

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	23 January 2025
<b>Application Number</b>	PL/2023/08640
<b>Site Address</b>	Land South of Stanley Lane, Chippenham
<b>Proposal</b>	Outline planning application for the development of up to 150 residential dwellings with associated parking, green infrastructure, engineering works and other infrastructure with all matters reserved except access.
<b>Applicant</b>	David Wilson Homes South West
<b>Town/Parish Council</b>	Chippenham
<b>Ward</b>	Chippenham Pewsham
<b>Type of application</b>	Outline planning permission: Some matters reserved
<b>Case Officer</b>	Victoria Davis

### Reason for the application being considered by Committee

The application has been called to committee by Councillor Cape and Cllr O'Neil. This is to consider the scale of development, relationship to adjoining properties and the environmental/highways impact as well as the principle of development within the emerging local plan context.

#### 1. Purpose of Report

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

#### 2. Report Summary

This application has been the subject of a statutory public consultation period and has attracted representations of objection from approx. 54 letters of objection have been received from 42

respondents. Objections have also been received from Chippenham Town Council and Bremhil Parish Council. 4 letters of support have been received from 4 respondents.

The key issues for consideration in respect of this proposal are:

- Principle of Development
- Scale, Design and Visual Impact
- Heritage Impacts including Archaeology
- Residential Amenity
- Highway Impacts & Sustainable Transport
- Drainage and Flood Risk
- Ecology & Biodiversity Net Gain
- Section 106 Contributions/Obligations & Community Infrastructure Levy (CIL)

### **3. Site Description**

The application relates to land at Gate Farm at Chippenham. The site is located off Stanley Lane, to the northeast of Pewsham and east of Chippenham, between Abbeyfield Secondary School and Stanley Park Sports facility. The current use appears to be mixture of agricultural and equestrian uses with a proliferation of stables, barns and storage buildings/containers across the site. The site extends to approximately 7.2ha.

The site is located in open countryside, adjacent to but outside the settlement boundary for Chippenham (approx. 30m distant), which is designated as a Principal Settlement in the Wiltshire Core Strategy. It is classified as Grade 3 agricultural land. The Council's Strategic Flood Risk Assessment (SFRA) indicates that the site has some isolated areas susceptible to surface water flooding and low risk of ground water flooding. The site is wholly within Flood Zone 1.

The closest Public Right of Way CHIP107 extends away from the site to the north west. There is one listed building in the vicinity, Gate Farmhouse which is Grade II listed and located at the junction with London Road and Stanley Lane. The closest residential properties are Gate House, Gate Farm immediately adjacent to the north west corner of the site, and Cherry Tops, The Haven and Jays Farm to the northern corner.

#### **4. Planning History**

16/05067/SCR          Screening Opinion for 140 Residential Dwellings

ENQ/2023/00151      Pre-application Enquiry for Proposed Residential Development of 150 Dwellings (Outline Application)

The site was promoted to the Council as a potential site for development in the Local Plan and was included in the Wiltshire Strategic Housing and Employment Land Availability Assessment (forms part of SHELAA Site 506b). This site was later combined with adjacent land parcels and renumbered as 'Site 1 - Land East of Chippenham' for further consideration under the site selections process. Site 1 was later excluded from the selection process prior to submission of the Local Plan for independent examination on 28 November 2024 (see Wiltshire Local Plan SD/05 'Planning for Chippenham - September 2023'). The site is not proposed to be allocated.

#### **5. Proposal**

The application seeks outline planning permission for the development of up to 150 residential dwellings with associated parking, green infrastructure, engineering works and other infrastructure with all matters reserved except access.

