place shaping, CP 57 of the WCS seeks a high standard of design for all developments, requiring proposals to demonstrate that a range of criteria have been met.

The design and layout of the proposed development has been the subject of pre-application advice, public consultation events and internal design team meetings, a result of which the proposed masterplan strategy and layout have been revised. The submitted Design and Access Statement sets out the evolution of the design up until the point of submission.

Post submission, the scheme has undergone a series of revisions to take account of the comments raised by the Council's Urban Designer Officer and other relevant consultees such as the Highways Engineer, Drainage Officer and Housing Enabling Officer. Changes made during this process include (but are not limited to) the following:

- Alterations to the cycle links through the site
- Creation of a link to Osbourne Road
- Additional benches along recreational walking routes
- Addition of some bungalows to address amenity concerns with adjoining properties
- Alterations to the design of the attention pond
- Introduction of SUDs throughout the development (e.g. permeable driveways, rainwater harvesting gardens and SWALEs)
- Alterations to street trees to ensure suitable tree pit design for the safeguarding and maturity of the trees within the development
- Creation of 3-character areas (open space edges, the main entrance and neighbourhood core)
- Variation of materials, door colours and boundary treatments, dwelling types and storey heights to add character to the different areas of the development
- More "greening" of the streets
- Reduction in close boarded fencing
- Changes to levels to minimise use of retaining walls, steps etc. for ease of movement
- Inclusion of hedgehog holes
- Alterations to junctions, crossing points and pavements to ensure a more pedestrian friendly development
- More shared surfaces through the development with narrowing's to make it more cycle pedestrian friendly
- Traffic calming measures
- Varied approach to parking typologies to avoid dominance of parked cars on the streetscene

The application is also accompanied by a detailed package of plans and documents to cover design elements which include the following::

- Site Layout
- Plans and elevations of all house types
- Building heights plan
- Materials plan
- Illustrative streetscene
- Design and Access Statement

The above documents can be viewed on the Council's website under the application reference number. Such documents have enabled Officers to reach the following conclusions in respect of the scale, layout and appearance of the development.



The application proposes 187 dwellings. As discussed previously with 16/00672/OUT (the neighbouring parcel of land to the North) the uplift in numbers across the allocation site (355 to 420) is not something that is considered to be an issue, on the proviso that no material harm arises from this increase. This point was accepted on 16/00672/OUT. As such, there are no objections to the numbers proposed in this application in principle.

Sufficient space is provided around the periphery of the site to ensure appropriate buffers for landscaping and ecology. The proposal also provides more than the necessary public open space (both formal and informal) for residents to use, and incorporates the mains drainage feature of the site. In general, garden spaces are of sufficient size to ensure an appropriate standard of amenity for future occupants and minimum residential parking standards are met for each dwelling. Pavements, cycleways, visitor parking and landscaping are suitably accommodated within the general layout of the different street hierarchies. Building heights are predominantly 2-storey reflecting the character of the wider area. There are a few bungalows proposed near the connection point with Osbourne Road to address amenity concerns and some 2.5 storey development at key points to aid legibility and provide articulation and focus within the street-scene. Based on the above, it is considered that the scale and layout of the development is in broad accordance with policy standards and does not represent an over-development of the site.

Although it is accepted that the density is higher than the surrounding area, there is no issue with this. It is approximately 44dph versus the much lower densities seen on the neighbouring residential estates e.g. Albert Road, Victoria Road and Middle Lane. However, these are much older developments, built at a time when standards were different and do not reflect current ways of thinking. Paragraph 125 of the NPPF seeks to ensure that planning policies make efficient use of land and that higher densities should be expected in areas well served by public transport (in fact the NPPF goes as far as to say that “*standards should seek a significant uplift in the average density of residential development within these areas*”). In light of this current government policy, it is considered that the proposal is for an appropriate density.

With regards to the appearance of the development, the surrounding area is predominately residential and made up of a range of architectural styles and property types. It is no surprise that this is a reflection of the morphological evolution of the town over time. It is evident that there is no precedent in architectural terms to this part of Trowbridge, and so no requirement for the proposal to match a particular style. In any event, this is a large development that represents, in its own right, a phase of the town’s growth. Whilst reflecting the local vernacular is important, it is perfectly acceptable at the same time, for the development to have its own identity/character given its scale and position relative to neighbouring development. Clearly this will be a modern development with a contemporary design but, over time, this will simply reflect a period in the architectural history and evolution of the town.

