

Report for the Strategic Planning Committee

Date of Meeting	22 nd October 2024
Application Number	PL/2023/10205
Type of application	Outline planning permission: Some matters reserved
Site Address	Land North of Southwick Road and South of The Rank, North Bradley, Wiltshire
Proposal	Outline planning application for residential development of up to 66 dwellings and associated public open space with all matters reserved except for access
Recommendation	Approve with Conditions
Applicant	Welbeck Strategic Land II LLP
Town/Parish Council	North Bradley CP
Electoral Division	Southwick ED
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement.

The application was also called to Committee if recommended for Approval by Councillor Prickett for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental/highway impact
- Other: Open field site marking the SW boundary of the village of North Bradley. This development along A350 North Bradley-Southwick Road would be intrusion into the open green area surrounding North Bradley and also lead to extra traffic on an already very busy primary route.

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 subject to completion of a Section 106 agreement.

2. Report Summary

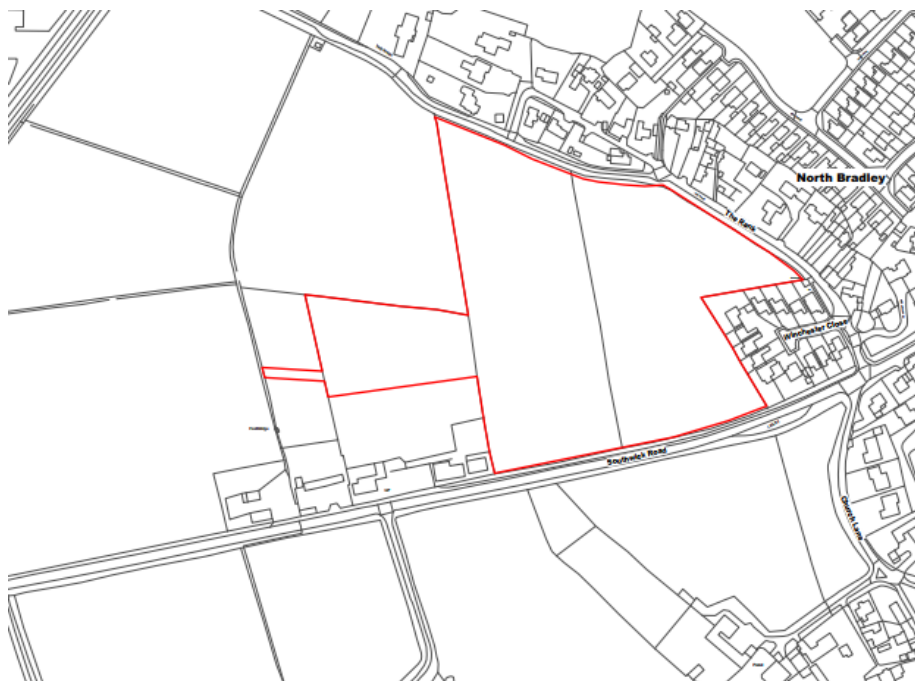
The main issues to be considered are:

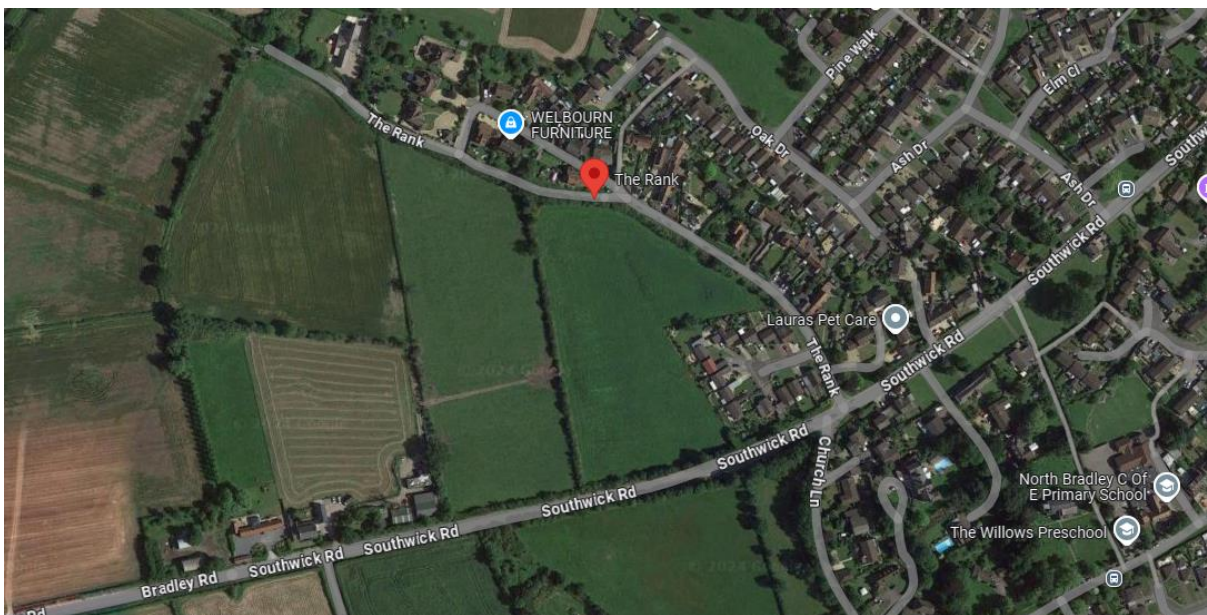
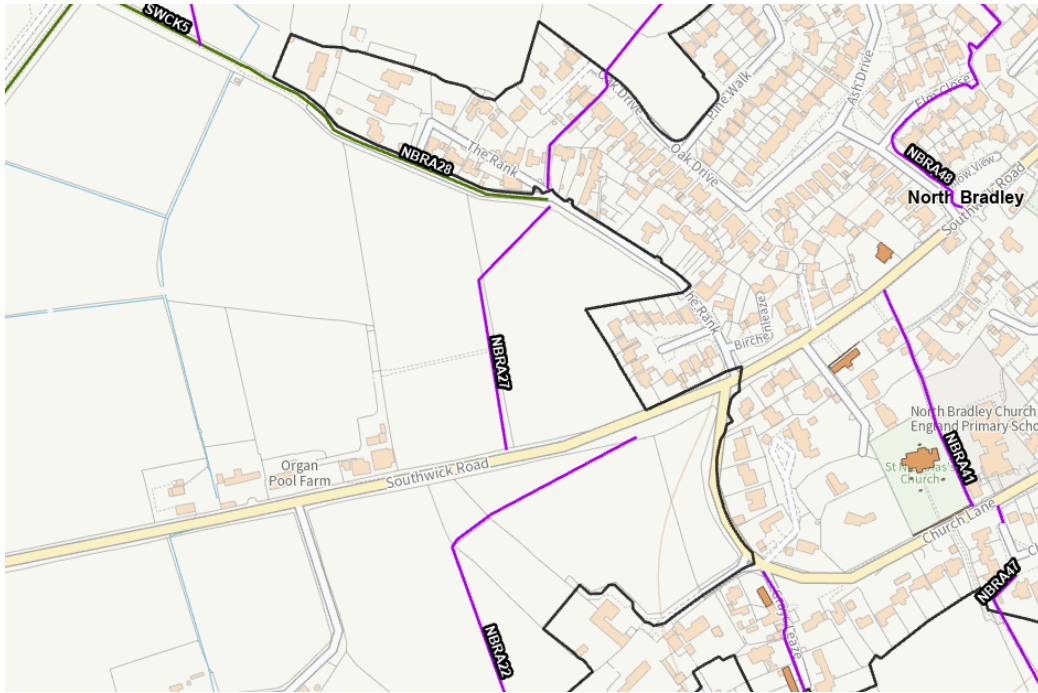
- Principle of development
- Impact on the scale and character of the area
- Ecology
- Impact on the significance of heritage assets, such as listed buildings/conservation areas
- Archaeology
- Impact on neighbour amenity
- Highway matters
- Public Rights of Way
- Drainage
- Section 106 Legal Agreement
- Planning Balance
- Conclusion

3. Site Description

The site is located to the West of but outside of the limits of development of the Large village of North Bradley. The site sits in the Avon Vale (117) Countryside Character area, and within the Trowbridge Rolling Clay Lowland (11c) of the Wiltshire Landscape character assessment (WLCA). The site comprises of three fields which are currently used for grazing horses and agricultural purposes. The site is bounded by residential properties from Winchester Close and The Rank to the East and North-East of the site. Southwick Road and a small number of residential properties bound the southern boundary of the site.