#### **6. Planning Policy**

##### Wiltshire Core Strategy 2015 (WCS)

Core Policy 1	Settlement Strategy
Core Policy 2	Delivery Strategy
Core Policy 10	Chippenham Community Area
Core Policy 50	Biodiversity and Geodiversity
Core Policy 51	Landscape
Core Policy 57	Ensuring high design and place shaping
Core Policy 58	Ensuring the conservation of the historic environment
Core Policy 61	Transport and Development
Core Policy 64	Demand Management
Core Policy 67	Flood Risk

### North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside

NE14 Trees and the control of new development

NE18 Noise and pollution

### Wiltshire Housing Site Allocations Plan Adopted February 2020

### Chippenham Site Allocations Plan Adopted May 2027

### Wiltshire Local Plan (emerging)

Wiltshire Council submitted the Wiltshire Local Plan to the Secretary of State for Housing Communities and Local Government for independent examination on 28 November 2024.

Full weight can only be given to the new Local Plan once it has been adopted by the Council. Until then, only limited weight can be given in deciding planning applications, particularly when the examination is at an early stage.

### National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting Sustainable Transport

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

### Other considerations

- Planning Practice Guidance (PPG)
- Wiltshire Local Transport Plan 2011- 2026

## **7. Summary of consultation responses (full comments are available online)**

## Chippenham Town Council: Object

- Acknowledges tilted balance is engaged (notes modest shortfall 4.6 years)
- The site is not allocated – housing delivery in Wiltshire remains strong, including Rowden Park
- Proposal is contrary to CP2 & 10 – outside of settlement boundary
- Acknowledges relatively sustainable location immediately on the edge of the settlement
- Prefer to see this site allocated/developed for residential uses over other proposed, less sustainably located, greenfield sites in Chippenham proposed in the Local Plan Review (Regulation 19 Version).
- Affordable housing units are a benefit of the proposal

Several matters would need to be resolved to secure support from TC –

- Achieving net zero
- 10% net gain is provided
- S106 contribution towards cycling infrastructure – regard to T1 of CNP
- Improvements are required at Stanley Lane Junction
- Public stewardship of allotments
- Drainage of Stanley Park pitches must not be impacted by pond on site
- Clarification around tree removal/retention
- The Town Council concurs with the comments from Chippenham Cycle Network Development Group
- Appropriate S106 contribution made to improve/enhance facilities at the adjacent Stanley Park Sports Ground (SPSG) To be secured
- Traffic congestion at peak times (school drop off/pick up) at the Stanley Lane/London Road junction is noted by a number of local residents and this situation would be exacerbated by the proposed development.

In response to the second consultation the TC were satisfied by the Sustainable Energy Statement in respect of energy and water as well as provision of biodiversity net gain being demonstrated. The contribution towards SPSG was also considered appropriate. The TC notes ongoing discussion on matters relating to highways safety and cycling infrastructure. The previous

comments in respect of Arboricultural matters were reiterated. Ultimately the TC objection as maintained on the basis that the site was outside of the limits of development, contrary to the development plan policies CP 2 & 10

Bremhill Parish Council: Object

*Bremhill Parish Council's previous objections to this planning application still stand. It's concerns have not been addressed in this latest revision. To reiterate this site is not an allocated site in the current CSAP or in the Local Plan subject to Regulation 19 consultation at present. Furthermore, Wiltshire Council has demonstrated it has a 4 year land supply to meet the requirements of the current NPPF and therefore there is no requirement for this site to be considered.*

Wiltshire Council Highways: Initially raised concerns with access arrangement and requested off site contributions focus on local improvements. No objection to revised proposal subject to conditions and contributions being secured via s106.

Wiltshire Council Landscape Officer: No objection

*I do not identify any landscape or visual reasons, other than loss of countryside that would substantiate a landscape or visual reason to object to this development proposal at this location.*

Wiltshire Council Urban Design: Object, concerns summarised below -

- The proposed facing materials and scale (height and massing) conveyed in the Design & Access Statement and Heights Parameter Plan would not indicate that a high standard of design would emerge at Reserved Matters.
- In line with comments provided at the preapp stage the illustrative masterplan limitations of this sketch drawing, appear to accord with principles of good design conveyed in Building for a Healthy Life
- The text, photos and illustrations indicate an expansive and substantial use of brick would materialise at Reserved Matters with the possibility of Reconstituted and natural stone to

reflect the local stone as the intrinsic characteristic of the locality and wider area only appearing incrementally and sparingly.