The site has been broadly split into 3 different character areas (neighbourhood core, main entrance and open space edge) each with subtle variances to reinforce this e.g. densities, building line, building heights, landscaping, boundary treatments, architectural detailing and materials. This an appropriate response to ensure an acceptable appearance for the development. Whilst this may feel like a large development, 187 dwellings are not of a scale that would require a greater variety of characters areas. Too much variance on a scheme of this size could confuse the design and make it appear cluttered. In appearance terms, the development is in general accordance with Core Policies 57 of the WCS, thus ensuring a high-quality design will be achieved.

With respect to the amenity of existing properties and occupants, the following comments are made. The development is located a sufficient distance away from the properties on Albert

Road that back on to it such that it will not detrimentally harm the reasonable living conditions of the occupants there. Distances in excess of 21m are maintained across all of the properties along Albert Road and those of the development to ensure no adverse impacts. This separation includes landscaping, a swale basin and rear gardens. Distances from first floor windows to the rear gardens of the properties along Albert Road is in general around 19-20m. A rule of thumb of 10.5m is generally accepted as being sufficient to ensure reasonable privacy is maintained for private amenity spaces from first floor windows.

Whilst the outlook for Albert Road residences will, indeed, change as a result of this development, nobody is entitled to a view over private land. With the separation distances noted above (22-40m), it is not considered that the proposal would have an overbearing impact on the occupants of these properties. Sufficient light and a visible skyline would still be apparent and, given their orientation to the East, the amount of sunlight would not be demonstrably different. Overshadowing and loss of light would also not be an issue owing to these points.

There are no other properties that stand to be adversely affected by the proposal. The development parcels to the north and south have not yet had full details approved and therefore, any layout on those sites would need to now take account of the properties approved here. That said, due to the necessary landscape and ecological buffering, there would be large green gaps between these sites.

In all, the amenity of the existing occupants of Trowbridge would not have their reasonable living conditions materially harmed as a result of this scheme.

With regard to the amenities of future occupants, it is of note that this is a new build development and so the 'buyer beware' principle applies. Whilst it is appropriate to preserve the reasonable living conditions of existing occupants, the new development is not yet built, and therefore there are no existing expectations from its future residents. Accordingly, some flexibility can be accommodated with regards distance and outlook from windows, separation distances between dwellings and size of amenity spaces. That said, Core Policy 57 still expect a reasonable standard of amenity to be achievable within new developments. With this in mind, garden spaces in general accord with accepted norms to ensure future occupants will have adequate amenity space that is free from overlooking for sitting out, hanging out washing etc. Dwellings are in general sufficiently distanced apart to ensure no undue loss of light or overbearing impacts. Although some back-to-back properties are perhaps slightly closer than the 21m quoted previously (around c. 18-19m in some cases), it is still considered that reasonable standards of privacy would be maintained between the dwellings. In all, the development would ensure that reasonable standards of amenity are attained by the future occupants of the development site.

Whilst the Urban Designer does have some criticisms of the scheme and feels that in places there have been missed opportunities, he has removed the objection to the scheme. Whilst your Officer's do have sympathy with the comments raised by the Urban Designer and, indeed, would perhaps agree some opportunities have been missed, the applicants have been pressed on all issues raised by the Urban Designer and we are now at a stage where they consider they have done enough to comply with current local and national policy. Although 5YRHLS is not a trump card, it does weigh heavily in the planning balance with the provision of housing much needed across the Council's area. With this point in mind, it is considered that the design is in broad accordance with the requirements of CP 57 of the WCS. Any missed opportunities or outstanding comments from the Urban Designer on matters of fine detail do not amount to significant or demonstrable harm in planning terms that would merit withholding consent. Conditions raised by the Urban Designer and any other consultee in respect of design matters are considered necessary in the interests of

securing a high-quality build – notably, matters relating to the submission of materials, the parking court design and street tree planting details.

### **9.3 Landscape and Visual Impact**

Landscape and visual matters have already been considered as part of the housing sites' 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 plan's 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 concludes on the site's 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.”*

The initial assessment of the site in landscape terms suggested that the site was capable of accommodating development without having over-riding 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 principal conclusion of this assessment is as follows -

*“This study has included a base line assessment of landscape and visual character. The impact assessment was undertaken against accepted LVIA methodology which has allowed an objective assessment of the proposals against defined criteria. From this it is possible to conclude that the decision to consider this site suitable for development is well founded, and that in terms of landscape and visual impact there are no reasons why this land is not be promoted for residential development.”*

The WC Landscape Officer is in broad agreement with the conclusions of the LVIA. The landscaping of the site has to a large extent evolved around ecological matters where bat habitat is needed to be created/enhanced to ensure their conservation. This has led to larger areas of proposed landscaping where core bat habitats areas are required to be retained. Looking at the landscape assessment in more detail, the following points are made.