The site generally slopes northwest and there are existing watercourses that cross the site. There are no rivers within the site but the closest is the Lambrok Stream which is located approximately 700 metres to the North-West of the site at its closest point. This river flows Northwards towards Trowbridge and discharges into the River Biss.





4. Planning History

19/02095/OUT Outline planning application with all matters reserved (except for means of access) for the development for up to 85 units, parking, landscaping, open space and all associated development – Refused 11/10/2019 for the following reasons:

- 1 The proposed development is located outside of the identified village policy limits for the large village of North Bradley. In addition the large scale of development is considered unacceptable and inappropriate for a large village with a limited range of facilities. Therefore the proposal fails to promote a sustainable pattern of development and results in an unwarranted encroachment of the open countryside contrary to Core Policies 1, 2, 29, 60 and 61 of the Wiltshire Core Strategy and advice contained in the Framework.

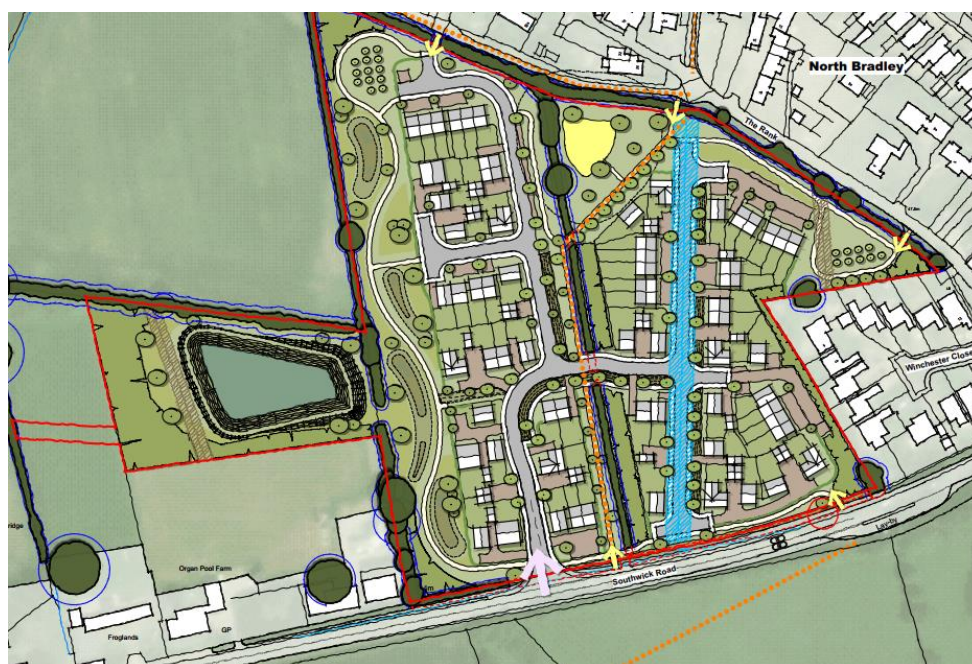
- 2 The proposed development located in the open countryside would detract from the rural character of the area and would result in the urbanisation of the rural landscape. The proposed development therefore fails to conserve and where possible enhance landscape character or relate positively to its landscape setting and is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.
- 3 The applicant has failed to provide sufficient information to determine ecological impacts, including the extent to which the proposed development would impact upon priority habitat types and protected / notable species which are reasonably likely to be present and affected by the development; and, as a consequence, the application is not considered to be environmentally sustainable. The proposed development therefore does not comply with Core Policy 50 of the Wiltshire Core Strategy and advice contained in the Framework.
- 4 The applicant has failed to provide sufficient information to enable the council to fully determine the impact the development would have on the significance of heritage assets within the area of archaeological potential. The proposed development is therefore contrary to Core Policy 58 of the Wiltshire Core Strategy and advice contained in the Framework.
- 5 The proposed development does not make any provisions for securing the necessary infrastructure provision such as affordable housing and education provision. Without the necessary mechanism to secure this essential infrastructure, the application is considered contrary to Core Policy 3 and Core Policy 43 of the Wiltshire Core Strategy and advice contained in the Framework.

An appeal was submitted on this application but was subsequently withdrawn. The following is a illustrative masterplan from the refused submission.



5. The Proposal

The site measures 4.67 hectares with a development area of 2.01 hectares and 2.66 hectares being made available for green infrastructure and attenuation features. The proposal seeks consent for the construction of up to 66 dwellings with associated infrastructure including gardens, garages, driveways, roads and public open space. Access to the site will be via a new junction on the southern boundary of the site onto Southwick Road. Also proposed is an on site local equipped play area.



6. Planning Policy

National Context:

National Planning Policy Framework (NPPF) – revised December 2023

Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Habitat Regulations

NERC Act 2006

Environment Act 2021

Streets for a Healthy Life – A companion to Building for a Healthy Life

Building for a Healthy Life

Manual for Streets

Local Context:

Wiltshire Core Strategy (WCS) adopted 2015:

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP3 – Infrastructure Requirements

CP32 - Spatial Strategy Westbury Community Area, CP41 – sustainable construction , CP43-

Providing Affordable Homes, CP48 – Supporting Rural Life, CP50 – Biodiversity and

Geodiversity, CP51 – Landscape, CP52 – Green Infrastructure, CP56 – Contaminated Land,

CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation

of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New

Development, CP64 – Demand Management, CP67 - Flood Risk

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

C3 - Special Landscape Area, U1a - Foul Water Disposal, U2 - Surface Water Disposal, I1 – Implementation

Other

Wiltshire Leisure Services Strategy – Indoor Facilities Action Plan 2011 – 2025 adopted April 2012

Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)

Affordable Housing Supplementary Planning Guidance adopted August 2004

Art and Design in the Public Realm in Wiltshire May 2024

Air Quality SPD (July 2023)

Leisure and Recreation Development Plan Document

Wiltshire Car Parking Strategy

North Bradley Neighbourhood Plan (made May 2021)

Trowbridge Bat Mitigation Strategy

Bat SAC Planning Guidance for Wiltshire, 2015

LTN1/20 – Cycle Infrastructure Design

Wiltshire Active Travel Standards and Travel Parking Standards

Wiltshire Design Guide

Housing Land Supply Statement 2024

7. Consultation responses

North Bradley Parish Council: Object.

It is outside the limits of development and is not an exception scheme. The housing is not required to meet the needs of the Large Village and there is no housing remainder to be identified in the Trowbridge Area. There is a required growth in the emerging local plan and this proposal substantially exceeds the scale of housing required. The access would urbanise the rural context due to the nature of the highway works. The updated NPPF, most notably para 77 no longer requires a 5% buffer and now requires a 4 year housing land supply and ensures our neighbourhood plan (made in May 2021) which is less than 5 years old and contains policies and allocations is up to date and should be taken into consideration. The site was considered as a site option in the NP and a variety of adverse effects were identified alongside the scale as it was considered very large and far more than needed to meet local need. The Parish note that Table 4.16 of the emerging Wiltshire Local Plan proposes housing growth of 51 dwellings with a residual of 23 dwellings which are not immediately required. The review of the NP will determine how the residual will be planned for.