- A heights Parameter Plan leaves open the possibility of a substantial coverage /concentration of building volume and collective mass as above two storey domestic eaves heights for attic and part attic under large roof slopes and full three storey façade heights that would be prominent its rural edge of settlement setting rather than sporadic and limited buildings of increased height.

In response to revised plan confirms that the objections are maintained and that, if approved, no weight should be afforded in any planning conditions to the drawings and documents that contain these matters which are essentially a Reserved Matter.

Wiltshire Council Drainage: No objection subject to detailed surface water drainage strategy being secured by conditions

Wiltshire Council Conservation Officer: No objection, extract from comments below

*Provided that the final design carries forward the mitigation measures indicated in the illustrative masterplan the impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met. There is therefore no objection to the approval of the application from the point of view of the built historic environment.*

Wiltshire Council Arboricultural Officer: No objections at this stage provided any future layout places trees outside the curtilage of residential gardens. The orientation of any dwellings should be considered in close proximity to trees.

Following the submission of further information to address the Ecology team concerns clarification was sought in respect of the trees for removal. Confirmed that details TPP showing canopy spread and root protection areas for all retained trees would be required to accompany RM submission

Wiltshire Council Archaeology: Following review of archaeological evidence including geophysical survey, raises no objection subject to trial trenching being secured by condition

Wiltshire Council Public Rights of Way: Requested contributions towards PROW network and canal restoration –

- £500 per dwelling Towards restoration of canal for recreation and biodiversity value.
- £2000 Contribution to upgrade of CHIP107 (which may be closed)
- £5000 Contribution towards BREM47
- £20,000 Contribution towards Chippenham to Calne Cycleway

Wiltshire Council POS & Leisure: No objection.

- Provided formula for calculation on site POS or off site contribution per property.
- Confirmed all on-site POS and Equipped Play needs to be secured and managed in perpetuity, and Wiltshire Council will not adopt the on-site POS or Equipped Play.
- Noted preference would be for a Trim Trail to be provided instead of a LAP
- Identified off-site sports target site as the upgrade of Stanley Park Sports Ground and/or sports, pitch or ancillary provision within the vicinity of the land.

Wiltshire Council Climate Officer: Objection to initial proposal - no objection to revised plans/information subject to conditions

- Reference to out of date building regulations
- Updated Sustainable Energy Strategy is requested
- Higher water efficiency is to be expected and would improve sustainability of the development over minimum building regulations
- Original submission does not represent a low carbon proposal

In response to the second consultation the officer was satisfied that the developer has broadly addressed previous comments and makes a submission that provides the outline of a low carbon strategy. It is required that the RM submission is supported with an updated Sustainable Energy Strategy to provide more detail in relation to operational and embodied carbon, climate change adaptation measures and sustainable transport based on the principles set out in the submitted



Sustainability and Energy Strategy. Conditions suggested in relation to details and delivery of ASHP, Solar PV and EV along with cycle parking and water consumption.

Wiltshire Council Education: Full comments online, contributions requested as below -

### ***Early Years Places***

£297,874 towards the development of Early Years provision in this area (17 places)

### ***Primary School Places***

There are sufficient places available across the in-area schools to accommodate the primary school pupils generated by this development. As a result, we have no requirement for a developer contribution towards the expansion of primary school infrastructure from this application.

### ***Secondary School Places***

£665,260 full developer contribution towards secondary school places (29 Places)

Wiltshire Council Housing Enabling: No objection to AH proposals, extract below. Comments also provided in relation to the design of the scheme for subsequent RM application.