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; so too is the outline consent granted on the parcel of land to the north of this (16/00672/OUT). 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 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 west is still to be retained in its current form. Furthermore, the site does not at present contain many significant features of this particular landscape type that require retention or indeed would constitute a harmful loss in character terms once removed. Due to mitigation requirements (landscape, drainage and ecological), planting will naturally need to occur e.g. dark corridors for bats and thicker boundary planting to soften the impacts of the built form which will complement the overall character of the Gap.

Overall, the site's 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 development's 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 would not be significant or demonstrably harmful.

With regards to the visual effects, these too would 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 there are no

longer distance views of the site, it is not considered there to be sufficient grounds to refuse the application on landscape and visual grounds.

Core Policy 51 requires all new development proposal to conserve Wiltshire's landscape character and providing sufficient mitigation where necessary to combat any negative effects. Sufficient landscaping proposals (mitigation) have been submitted, coupled with the other illustrative materials to enable officers to reach the conclusion that the development would, overall, preserve landscape character. Development will need to be carried out in accordance with the approved landscaping proposals to ensure this remains the case. Such matters can be conditioned and when in place, would make the development acceptable in planning terms.

#### **9.4 Heritage Impact**

Whilst there are several Listed buildings within the vicinity of the site, the closest buildings are Grade II Listed (known as 15 & 17 Victoria Road) and lie approximately 200 metres to the west of the proposed site. The Church of St Michael and All Angels (also grade II) lies approximately 300 metres northeast of the proposed site and the Hilperton Conservation Area lies at the closest point approximately 210 metres northeast of the proposed site.

The proposed layout ensures that no significant harm would be caused to these designated heritage assets and the conservation area. There are intervening fields, residential properties and gardens, and proposed new landscaping on the application site itself, situated between the site and these heritage assets. These intervening features, coupled with the distances referred to above provide the necessary buffering/protection. It is therefore considered that the proposal would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS. In terms of the NPPF 'tests', the effects of the development on heritage assets would be neutral.

#### **9.5 Agricultural Land**

The majority of the site is classified as grade 3a - i.e. Best and Most Versatile Land (BMV). However, Natural England's concerns over loss of best agricultural land generally only applies where areas greater than 20ha would be 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 relevant that the issue of loss of best agricultural land has already been accepted.

#### **9.6 Drainage**

Based on the final plans and documents submitted, the Lead Local Flood Authority (LLFA) is still not fully in support of the development. However, the LLFA is satisfied that its outstanding concern can be addressed by planning conditions. As such, it can be concluded that there is no 'in principle' reason why a decision to approve the application cannot proceed with the recommended conditions in place. With such conditions in place to control the remaining issues, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere. The conditions are necessary and reasonable to impose. The background to the LLFA's outstanding concern is set out in the following paragraphs.

The surface water discharge route has yet to be finally agreed but, in principle, there are two options available which, subject to detailed design, would both prevent increased flood risks from occurring elsewhere. The presence of a useable drainage ditch in the north west corner of the site as promoted by the LLFA is challenged by the applicants, and their

preference is to use a Wessex Water surface water drain in the same location. Wiltshire Council does have a surface water discharge hierarchy and within this, the ditch connection would be preferable. As a last resort, connection to a surface water drain can be considered where all other discharge routes are not achievable, and so it is clear that other options can be employed where a ditch connection is not possible. The preference for the ditch connection will be expected to be pursued at condition stage as this is considered to provide better opportunities to slow the flow rate. However, should it be fully and satisfactorily demonstrated that the ditch is not a feasible drainage option for the site, then Wessex Water's infrastructure could be utilised subject to their requirements (for upgrading, etc.). As such, the fact that the final discharge route has not been agreed yet is not a reason to withhold planning consent as it is clear that, one way or another, a discharge point can be secured that would ensure compliance with flood risk policy.