The changes in the masterplan show the creation of a 30 metre wide area of open space which pushes built development closer to other site boundaries – notably north west, north east and south. The Parish do not agree with the LVA, have concerns with the bat survey and compliance with the Trowbridge Bat Mitigation Strategy.

Southwick Parish Council: Object. It is not an allocated site in the Core Strategy or the Neighbourhood Plan. It is outside the limits of development with no overriding reason to grant development. The site lies within the yellow medium risk zone of the Trowbridge Bat Mitigation Strategy and therefore must be considered under the Habitats Refualtions.

Wiltshire Council Highways Officer: No objection subject to conditions and S106 contributions

Wiltshire Council Drainage Officer: No objection subject to conditions

Wiltshire Council Conservation Officer: The application does not lie within our consultation remit

Wiltshire Council Archaeology Officer: No objection

Wiltshire Council Housing Officer: S106 contributions should be sought

Wiltshire Council Climate Change Officer: Conditions would be required

Wiltshire Council Landscape Officer: Support

Wiltshire Council Public Rights of Way Officer: No objections

Wiltshire Council Waste Officer: conditions and S106 contributions should be sought

Wiltshire Council Public Arts Officer: S106 contributions should be sought

Wiltshire Council Ecology Officer – No objection

Wiltshire Council Education: S106 contributions should be sought

Wiltshire Arboricultural Officer – No objection

Wiltshire Council Urban Design: Object to the illustrative masterplan

Wiltshire Council Public Open Space Officer: S106 requirements and contributions would be sought

Wiltshire Council Public Protection Officer – No objection subject to conditions

NHS: S106 contribution is required

Salisbury and Wilton Swifts: request conditions

Natural England: Support the Councils Ecologist recommendation

Dorset and Wiltshire Fire Rescue Service: Dwellings must comply with Building Regulations

8. Publicity

Circa 65 letters of objection have been received from the general public over the period of two public consultation periods which had a final expiry date of 26th June 2024 which make the following comments which have been summarised:

Principle

Wiltshire Council has already met its quota for housing

The Neighbourhood Plan does not allocate this site for housing

Outside limits of development and in the open countryside and in the green belt

Another significant development whilst not ideal has already been approved in our village

There are no shops and the school/doctors is full

This is no different from the previously refused application

We want to protect our village – if this approved Trowbridge and Southwick become one

Previous reasons for refusal are still valid

The scale of development is not appropriate

We can demonstrate a four year housing land supply so we don't need more housing

Impact on Area

Impact on the wildlife – we see bats, badgers, foxes, deer, newts, frogs, otters, hedgehogs

Drainage: surface water is always flooding in fields either side of Bradley Road. Foul water is sometimes backing up during times of heavy rain which will only be compounded with further development.

Drainage - The area is underlain by clays of the Kellaways Formation. We note the submission of a flood risk assessment & drainage strategy that confirms infiltration is unlikely to be possible and therefore controlled discharge into a watercourse to the west (with storage being achieved via a SuDs feature).

Can the run off to Lambrok Stream actually be used

Can Wiltshire Council request that the drainage channels/flood ditches are cleared annually

The proposal will significantly impact upon the wider area – it will constitute urbanisation and creep of the village

The hedge between The Rank and the site should be maintained

In the spring the field was covered in wild flowers and was a joy to see

We need to keep our green areas

Where will we walk our dogs

Sewage is an existing problem

Increase in pollution

Impact on Neighbouring Amenity

The proposed dwellings will look down on us and we will lose our privacy

Highway

Very limited public transport

Southwick Road is already a heavily congested route with large vehicles using it

The access to the site is already a raceway to some as its 60mph

Southwick Road (C227) and footpaths are totally inadequate for the volume and size of through traffic at the moment.

It is noted dropped kerbs are proposed either side of Southwick Road to access Church Lane to the school. We find this horrifying as this is a dangerous section to cross especially with children

The Rank is not safe for pedestrians

We need a bypass

Can we have a roundabout

We need to reduce the number of HGV's using this route and reduction in speed for all users

The local roads are gridlocked at certain times of the day – this will exacerbate this problem

Other

The proposed play park should be mandatory

The sewage pumping facility at the north end of The Rank fail worryingly often. We have often witnessed a succession of tanker lorries required to perform urgent pumping-out. We

see no evidence of a major investment by Wessex Water to deal with a hugely increased demand on the system

This is about the developers making a profit

It will devalue our home as we currently look over a field

Can an extension of time be given to neighbours as it coincided with the Christmas holidays

Lots of the objections and support letters are being listed on the website "just build homes.

This website appears to be a lobbying website partnered by multiple developers including the applicant. The website does not make clear whether the applicant offers funding to support the running on this website and as such the comments may not be transparent and are they really from local residents?

Most of the supporters to this application have no connection to the North Bradley Parish and should be discounted

Why has the play park been removed?

27 letters of support have been received which make the following comments that have been summarised:

We need to address the housing problem including affordable homes which this site makes provision for as children in their 30's are still living at home because they can't afford to move out

This is necessary for our growing population

The housing shortage is a national issue

The development to create a range of housing options is crucial, considering the rising housing prices and the growing population in our area. This should also give the chance for the area to become better in areas such as its economy

The more houses that are built the cheaper they will be

It's encouraging to see plans for a variety of house types and sizes, and the inclusion of play areas is a thoughtful touch, catering to families like mine

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development

Beginning with the development plan (the Wiltshire Core Strategy (WCS)), the site lies outside the Limits of Development of North Bradley which is allocated as a 'Large Village' and is, therefore, in 'open countryside' where under Core Policies 1 and 2 new housing development is not normally permitted unless one of the following applies:

- the site is to be considered under one of the council's exceptions 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.

As the site falls outside of the Limits of Development and has not been brought forward through either a Neighbourhood Plan or through an allocation in a development plan document for the area, the proposal does not comply with the requirements of Core Policies 1, 2 and 29 of the WCS.

Housing supply and delivery

Paragraph 77 of the National Planning Policy Framework (NPPF) requires local planning authorities to be able to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) or a minimum of four years' worth of housing if the provisions in paragraph 226 apply (these provisions state that where the council has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This concession applies until December 2025). As Wiltshire meets the provisions of paragraph 226 it is required to demonstrate a 4-year housing land supply under the NPPF criteria.

As the Council's adopted strategic policies in the Wiltshire Core Strategy (WCS) became 5 years old on 20 January 2020, the housing requirement used in the housing land supply calculation is the Local Housing Need (established using the standard methodology set out in the Planning Practice Guidance). The housing requirement in the calculation should also include a 20% buffer if the Council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement.

In July 2024 the Council contested an appeal for a proposal for residential development at Land off Storridge Road, Westbury. As part of the inquiry, the NPPF requirements on the housing land supply position was challenged. In the appeal decision (issued 31 August 2024) the Inspector considered that only a 3.85 years supply could be demonstrated. The Council have accepted the Inspector's findings. As a result, the Council have accepted that the requisite 4-year housing land supply cannot be demonstrated. The current position to be used in decision-taking is 3.85 years supply.

Paragraph 11 (d) and footnote 8 of the NPPF state that where a four-year housing land supply cannot be demonstrated then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The implications of the housing land supply position, and in particular the weight to be attributed to the development plan policies, must be taken into account when determining applications. The weight to be attributed to such policies is a matter of judgment for the decision-taker. The extent of the housing land supply shortfall and how it has arisen, the actions being taken to recover the shortfall, and the potential for the proposal to deliver housing in the forthcoming five-year period to help remedy the current shortfall should also be taken into account in the balancing exercise which will be done at the end of the report.

Wiltshire Council on 31st May 2023 published the "5 year housing land supply and housing delivery test briefing note No 22-09" (the briefing note) which outlined how the Council would restore its 5 year housing land supply in the face of the acknowledged shortfall. In paragraph 6.1 the third point states that *the Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or unallocated*. Whilst the Council only need to demonstrate a 4 year housing land supply, this briefing note would hold some weight in the decision making process.

Neighbourhood Plan

The North Bradley Neighbourhood Plan (NP) was made in May 2021. Paragraph 14 of the NPPF (DEC 23) states: *14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) *The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) *The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-78)*

The North Bradley NP has policies and allocations within it to meet its identified need and therefore is a relevant up to date document that has to be taken into consideration when making a recommendation on this application. Policy 2 of the Neighbourhood Plan supports small scale housing schemes and infilling within the defined limits of development alongside encouraging self build homes, eco homes, retirement homes and affordable homes. The policy sets out proposals that would have community support but does not explicitly say what housing proposals are unacceptable and should be refused. In other words, the policy sets out where support will be provided but does not set out any housing restrictions. However, the wording of the policy does somewhat infer that proposals that sit outside the settlement boundary would not be supported. In comparison, CP2 of the WCS clearly identifies that development outside the limits of development will be strictly controlled and sets out where development would be supported. Whilst not explicitly saying so in the policy, it is considered that the proposed development would conflict with Policy 2 of the Neighbourhood Plan.

As the neighbourhood plan is less than 5 years old, and contains policies and allocations to meet its identified need, paragraph 14 of the NPPF applies. This states that development should be refused where *“the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.”*

9.2 Impact on the scale and character of the area

Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance landscape character, and should not have a harmful impact on landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

A Landscape and Visual Appraisal has been submitted with the application which has been assessed by the Councils Landscape Officer.

The site sits in the Avon Vale (117) Countryside Character area, and within the Trowbridge Rolling Clay Lowland (11c) of the Wiltshire Landscape character Assessment (WLCA). The WLCA notes the landscape condition to be a 'good', strength of character to be 'moderate', with a landscape strategy to 'conserve and strengthen'. Management objectives or relevance to this site are:

- Retain and manage the dense hedgerow network and nurture new hedgerow trees.
- Minimise small scale incremental change such as signage, fencing or improvements to the road network which could change the rural peaceful character of the landscape.
- Ensure that landscape is at the foundation of decisions about the growth of settlements (e.g. Swindon and Calne) and that landscape is used to provide a strong framework within which changes can happen in a sustainable way.

- Consider strengthening the enclosed character of the landscape and screening views to intrusive urban edges through nurturing existing and planting new woodland

The North Bradley NP reviewed the importance of landscape setting and issues of coalescence between North Bradley and Trowbridge through a Landscape and Visual setting Analysis for the village produced by Indigo Design (Sept 2018). Whilst this reviewed two 'landscape Setting Gaps' to be retained to the northwest and northeast of North Bradley respectively only the North-western 'landscape Setting Gap' was adopted in the North Bradley NP. This application site sits outside the Landscape Setting Gap adopted under Policy 1 of the North Bradley NP and therefore cannot be considered as development that would conflict with the NP's policy to avoid coalescence with Trowbridge. Whilst the development does not interfere with the Landscape Setting Gap it does develop previous greenfield land further to the west of North Bradley towards the village of Southwick. The current minimum distance between the existing settlement boundary of North Bradley (The Rank) and Southwick is 700m where as the new developments boundary edge will be a minimum of 800m from the village of Southwick. Therefore, it is considered that the development is not impacting on coalescence to the west of North Bradley

This current application when compared to the previously refused application has made some changes in its masterplan to seek to mitigate some of the landscape impacts from the previous scheme. A wider 'landscaped' buffer strip has been allowed for along the western boundary of the site with reasonable landscape buffer strips being retained along internal hedgerows and along the northern boundary of the site (adjacent to The Rank) as per the previous scheme. This has primarily been achieved through the lowering of the density of development from a previous scheme of up to 85 dwellings to a density for this scheme of up to 66 dwellings. This reducing of built density and the increasing of landscape buffer zones around the sensitive boundaries of the site help it to better integrate into surrounding landscape context.

Whilst the site is adjacent to the settlement edge of North Bradley it will cause the irreversible change of 4.74Ha of rural countryside to built residential development. Para 180 (a) of the NPPF states that valued landscapes need to be protected but this generally refers to landscapes that have local designations such as registered green spaces, or sit within Special Landscape Areas. The Councils Landscape Officer agrees with the LVA's conclusion that the site has a 'medium' landscape value when compared to the Landscape institute TGN 2-21, but this is at the community scale rather than at the regional or national scale.

The site is generally well contained visually by existing hedgerows and the much of this is proposed to be retained and supported with additional planting and landscape buffers. The largest length of existing hedgerow to be removed will be along the southern Southwick Road Boundary to create the vehicle access. Whilst as noted in the original refusal notice this will open up views into the site, this will only be glimpsed views from passing cars on the highway along with the occasional pedestrian using the adjacent highway footpath to residences around Organ Pool farm. As noted in the LCA small incremental changes in highways infrastructure can impact on the perception of rural character. The raised kerb to the north of Southwick Road that starts at Organ Pool Farm along with the overhead utilities and accumulation of signage and road markings to the approach of the formal settlement boundary of North Bradley already provide a peri-urban character to this section of Southwick Road that the site borders. Whilst the development will undoubtedly completely urbanise the Northern boundary of Southwick Road between Organ Pool Farm and the Settlement Boundary of North Bradley to some extent that process of urbanisation has been happening through the existing highway infrastructure.

Whilst this development would irrevocably change this agricultural greenfield to an urban environment the Councils Landscape Officer is of the opinion that the change will not impact upon the distinctive character of North Bradley to such an extent that it would damage the character of the settlement. The recent North Bradley NP made it clear that the prime concern of residents in terms of landscape setting was retaining separation from the conurbation of Trowbridge as shown with the Landscape setting Gap set out in Policy 1. This development whilst outside the existing settlement boundary will not impact on this important local landscape setting criteria.

As already noted with the raised kerb and footpath and overhead utilities along with road markings and signage running along the northern edge of Southwick Road there are already urbanising influences in this location and it is therefore difficult to argue that the urban edge of North Bradley finishes at the existing settlement boundary. Whilst development of this site would further urbanise what is currently a 'peri-urban' location and introduce further landscape disturbance to rural tranquillity (Core Policy 51 item vii) since the site is located adjacent to the settlement of North Bradley such impacts of development would be reduced by its urban edge context. Due to the reduction in density and the increase in landscape buffer zones with this new application it is the landscape officers opinion that the proposal in landscape terms is acceptable. As such it is considered that the proposal has overcome the previous reason for refusal.

The Agricultural Land Classification for the site in question is grade 4 which is considered not to be the best and most versatile agricultural land and therefore there is no objection to the loss of this agricultural land.

The Councils Urban Design officer has raised concerns with the cul-de-sac approach of the illustrative masterplan which is highlighted in the Building for a Healthy Life to be of poor quality of design and place shaping. The submitted illustrative masterplan is purely as it states – illustrative and therefore an informative could be added to any positive decision to highlight this concern. It would be expected in any future reserved matters application to include connected street patterns through the use of cycle and pedestrian footpaths rather than dead end cul-de-sacs.