The applicant did not initially maximise the opportunities for SUDs integration throughout the development, but following negotiations during the application's course has now provided various SUDs features. Paragraph 167 of the NPPF does not specifically state that SUDs features must be integrated throughout the development, rather that in areas at risk of flooding, it must be demonstrated that SUDs features have been incorporated. CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). Again, this policy does not stipulate the quantum of SUDs that needs to be provided on site, just that measures need to be provided. In this case, the applicant has provided some rainwater harvesting gardens, swales, permeable surfacing on a lot of the private driveways, and stipulated that water butts would be installed within the gardens of properties. Although it would have been preferable to see SUDs as an integral part of the evolution of design process, based on current planning policy, it would be difficult to argue that this development hasn't now complied with the requirements.

### **9.7 Ecological Impact**

Initially the development was subject to a holding objection until it could be demonstrated that it 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 WC Ecologist has accepted the masterplan.

The evolution of the application has resulted in additional information being submitted to support the Ecologist's earlier comments (notably, a metric to ensure 100% biodiversity net gain). The net result of these processes has allowed the Ecologist to remove the initial objection to the scheme, subject to conditions, s106 contributions and the satisfactory completion of an Appropriate Assessment (AA). With regard to the AA, the WC Ecologist has come to a positive conclusion for the development, and Natural England are content with the conclusions this authority.

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 site layout plan, supported by the Biodiversity Net Gains report and soft landscaping proposals to be secured via condition

- that development shall not commence until the submission of a Lighting assessment of the final scheme, a LEMP and a CEMP.

The 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 with no option for return after ten years. As part of the s106 agreement there is also a requirement ensure that bat mitigation is a consideration for any management company. The validity of this request is set out in a later section of this report.

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

### **9.8 Archaeology**

An archaeological evaluation has been undertaken on site and the report was submitted with the documentation. Having reviewed this, the Country Archaeologist raises no issues with this application. The proposal is therefore considered to comply with the relevant criteria of CP58.

### **9.9 Public Protection**

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 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 lighting at the site complies with the mitigation measures set out in the DPL Lighting Impact Assessment;
- That hours of construction are limited to 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300 hrs Saturday and no working on Sundays or Bank Holidays; and,
- That the mitigation measures prescribed in Section 4 and portrayed in Figure 1 of the submitted Noise Report are conditioned to be complied with.

These requirements are reasonable and necessary to make the development acceptable in planning terms.

### **9.10 Highways / Rights of Way**

Whilst concerns were raised by WC Highways throughout the application process, these have been addressed through the submission of revised plans and documentation. The LHA no longer have any objections to the scheme subject to conditions and s106 contributions. In other words, the development is capable of being served by a safe and suitable means of access, and that the traffic generated from the site can be accommodated within the highway network without causing severe harm. The layout of the internal roads, parking spaces, footways and lighting are matters that have undergone detailed design changes to reflect the position of the LHA and to accord with relevant planning policy. Where relevant and necessary, conditions have been sought to control the finer aspects of the above.

The s106 contributions are covered in detail further on in the report. The following conditions have been recommended by the LHA:

- No development commencing until detailed drawings are provided of all estate roads, footways, footpaths, verges, junctions etc. to ensure the roads are laid out and constructed to a satisfactory manner
- Access and parking for each dwelling provided before occupation
- Roads and footpaths etc. to base course to ensure each dwelling has access to the highway
- Garages not be converted to habitable accommodation to ensure parking standards are maintained
- Cycle parking implemented prior to completion of development
- Submission of a construction management plan
- The submission of a revised travel plan
- Cycle and foot way connectivity to Middle Lane, Osbourne Rd and site to the North prior to first occupation
- The laying out of the access onto Elizabeth Way prior to first occupation.
- Details of material treatment of footways and junction transition to ensure pedestrian priority is given along key corridors within the development.

These conditions are 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 PRow crossing the site are to be retained, and WC Rights of Way support this, with the connection point on to Middle Lane (HILP33) and Osbourne Road welcomed. However, they have noted that an additional access point onto HILP33 should be provided in the southwest corner of the site to cater for residents of that part of the development who would wish to walk/cycle into Trowbridge as such a link would provide a direct route on the desire line. Whilst there may be logic in this, the hedge is to act as a dark corridor for bats and as such, needs to incur as little intervention as possible. For matters of overriding ecological importance, this connection point has not been sought.

### **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 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 dwellings of 5 or more affordable housing provision of at least 30% should be provided. The applicant has agreed to provide 56 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.