Furthermore the Council Climate Change Officer has confirmed that whilst a Energy and Sustainability Statement has been submitted with the application, it does not go far enough to provide a commitment to provide a low-carbon development. As such a condition has been recommended requiring a Sustainable Energy Strategy to be submitted to commit and provide a low carbon development which is considered to be appropriate.

An Arboricultural Impact Assessment was submitted with the application. This has been assessed by the Councils Arboriculturalist who has confirmed that sufficient information has been put forward to ensure that the existing trees on and off site are to be retained and sufficiently protected during construction.

9.3 Ecology

Core Policy 50 requires all development proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*... *“all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”*.... *“Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will*

generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:

- i) Cannot reasonably be avoided
- ii) Are reduced as far as possible
- iii) Are outweighed by other planning considerations in the public interest
- iv) Where appropriate compensation measures can be secured through planning obligations or agreements”

Policy 5 of the North Bradley Neighbourhood Plan requires all developed to comply with the Trowbridge Bat Mitigation Strategy

The application site is a greenfield site located within the yellow medium risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) (adopted Feb.2020). The application must therefore be considered under the Habitat Regulations. The SAC’s qualifying Features are as follows:

1. Bechstein’s bat *Myotis bechsteinii*
2. Greater horseshoe bat *Rhinolophus ferrumequinum*
3. Lesser horseshoe bat *Rhinolophus hipposideros*

This application is located approximately 1.7 km west of Pickett and Clanger Woods and approximately 2.6 km south-west of Biss Woods. These woods are publicly accessible woods south of Trowbridge each supporting a colony of Bechstein’s bats which together are believed to form a meta population of national importance. Bat ringing data has shown the same bats using the woodlands and the SAC. The woodlands are therefore considered to be functionally linked to the SAC and it is possible the conservation objectives for the SAC may not be met if the bats are disturbed or prevented from breeding there. Studies have shown that Bechstein’s bats are not confined to the woodlands but travel to find additional foraging and roosts outside them.

Habitats within the site comprise three cattle-grazed, species-poor, semi-improved grassland fields bordered by hedgerows. Bat activity surveys have been completed on site in accordance with BCT Good Practice Guidelines, Wiltshire Bat SAC Planning Guidance and the Trowbridge Bat Mitigation Strategy and demonstrated that all three qualifying bats were using the boundaries consistently throughout the year. No trees were recorded as having potential roosting features for bats. The proposed development demonstrates that the core bat habitat remains connected with the wider habitat network and buffers are being provided in accordance with the TBMS alongside attenuation ponds which will improve the capacity of the site to provide insects as a food source for the bat population. A lighting report was submitted with the application which shows a 30m dark corridor along the western part of the site and a 20m dark zone in the middle of the development to provide the main commuting and foraging corridors for the bat community.

An Ecological Parameters Plan (EPP) was submitted with the application which identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and any areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. The EPP will become an ‘approved document’ of any outline permission granted and any reserved matters application must be in compliance with the plan.

The Councils Ecologist submitted an Appropriate Assessment under the provisions of the Habitats Regulations and in accordance with Regulation 63 of the Regulations to Natural

England which concluded that the proposed development would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC. Natural England raised no objection providing all the mitigation required by the Councils Ecologist are appropriately secured in any permission given.

A Dormouse and reptile survey was also undertaken with small numbers of slow worm being recorded along the Western boundary which will benefit from the additional landscape features proposed as part of this development.

Swifts in the UK are on the Birds of Conservation Concern (BoCC) Red List and are classified as Endangered on the IUCN Red List assessment of extinction risk for Great Britain. As such a condition should be attached to any permission requesting an installation plan for integral nest boxes to be installed on site at a ratio of 1:1 in line with BS 42021:2022 Integral nest boxes – Selection and installation for new developments.

This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. That Appropriate Assessment reached a conclusion of no adverse effects on site integrity for development within 6.4km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

Schedule 7A of the Town and County Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) requires every housing application to provide a 10% biodiversity net gain on the site as of 2nd April 2024. The Biodiversity value attributable to the development must exceed the pre-development biodiversity value of the onsite habitat by at least 10% which will be secured for 30 years either via a condition or a unilateral undertaking. If the 10% BNG is to be provided offsite it will need to be registered on a Biodiversity Net Gain Register.

Some hedgerows on site will be lost (1 and parts of 4) but the proposal includes planting of new species-rich hedgerows in a number of locations and it will take c. 12 years to reach good condition, the LPA would like to see both hedgerows translocated and used on-site, and if possible along the Southwick Road further information of which can be controlled via a condition.

The Councils Ecologist and Natural England have raised no objections to the scheme subject to conditions regarding the submission of an Ecological Parameters Plan, Landscape and Ecology Management Plan and a Construction Environmental Management Plan. Details regarding the construction of the SuDs, details of integrated roosting/nesting features, restrict new external lighting and the development to be built in accordance with the Biodiversity Metric (or subsequent Biodiversity Metric that may be submitted with any future reserved matters application that would need to broadly align with that submitted on the current application) all of which are considered to be acceptable. As such the proposal is considered to comply with CP50 and has overcome the previous reason for refusal relating to ecology.

9.4 Impact on the significance of heritage assets, such as listed buildings and conservation areas

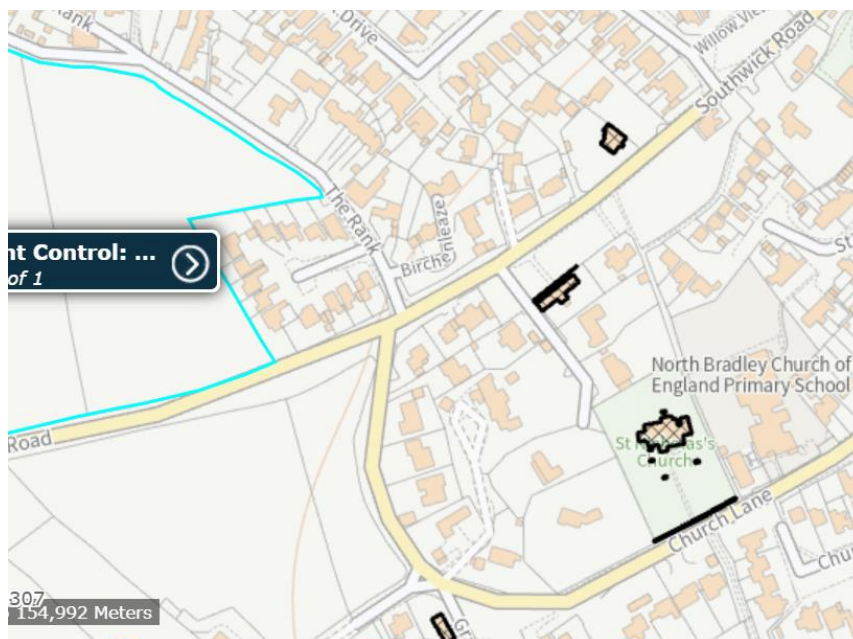
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 199 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ..This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Core Policy 57 of the Wiltshire Core Strategy states: "A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

There are 4 listed buildings within the immediate vicinity of the site including the Grade II The Old Rectory, Grade II The Daubeny Almshouses with Grade II front boundary walls, Grade II* Church of St Nicholas with its Grade II walls and gateway and associated Grade II Monuments and Grade II 59 Church Lane. All of these historic buildings are considered to be a sufficient distance away from the site with intervening built development for the development to have a neutral impact upon them and their setting. The proposal is therefore considered to comply with the relevant policies above.



9.5 Archaeology

The application was submitted with an Archaeology and Historic Assessment and also a Trial Trenching Report. The Councils Archaeologist has assessed the submitted information and as a result of the findings of the evaluation no further archaeological investigations need to be carried out on the site. The proposal is therefore considered to comply with the requirements of CP58 and has overcome the previous reason for refusal.

9.6 Impact upon neighbouring amenity

The site is bounded by residential properties from Winchester Close and The Rank to the East and North-East of the site. Southwick Road and a small number of residential properties bound the southern boundary of the site.

In terms of Winchester Close these houses are all bungalows and thus do not have a major overlooking problem onto the existing site although site section drawings would be expected to be submitted with a reserved matters application to understand the relationship between the proposed built form and rear gardens along with proposed landscape mitigation / screening to ensure that the gardens of Winchester Close are not being overlooked / overshadowed by future occupiers.

Most of the housing along the Rank is either orientated to look away from the site or set far back from the site. This, along with the mitigating landscape buffers should reduce the impact of development on existing residents.

Whilst the detail would be a reserved matter issue, the amenity of future occupiers should be taken into consideration and therefore the proposed dwellings would need to ensure that they meet the minimum sizing requirements noted in the Governments Technical Housing Standards and their associated gardens should be at least the same size as the ground floor of the dwelling they serve in accordance with the Councils Design Guide. In addition to the appropriate garden each dwelling in Wiltshire has access to 1 x 180 litre household waste bin, up to 2 x 240 litre wheeld bins, up to 2 x 55 litre black recycling box and the option of 1 x180 litre chargeable garden waste bin and as such sufficient space should be provided for each dwelling for the storage of these waste bins/boxes alongside appropriate cycle storage. The submitted details appear to show that it is capable of delivering these requirements alongside no overlooking or overshadowing taking place between the proposed dwellings.

Due to the proposed dwellings lying close to the existing road an acoustic design scheme will be required to be submitted at the reserved matters stage. This is to ensure that the following noise criteria can be met with windows open in accordance with the Professional Practice Guidance: Planning and Noise – New Residential Development May 2017:

- * bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an LMax, F of 45 dB
- * living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)

- * external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

For the avoidance of doubt, using closed windows to achieve the internal noise level target noted above shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. A noise validation report demonstrating compliance with the noise criteria will need to be submitted with the reserved matters application and this assessment should be conducted in accordance with Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) and the approved noise design scheme. This element can be appropriately conditioned and will enable the Local Planning Authority to make an appropriate assessment at the reserved matters stage. As such at this stage of the application process the proposal is considered to comply with the relevant criteria of CP57.

9.7 Highway Matters

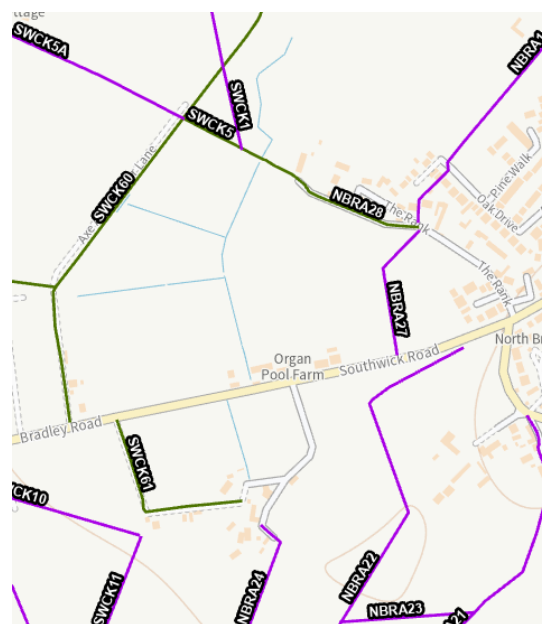
The objectives of Core policies 60 and 61 are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire, and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

There are two bus stops within the immediate vicinity. Both on Southwick Road and is served by bus route 67 (Monday to Friday) and 67A (Monday to Saturday) which travels between North Bradley and Trowbridge Town. The bus travelling between Warminster and Bath (D1 Monday to Sunday) and the Frome to Trowbridge which stops at Dilton Marsh and Westbury (X47 Monday to Friday) stop at the Rising Sun which is a 10 minute walk from the site access onto Southwick Road. None of the busses can be said to be regular to the point where someone could go about their every day daily needs but there are busses available. Furthermore, the site is within walking distance of some services such as the public house, primary school and also within a 20 minute walk is the Bradley Road Retail Park.

The application has been submitted with a Transport Assessment, a Travel Plan and a Lighting Assessment that detail sufficient parking spaces (residential and visitor) for the proposed development. The amended plans showed a revised access arrangement (ghost right hand turn has been removed) which has been considered by the Councils Highway Officer to be acceptable. As have the footway elements associated with the frontage. As such the proposal is considered to comply with CP60, CP61 and CP64.

9.8 Public Rights of Way

There are several Public Rights of Way that cross the site and are near to the site in question. NMRA27 is a Public Right of Way that crosses the site. NBRA 28 is a public bridleway and runs along the northern boundary. There are other public right of way within the vicinity of the site which include NMRA22 which runs south and away from the site on the opposite side of Southwick Road, NBRA1 runs North away from the site and SWCK5 which is a bridleway connects onto NBRA 28 and onto SWCK60 (bridleway) and SWCK5A (right of way)



The Councils Public Right of Way Officer has assessed the application and noted that while Public footpath NBRA27 has no recorded width, it should be constructed to a metalled finish with a 2-meter width. All tree planting near to the public rights of way should be constructed to the industry standard and with a distance so that the roots of the trees will not affect the surface of the path. Where NBRA27 crosses through the hedgerow dividing the site the ditch will need to be culverted as will footpath NBRA27 where it leaves the site and meets The Rank. The culverts will need to be installed to a specification approved by the Wiltshire Councils Drainage team. This detail would be provided as part of any future reserved matters application and as such in principle the proposal is considered to comply with CP52.

9.9 Drainage

CP67 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).

The site is located in Flood Zone 1 which is the least likely to flood. The Environment Agency classifies this site as at Very Low risk of surface water flooding. There is a small area in the north of the site which is classified as low risk of flooding. It also classifies the site to be at very low risk from groundwater flooding. The proposed finished floor levels are to be at least 150mm above the adjacent road level to ensure that they are not at risk from flooding from all sources.

Surface water run off from the proposed development is to be discharged at a controlled rate into the watercourse to the West of the site. This will be achieved using both source and site control techniques such as a proposed pond to the west of the site alongside a series of cascading swales which will provide attenuation for surface water run off as well as providing amenity and biodiversity benefits.

There is an existing Wessex Water public foul sewer in the east of the site extending northwards from the residential development at Winchester Close to discharge to the public sewer network adjacent to properties off The Rank. A public foul sewer also extends northwards through the Western portion of the site from Organ Pool Farm to the south of the site to a pumping station that is approximately 175m to the north of the site. The sewer network within The Rank also discharges into this pumping station.

Foul water generated by the development will be drained by gravity and discharged into the existing public foul sewer. Wessex Water have confirmed that a connection can be made to the foul sewer but there is limited capacity at the sewage pumping station but should the application be approved, modelling and if necessary improvements will be undertaken by Wessex Water to accommodate the future housing.

The application has been submitted with a site specific Flood Risk Assessment which has been assessed by the Councils Drainage Officer who has supported the scheme subject to conditions which are considered to be acceptable. As such the proposal is considered to comply with CP67.

9.10 Section 106

CP3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising from the proposal.