#### 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 6862.53m<sup>2</sup> of which 300.99m<sup>2</sup> is to be an equipped play provision all of which should be secured in perpetuity. LEAP play area 400m<sup>2</sup>.

Whilst there appears to be 0.99m<sup>2</sup> difference in what the Council is seeking and what the developers are offering, this is such a minor difference that the Council has not sought amendments.

A leisure contribution of £44,132.00 is required to go towards upgrading the Changing Hilperton Village Hall and Recreation Ground. 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.

#### 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 £385,484 (22 qualifying places x £17,522) is required to go towards the development of Early Years provision in this area. The Early Years Officer has advised that 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 – There is a shortfall in places across this part of the Trowbridge Area. This development would result in a need of 52 primary school places which amounts to a required total sum contribution of £975,416 (46 x £18,758). New primaries/sites are to be provided as part of the Ashton Park development, and so the new places funded by this development will be provided there.

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 37 places at a cost of £22,940. A total contribution of £848,780 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 £17,017 (£91 per dwelling x 187) 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.

### Public Art

The indicative public art contribution figure (based on £300 per dwelling) for this site would be £56,100 for 187 dwellings. It is expected that no more than 10% of this figure is spent upon the production of a public art plan.

### 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  $187 \times £777.62 = £145,414.94$ .

The contribution towards the TBMS, are to be paid before commencement, with no option for return after ten years. 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 / Rights of Way

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 £177,182.50, to the wider Transport Strategy (the contribution for the whole allocation totalling £336,364).

In addition to the above, the LHA have also requested green travel vouchers and monitoring monies totally £54,250 (£46,750 for travel vouchers and £7,500 for the monitoring of them) as a site-specific contribution. However, whilst green travel vouchers are a necessity, it is noted that on the scheme to the North (16/00672/OUT), such vouchers were included within the wider Transport Strategy contribution that they made (a sum of £150,000 based on a scheme for up to 165 dwellings). In order to be consistent in decision making with the above, and to be fair and reasonable, your officers consider this contribution cannot be requested in addition to the £177,182.50 but rather must form part of it.

In summary the money identified above is required to contribute to the following elements of the Transport Strategy:

- B3105/B3106 Staverton Bridge - complimentary works to make Holt Road one way north bound except for buses and cyclists is to be researched and implemented where possible. Alternative financial support to a wider scheme to address Staverton bridge may also be sought.
- Capacity enhancements to the A361/B3105 Roundabout
- Provision of a Non-Motorised User (NMU) Scheme for St. Thomas Road
- Wyke Road Public Transport improvements
- Local on-highway upgrades to NMU Routes
- Secure future access arrangements to land to the north of the site via an internal estate road, to be secured via S106.
- Upgrade Hilperton Road Zebra Crossing to a Toucan.
- Provision of a Toucan Crossing over Elizabeth Way in the vicinity of Middle Lane.
- Green travel vouchers

The Public Rights of Way Team have requested that £80,000 is provided towards the upgrade of HILP33 (Middle Lane) to provide a hard surface which could then be adopted. As a PRoW that will be used by future occupiers of the development as a link for walking into town, these upgrades are considered to comply with CIL tests with regards it being necessary and related to the development.

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 (taken from paragraph 11 of the NPPF):

- 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 full 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.**

## **DRAFT CONDITIONS AND INFORMATIVES**

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

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

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

- Site Location Plan 1\_1250 P19-2592\_01 REV A
- Site Location Plan 1\_500 P19-2592\_01 REV D
- Site Layout P19-2592\_09AA
- Housepack P19-2592\_08C
- Materials P19-2592\_10F
- Ex Works P19-2592\_11H
- Enclosure details P19-2592\_19A
- Adoption and Management P19-2592\_12F
- Parking Strategy P19-2592\_13F
- Refuse Strategy P19-2592\_14E
- Building Heights P19-2592\_15E
- Affordable Housing P19-2592\_16E
- Existing Survey 525-004 Rev F
- Engineering for Planning Rev F 525-050-01
- Engineering for Planning Rev F 525-050-02
- Engineering for Planning Rev F 525-050-03
- Engineering for Planning Rev F 525-050-04
- Engineering for Planning Rev F 525-050-05
- Drainage Strategy for Planning Rev F 525-075-01
- Drainage Strategy for Planning Rev F 525-075-02
- Attenuation Pond Rev F 525-320
- Road and Sewer Long Sections Rev A 525-200-01
- Road and Sewer Long Sections Rev A 525-200-02
- Road and Sewer Long Sections Rev A 525-200-03
- Road and Sewer Long Sections Rev A 525-200-04
- Road and Sewer Long Sections Rev A 525-200-05
- Vehicle Tracking Rev F 525-405-01
- Vehicle Tracking Rev F 525-405-02
- Vehicle Tracking Rev F 525-405-03
- Impermeable Area Plan Rev F 525-505
- Flood Exceedance Routing Rev F 525-510
- Flood Risk Assessment & Drainage Strategy Rev A
- Soft Landscape Proposals GL1271 01G
- Soft Landscape Proposals GL1271 02G
- Soft Landscape Proposals GL1271 03G
- Soft Landscape Proposals GL1271 04H
- Tree Pit Details GL1271 05A
- Lighting Plans P20417-01-rF
- Lighting Plans P20417-02-rF
- Lighting Plans P20417-03-rC
- Lighting Plans P20417-C15-MF0.87