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, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework 'The 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

Policy 6 of the North Bradley Neighbourhood Plan requires all new housing and employment proposals to contribute towards local infrastructure in accordance with National policies and the WCS with priorities being:

- Improvement of existing footpaths
- Installation of cycle paths linking the parish with Trowbridge
- Improvement of local bus services
- Upgrading of recreational and other facilities at the Peace Memorial Hall and the Progressive Hall
- Provision of Healthcare facilities within the Parish
- The provision of a new non-denominational burial ground
- The enhancement of habitat for biodiversity
- Contributions towards school places

The developer has agreed to the following Section 106 requirements:

Affordable Housing: CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided. This results in a need for 20 affordable homes. From this, the Local Planning Authority would require a tenure split of 60% (12) affordable rented homes, 15% (3) shared ownership homes and 25% (5) First Homes. These dwellings will need to be transferred to a Registered Provider

Open Space: The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 96 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space. The requirement for this development is 2305.25m² of public open space and 116.82m² of equipped play which has been calculated using the latest Sport England Guidance. The application includes sufficient on space requirement. The proposal would also generate a requirement of 1557.60m² of Sports and Pitches & Courts which equates to an off-site financial contribution of £15,576.00 which would go towards the upgrading of the playing pitch and ancillary provision at the Peace Memorial Trust Playing Field and/or sports or ancillary provision within the vicinity of the land.

Education: The NPPF (paragraph 94) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities. In order to fulfill this requirement the proposed development is required to fund the following:

Early Years Assessment: There are currently 4 preschools nurseries and 8 childminders within a two-mile safe walking route of this proposed development which are at full capacity. The Local Planning Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. As a result the development would need to provide 7 places at a cost of £17,522 each with a total cost of £122,654.00 (indexed linked)

Primary School Assessment: There are two primary schools in the designated area which have capacity and therefore no contribution would be required.

Secondary School Assessment: There are three secondary schools in the designated area which are at full capacity and as a result of the development would need to provide 13 secondary places at a cost of £22,940 each with a total cost of £298,220.00 (indexed linked)

Highways: CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identified transport strategies for Wiltshire's Principle Settlements (Trowbridge being one of them) which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

The highways contributions are as follows;

- Improvements to the bus stops on Woodmarsh (Rising Sun) to include a new shelter, poles and timetable
- Cycle parking on the western side of Woodmarsh Road at the Rising Sun bus stop
- Provision of waste bins at bus stops on Southwick Road and Woodmarsh
- Public right of way paving by gates to be re-laid
- New 40mph speed introduced to support priority junction

Public Rights of Way: CP52 states "*Development shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD and the Local Cycling and Walking Infrastructure Plan which is nearing adoption. The NPPF at paragraph 104 requires planning decisions to protect and enhance public rights of way and take opportunities to provide better facilities for users.

This development will lead to an increase usage of the Public Rights of Way network particularly to the North of the site and as such a contribution of £25,000 (index linked) is required to go towards surfacing improvements on NBRA28, SWCK5 SWCK60.

Ecology: In accordance with the Trowbridge Bat Mitigation Strategy a contribution of £777.62 per dwelling will be required to mitigate the residual effects from loss /degradation of bat habitat and would be required prior to the commencement of development.

The S106 must also identify who will be responsible for maintaining the biodiversity habitat and commit the body(ies) to be responsible for those matters detailed below:

- a) Within the application site
- b) Within the Public Open Space and the Orchard area in the Northern part of the site
- c) To implement the LEMP for the lifetime of the development

Waste: Under Core Policy 3 and WCS6 the Waste Team will require contributions towards the provision of waste and recycling containers for each residential unit (£101 per dwelling) and therefore a total cost of £6,666.00 would be required. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development

Arts Contribution

Core Policy 57: Ensuring high quality design and place shaping which promotes "the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm". Core Policy 3: Infrastructure Requirements promotes and defines public art as a type of place-shaping infrastructure and states that the cost of providing infrastructure can be met through the use of planning obligations. This is supported in the Councils adopted Art and Design in the Public Realm in Wiltshire. In addition, the NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning

principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that “Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.”

A contribution of £19,800 (based on £300 per dwelling and £3 per square metre of non-residential commercial land) would be required to deliver a public art scheme on or within the vicinity of the site.

Management Company: The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after in perpetuity. The Management Company would also be responsible for maintaining the biodiversity habitat within the application site and within the public open space and be required to implement the LEMP for the lifetime of the development.

S106 Monitoring Fee: A S106 monitoring fee would be required to be included within the S106 Legal Agreement which would be 1% of the total financial contributions capped at £10,000.00.

Other

Wiltshire Council adopted CIL (Community Infrastructure Levy) on 18th May 2015 and therefore the proposed dwellings subject of this application will be liable to pay CIL and therefore an informative should be added to any approval informing the applicant. It will also be expected that the S106 would include the creation of a management company to look after the public areas and a S106 monitoring fee.

10 PLANNING BALANCE

Paragraph 11 (d) and footnote 8 of the NPPF state that where a Local Planning Authority cannot demonstrate a four-year housing land supply then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the ‘tilted balance’) should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

However, Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits should be refused. A set out earlier in the report, due to the North Bradley Neighbourhood Plan being less than 5 years old and containing policies and having allocations to meet the identified housing need paragraph 14 applies and the application should therefore only be refused if the adverse impacts are likely to significantly and demonstrably outweigh the benefits.

Turning to the benefits, the following is noted:

The provision of market housing is a key part of national and local planning policy and has recently been re-enforced by the Written Ministerial Statement confirming the governments commitment to the delivery of new housing. Given the Council's shortfall in housing (3.85yrs against a 4yr housing requirement), and the direction of travel from central government, the contribution this site will make to the provision of housing is a positive benefit of the scheme. This benefit should be attributed substantial weight.

The proposal would also provide 30% affordable housing where there is a current, significant shortfall against the Council's target. The term significant is used as the Inspector at the Storridge Road Appeal noted that there was a shortfall of 936 affordable homes and used the term significant when referring to this shortfall. The benefit of providing 30% affordable housing (potentially 20 dwellings) is afforded substantial weight.

The site would also generate short term economic benefits during construction and long term economic benefits from the expenditure on local goods and services by the future residents. The NPPF at paragraph 85 states that "*Significant weight should be placed on the need to support economic growth and productivity...*" In line with the NPPF, significant weight is attached to this benefit.

The provision of those items required through the S106 legal agreement such as public open space, education and public rights of way improvements as well as BNG would be as a result of the proposed development but would provide some benefit to existing residents in the area and therefore moderate positive weight is given to these.

Turning to the adverse impacts, the proposal fails to comply with the development plan as whole given the policy conflict identified in this report. CP1, CP2 and CP29 of the Wiltshire Core Strategy alongside Policy 2 of the Neighbourhood Plan are key in this judgement as they form the spatial strategy of the development plan and therefore indicate whether or not a proposal is in a suitable location for housing. Whilst noting the site is in a relatively accessible location with access to public transport links, by reason of the site being located outside the limits of development the conflict with these policies is attributed significant weight.

The development of a field into housing would impact the character and appearance of the area but the proposed landscaping and existing built form in the immediate area will reduce the impact of this. Furthermore, such an impact would occur with the development of any greenfield. Given the impacts are very localised and with the planned mitigation taken into account, this harm is given limited weight.

Set against these adverse impacts is the substantial and significant benefits identified above (notably, the provision of market and affordable housing and economic benefits). Accordingly, it is judged that the adverse impacts of allowing this development in conflict with the neighbourhood plan is not likely to significantly and demonstrably outweigh the benefits.