- Lighting Base Line Survey And Proposed Street Lighting P20417-rep-01 Issue D
- Arboricultural Impact Assessment & Method Statement BDWB21071 Rev B
- Tree Protection Plan BDWB21071-03B
- Noise Assessment P17-053-R02v3
- Travel Plan 13919-HYD-XX-XX-RP-TP-6001 P02

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme details shall include any required off-site improvements needed to allow the site to be served (e.g. ditch clearance and maintenance), and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the development can be adequately drained without increasing flood risk elsewhere as required by paragraph 167 of the National Planning Policy Framework.

4. No development shall commence on site until a construction management plan, detailing drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. The plan must make provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the development can be adequately drained without increasing flood risk elsewhere as required by paragraph 167 of the National Planning Policy Framework during the construction phase.

5. No development shall commence on site (including demolition, groundworks, 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 be based on the Habitat Management Plan (BSG P19-962, June 2021) but it will remove reference to any long term management of habitats more appropriately covered in the LEMP. The CEMP will in addition cover the following:

1. Measures, such as fencing and professional oversight, to ensure all land included within communal landscaped areas on the Site Layout plan (Pegasus Drawing P19-2592\_09 Rev Y, 22/09/2021) 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.

2. Location of temporary work compounds throughout the construction phase

The approved CEMP shall be adhered to and implemented throughout the construction period 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.

This condition will be discharged when a Completion Report prepared by an

independent professional ecologist is submitted to the Local Planning Authority by the end of the next available planting season after the date of substantial completion of the development. The Completion Report will certify that the required mitigation and/or compensation measures identified in the CEMP have been completed to the ecologist's satisfaction.

REASON: To ensure the protection of wildlife, retained and newly created habitats during the construction period.

6. 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 be based on the Landscape Management Plan (Golby & Luck 16 October 2020, Ref GL1271) submitted with the application, revised to address the following:
  - The role of the Landscape Architect in ensuring landscape works are delivered in accordance with the LEMP
  - A plan showing the distribution of habitats that require management across the site.
  - Collate paragraphs 1.29 and 1.73 to clarify acceptable cutting regimes for the various types of hedgerows across the site. Provide minimum height and spread for each type. Clarify what acceptable management of trees will be.
  - At paragraph 1.50 clarify that throughout the lifetime of the development, failed tree and shrub planting must be replaced on a ratio of at least 1:1
  - Para 1.75 clarify the role of wetland / marginal planting for biodiversity and the maximum and minimum extent to which it will be maintained or reference to where this information is found in a relevant drainage management plan for the site.
  - Revise Maintenance Schedule to include reference to items in the above three bullet points.
  - The LEMP shall be implemented in full in accordance with the approved details for the duration of the development.

REASON: The application contained inadequate information to enable this matter to be considered prior to granting planning permission to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

7. No development shall commence on site 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 movement of construction vehicles;
  - ii. The cutting or other processing of building materials on site;
  - iii. Wheel washing and vehicle wash down facilities;
  - iv. Measures to control the emission of dust and dirt during construction;
  - v. The transportation and storage of waste and building materials;
  - vi. The recycling of waste materials (if any);
  - vii. The loading and unloading of equipment and materials;
  - viii. The location and use of generators and temporary site accommodation;
  - ix. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- x. Routing plan
- xi. Traffic Management Plan (including signage drawing(s))
- xii. Number (daily) and size of delivery vehicles.
- xiii. Number of staff vehicle movements.
- xiv. Details of temporary Traffic Regulation Orders
- xv. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts; and,
- xvi. Pre-condition photo survey
- xvii. Phases plan

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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Core Strategy Policy 62.

8. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The 180th dwelling shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

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

9. 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. These plans will be in line with the approved plans of Adoptable Street Lighting.

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.

10. No dwelling shall be occupied until the approved refuse storage provision for that dwelling has been made available for use by the occupiers of that dwelling. These facilities shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

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

REASON: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development in accordance with the aims of Core Policies 51, 52, 55 and 57 of the Wiltshire Core Strategy 2015.

12. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans and maintained as such in perpetuity.

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

13. Hours of construction shall be limited to 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300 hrs Saturday and no working on Sundays or Bank Holidays. 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 interests of residential amenity.

14. No development shall commence on-site above ground floor slab level until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority and thereafter be permanently retained.

REASON: In order to satisfy requirements in Core Policy 55 where it states that 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.

15. No development shall commence on-site above ground floor slab level until the exact details and samples of the materials to be used for the external walls (facades and boundaries) and roofs (including of porches and bays) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



REASON: In the interests of visual amenity and the character and appearance of the area.

16. Notwithstanding information shown on the supporting plans, Plots 127 & 128 shall not be occupied until boundary treatment, external lighting, soft and hard landscaping for the private parking court to Plots 127 & 128, and a management plan for the power supply and maintenance of these, have been submitted to and approved in writing by the local planning authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed upon with the Local Planning Authority in the interests of addressing visual amenity, security and natural surveillance.

17. Notwithstanding the information shown on the submitted plans, no SUDs features shall be installed until a section drawing of the SUDs structures together with details of the appearance of any above-ground structures (i.e. inlets, barriers and retaining structures) or amenity features (i.e. seating, natural play, bridges, recreational platforms) have been submitted to and approved in writing by the local planning authority.

REASON: Insufficient information was submitted to ensure due regard to the character and appearance of the area and in the interests of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CP57 Wiltshire Core Strategy and CIRIA SUDs guidance on best practice.

18. Notwithstanding the information shown on the supporting plans, no dwelling shall be occupied until the detailed design and specification for all trees to be planted within the highway or adjacent to it in public verges or private landscape strips (e.g. landscape breaks which separate parking and driveways) has been submitted to and approved in writing by the local planning authority. Details shall include:

- a scaled plan showing all trees to be planted, with a schedule detailing sizes of all proposed trees/plants, and area of space provided for the tree pit.
- Typical plan and section drawings of the street tree, including type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) surrounding hard surface and edging
  - b) tree pit design
  - c) use of guards or other protective measures
  - d) underground modular systems
  - e) Sustainable urban drainage integration
  - f) Use of Root Barrier Protection Areas (RPAs)
- A management plan confirming liability for maintenance and pruning and replacing of trees within or adjacent to the street.
- Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the National Planning Policy Framework (2021) and Core Policies 50, 51, 52, 55, 57 and 67 of the Wiltshire Core Strategy 2015.

19. 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.

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.

20. Notwithstanding the submitted details, prior to first occupation a revised travel plan shall be produced and submitted to and approved in writing by the Local Planning Authority. The revised travel plan shall include annual targets and monitoring, inclusive of annual reporting, the provision of travel vouchers and coordination between an appointed travel plan coordinator and Wiltshire Council. The travel plan shall incorporate specific measures to be secured in the event that targets are not met and to coordinate with the Wiltshire Council for the implementation of these. The travel plan and all relevant measures shall be operational prior to first occupation and shall be operational up to an including the submission of a final 5-year report produced against monitoring and survey detail secured following the 5th anniversary of the first occupation on site.

REASON: To maximise the priority of sustainable modes of transport within the development and to maximise mode shift in the interests of highway sustainability and in accordance with Core Strategy Policy 60, 61, 62 and 64.

21. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall Demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

22. The development hereby approved shall be carried out in accordance with the mitigation measures prescribed in Section 4 and portrayed in Figure 1 of the submitted noise Assessment by Hepworth Acoustics P17-053-R02v3.

REASON: In the interests of residential amenity.