11. Conclusion

The proposal fails to comply with the spatial strategy contained in the Wiltshire Core Strategy and the Neighbourhood Plan and in accordance with Paragraph 14 those adverse impacts must be seen to significantly and demonstrably outweigh the benefits. Wiltshire Council is currently unable to demonstrate a four-year housing land supply and has a significant shortfall of affordable housing units. The application has received support from statutory consultees and this report demonstrates that there are no adverse impact arising from the proposal on the wider landscape, ecology, highways or amenity and has overcome the previous reasons for refusal. In light of the above, it is considered that the adverse impacts of allowing this development which conflicts with the neighbourhood plan do not significantly and demonstrably outweigh the benefits identified above and as such the application is recommended for Approval.

12. RECOMMENDATION

Subject to a suitable S106 agreement being agreed as per the report, then Approve, subject to the following conditions:

Conditions:

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

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

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

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

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

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

3 With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Received on 16th July 2024: Swept path analysis (23203-MA-IM-XX-DR-C-7050-P01 SPA), Construction Access (23203-MA-IM-XX-DR-C-0101 GA), Swept path analysis (23203-MA-IM-XX-DR-C-7060-P01 SPA)

Received on 3rd June 2024: General access arrangement (23203-MA-IM-XXDR-C-0100-P09), Biodiversity Net Gain Briefing Note

Received on 23rd November 2023: Location Plan,

Arboricultural Impact Assessment dated November 2023

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

5 An acoustic design scheme for protecting the proposed dwellings from road traffic noise shall be submitted alongside the reserved matters application. The scheme shall ensure that, upon completion of the development, the following noise criteria shall be met, with windows open, in accordance with the Professional Practice Guidance: Planning and Noise – New Residential Development May 2017:

* bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{Amax, F} of 45 dB

* living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)

* external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised.

No dwelling hereby approved shall be first occupied until a noise validation report, demonstrating compliance with the noise criteria has been submitted to and approved by the local planning authority. This assessment shall be conducted in accordance with Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) and the approved noise design scheme. Any additional steps required to achieve compliance shall be taken, as necessary.

The development hereby approved shall be carried out in accordance with the approved details for the lifetime of the development.

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

6 The first reserved matters application will include a revised Biodiversity Metric Calculation broadly in accordance with that submitted to the Council (Biodiversity Metric 4.0 - Ecology Solutions, May 2024). but taking account of any revisions to the calculation methodology made by Natural England and recalculated to reflect the details of the reserved matters application(s)

REASON: In the interest of Ecology and in accordance with the Trowbridge Bat Mitigation Strategy

7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- A schedule of tree works conforming to British Standard 3998: 2010;

- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

8 No development shall commence on site until the the following information regarding drainage have been submitted to and approved in writing by the Local Planning Authority:

- if infiltration and / or permeable paving is proposed (in the west of the site) soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible must be supplied as part of a revised drainage strategy.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year rainfall event.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.
- The applicant must demonstrate that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- A sensitivity analysis on the network considering surcharged outfall conditions
- Calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.
- evidence of permission to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity.
- demonstrate overland exceedance routes on the drainage plan for flows of the 1 in 100 year plus climate change (40%) rainfall event.

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

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

9 No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of 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.

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

10 No development shall commence on site until a Energy Strategy(ies), including details of operational energy, embodied carbon, low carbon, renewable energy technologies, climate change adaptation measures and sustainable transport has 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

11 No demolition, site clearance or development shall commence on site, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include a detailed plan showing detail of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Phasing plan for bat habitat creation and landscape works in the north and east of the site.
- b) Identification of ecological protection areas/buffer zones/bat and dormouse habitat and tree root protection areas and details of physical means of protection, e.g. exclusion fencing and including who will be responsible for its installation.
- c) Location of construction compounds.
- d) Details on locations of any construction lighting (if required: Note: this must be kept away from boundary features).
- e) Working method statements for protected/priority species, including but not necessarily limited to, bats, dormouse, nesting birds, badger and reptiles.
- f) Mitigation strategies already agreed with the local planning authority prior to determination; this should comprise the pre-construction/construction related elements of strategies only.
- g) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- h) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

i) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The development hereby approved shall then be carried out in strict accordance with the approved CEMP.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable

12 No demolition, site clearance or development shall commence on site until a scheme and timetable for the provision and creation of the SuDs located in the western part of the site/within the public open space area has been submitted to and approved in writing by the Local Planning Authority. The SuDs shall be designed as a permanent waterbody with a diverse marginal structure using trees, shrubs and grasses to provide suitable aquatic habitat for foraging bats.

The scheme shall be completed in accordance with the approved details and in accordance with the timetable detailed in the approved scheme

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

13 No demolition, site clearance or development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the approved Ecological Parameters Plan included with the document titled 'Response to Consultation Comments' (Ecology Solutions Ltd; received 3rd June, 2024) the approved Biodiversity Metric 4.0 (Ecology Solutions, May 2024) submitted with the application. The LEMP will include details of translocating species-rich Hedgerow 1 and the majority of Hedgerow 4 along the Southwick Road to landscaped areas within the site. The LEMP will include the long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme

14 No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

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

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

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

1. Routing plan
2. Traffic Management Plan (including signage drawing(s))
3. Number (daily/weekly) and size of delivery vehicles.
4. Number of staff vehicle movements.
5. Details of temporary/permanent Traffic Regulation Orders
6. Phases plan

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

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

16 No development shall commence on site until a plan (details) for the selection, siting, positioning and installation of integral roosting/nesting features (ratio of 1 feature: 1 building) for bats and birds has been submitted to and approved in writing by, the local planning authority.

The plan should show the green infrastructure that the development is to provide, illustrating how birds and bats using the boxes have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting feature should identify, as a minimum:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.

The integral nest box plan should be implemented in accordance with the approved details and shall remain for the lifetime of the development.

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

17 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 GN01:2021, 'The Reduction of Obtrusive Light' Guidance Note (ILP, 2021), have been submitted to and approved in writing by the Local Planning Authority.

The approved lighting shall be installed and shall be maintained in accordance with the approved details for the lifetime of the development.

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

18 The development hereby permitted shall be carried out in accordance with the Ecological Parameters Plan included with the document titled 'Response to Consultation Comments' (Ecology Solutions Ltd; received 3rd June, 2024). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys, including but not necessarily limited to bats and dormouse.

REASON: To protect the ecology on the site

19 No part of the development hereby approved shall be occupied, until the visibility splays shown on the approved plan 23203-MA-IM-DR-C-0100-P09 have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety

20 No development hereby approved shall commence on site until the construction access arrangement has been laid out in accordance with drawing number 23203-MA-IM-XX-DR-C-0101-P01.

Reason: In the interests of highway safety

21 No part of the development hereby approved shall be first occupied until the access, road markings, improvements to the access with Church Lane and footpaths have been laid out and completed in accordance with drawing number 23203-MA-IM-XX-DR-C-0100-P09.

REASON: In the interest of highway safety

22 Prior to first occupation of the development hereby approved, a scheme of off-site highway works shall be submitted to and approved in writing by the Local Planning Authority in general accordance with plan 23203-MA-IM-DRC-0100-P09, subject to the submission and approval of detailed design, technical approval and the submission of safety audits. The scheme shall include those works as shown on the plan. No part of the development shall be first occupied until the offsite works have been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

23 Prior to first occupation of the development hereby approved a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for the lifetime of the development

Reason: In the interests of promoting sustainable patterns of travel to and from the development.

Informatives: (4)

1 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 [INSERT].

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

3 Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary

watercourse or carry out work within 8m of an ordinary watercourse. [An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows].

4 It is important for the applicant to note that the submitted illustrative masterplan would need to include connected street patterns through the use of cycle and pedestrian footpaths rather than several dead end cul-de-sacs when the detailed design is developed for the reserved matters application