23. The development will be completed in accordance with the Biodiversity Net Gain Calculation Report (BSG 28/06/2021) and spreadsheet (G Lang and S Betts 28/06/2021) or a subsequent revised metric calculation submitted to and approved by the Local Planning Authority. This condition will be discharged when a report has been submitted to and approved by the Local Planning Authority which demonstrates that the development has been completed in accordance with the approved metric calculation. The report will demonstrate for habitats and hedgerows that the development will achieve at least 100% mitigation (i.e. no net loss) for land lost to development. Any shortfall in mitigation within the application site up to a maximum of 5% will be made up through contributions to the Council's Trowbridge Bat Mitigation Scheme.

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

24. The development shall not be first occupied until as-built drawings have been submitted to the Local Planning Authority in CAD drawing format.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the drainage scheme has been built in accordance with the approved Flood Risk Assessment and Drainage Strategy.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

26. The 180th dwelling shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

27. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

28. Notwithstanding the submitted details, no dwelling shall be commenced until details of material treatment of footways and junction transition areas have been submitted to and approved in writing by the Local planning Authority. The material treatment shall illustrate priority of pedestrian movement along key corridors and shall provide a contrast to adjacent carriageway areas. Prior to occupation of any dwelling, the

footways and junction transition areas shall be completed in all respects with the approved details and maintained as such thereafter.

REASON: To maximise the priority of sustainable modes of transport within the development in accordance with Core Strategy Policy 60 and 61.

29. Prior to first occupation, the cycle/footway connection routes through to Middle Lane, Osborne Road and the development site to the north shall be surfaced and completed to the satisfaction of the Local Planning Authority and maintained as such thereafter. The routes shall provide continuous thoroughfare to adjacent highway and development site networks and shall not be subject to ransom within the control of the applicant.

REASON: To maximise the priority of sustainable modes of transport and connectivity to adjacent highway networks and development sites in the interests of highway sustainability and Core Strategy Policy 60 and 61.

30. Prior to first occupation, the vehicular access onto Elizabeth Way shall be completed in all respects in accordance with details to be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

REASON: In the interests of highway safety and Core Strategy Policy 60 and 61.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

With regards to condition 3 (surface water drainage scheme), there is an existing ditch to the North West corner of the site, although it is noted that this has not been maintained and it, therefore, silted up, overgrown and fallen into a state of disrepair over the years resulting in a limited capacity. The ditch does become more established and more accessible further along this route and connection to this from the site would be preferable in accordance with the surface water discharge hierarchy. For ease of maintenance and access, we would accept a piped connection along this route to discharge into the ditch further along this public right of way. This ensures that the route of discharge remains as existing (the site currently drains to this point) and does not

introduce an additional discharge into a sewer system that already surcharges and floods the road. Additionally, it provides additional longitudinal storage and treatment post-discharge from the site and ensures that the ditch does not get starved of water.

Wessex Water has already indicated that a requisition to cross third party land would be possible but that agreement with the riparian owner will be required to discharge to this ditch. Wessex Water and Wiltshire Council are in agreement that discharge to the ditch via a piped connection would be the preferable discharge option as this will safeguard the discharge route and minimise any impact on adjacent properties or public sewers. The applicant must explore more fully the connection to the ditch system before pursuing a connection to the adjacent surface water sewer. With respect of landownership enquiries to see whether or not a ditch connection would be feasible, the Council would expect to see the following:

- a. Confirmation in writing that they have undertaken inquiries to identify the landowner and that those inquiries must include an appropriate notice seeking the identity of the owner of the parcel of land (also must be identified) and the works to be undertaken to be placed in the London Gazette and a local newspaper (That will be the Wiltshire Times) with copies of the notices being provided to the Council.
- b. Confirmation that the developer has placed at least three notices on-site close to the parcel of land and at an access point for the attention of the landowner describing the and potential works to be undertaken with a small plan identifying the parcel of land on which the works will take place.
- c. Confirmation that the developer raised the question of land ownership with the Town or Parish Council, neighbouring properties and any utility companies likely to have assets or an interest in the land.

The developer should obtain appropriate insurance and indemnifies the Council against any potential future claims that may be made by the landowner arising from the Land Drainage Consent and the drainage works on the land should the ditch option be employed.

#### INFORMATIVE TO APPLICANT:

In respect of condition 7, the photographic pre-condition highway survey is to be carried out for the full extent of Elizabeth Way and junctions at either end and copies of pre and post condition survey are to be supplied to Wiltshire Council.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

# Appendix 1

- Location Plan
- Concept Master Plan
- Layout Plan
- Illustrative Street Scenes
- Photographs of the site