*I note that the Covering Letter supports the delivery of 40% Affordable Housing, which is accordance with Core Policy 43 of the Wiltshire Core Strategy, and sets out the Affordable Housing Mix which reflects the mix advised in the Housing Enabling Team's consultation response 09/11/23. As requested, 10% of the Affordable Housing units are proposed to be delivered as Adapted Units to M4(2) standards. The Affordable Housing proposals are therefore considered to be acceptable.*

Wiltshire Council Public Protection: No objection subject to conditions in relation to noise (traffic to new properties), Construction Management Plan, Air Quality Assessment (AQA), EV Charging and ASHP installation. *The Officer later withdrew the requirement for the AQA on the basis that Chippenham does not have an AQMA.*

Wiltshire Council Ecology: Ecology information initially requested (Ecology Parameters Plan, GCN Licensing payment certificate and tree removal protection details)

Final comments conclude no objection subject to condition to ensure compliance with approved plans, submission of CEMP, LEMP details of mitigation measures and detailed lighting strategy

Wiltshire Council Waste: No objection subject to contribution towards waste containers and detailed design advice to be considered in subsequent RM application.

NHS Property Services: Financial contribution towards capacity within the Chippenham, Corsham & Box PCN of £162,701 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development.

NHS Trust: Financial contribution requested to support service delivery during the first year of occupation of each dwelling and adverse impact of it on the delivery of health care in the Trust's area. Contribution requested for this proposed development of 150 dwellings is £108,816.00. This contribution will be used directly to provide additional services to meet patient demand.

Active Travel: Not in a position to support the application. Detailed comments in relation to pedestrian accessibility, quality of cycling into town and nearby facilities

- Site has good access to local services
- The area generally exhibits high level of car dependence (Pewsham)
- Proximity to rail connections and employment remain a concern
- Off-site works will go some way to improving the pedestrian environment between the site and local facilities
- there remains no safe and direct cycle option between the development and the town centre

National Grid: Comments provided in relation to assets - *there are no National Gas Transmission assets affected in this area.*

*Please note this response is only in reference to National Grid Electricity Transmission assets only the owner of the overhead lines in the vicinity on this proposal will likely belong to the local DNO (SSEN) who should be consulted separately. National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.*

Natural England: No comments received

Environment Agency: No comments received

Wessex Water: No comments received

Wiltshire Police Liaison: No comments received

Cllr Clare Cape: Requested application be called in if the recommendation is for approval.

Cllr Ahsley O'Neill: Requested application be called in if the recommendation is for approval on the basis that the site is not allocated in the local plan which is at Reg 19 stage.

## **8. Publicity**

The application was advertised by press advertisement, neighbour letter and site notice (x3 displayed along Stanley Lane and x1 on the A4)

4 letters of support were received from 4 respondents have been received.

54 letters of objection were received from 42 respondents. The concerns raised are summarised below-

- Lack of consultation with residents on Stanley Lane
- Site is outside of settlement boundary and not allocated for development
- Residential amenity – overlooking and noise, particularly from ASHP's
- Traffic and Highways impact, particularly in combination with school traffic.
- Traffic will also be worsened as a result of school expansion
- Additional traffic will cause further safety risk to cyclists, walkers and horse riders

- Stanley Lane is in poor condition, potholed
- Drivers use lane too fast and in middle of road
- Junction is already busy, impacts for equestrian and agricultural traffic
- Chippenham traffic is already an issue, gridlock if there is an incident on existing roads.
- Surrounding area and road is prone to flooding, development of site which is at a high level, may worsen this issue
- Development of green fields should be avoided, there will be a loss of productive agricultural land
- Loss of countryside and landscape impact
- Loss of trees and hedgerows, impact to wildlife and biodiversity
- The views of equestrian and agricultural communities should be heard
- Lack of infrastructure – access to doctors and dentists in the area is already difficult
- Lack of facilities to serve the development, town centre is in decline with empty shops
- Eastern bypass is needed first
- Nothing has changed since application on part of site was refused.
- Council has no need to demonstrate more land for housing
- Heritage impacts to Gate Farm through loss of countryside

Chippenham Cycle Network Group: An objection was raised to the initial proposal. A number of concerns raised including in relation to access junction on Stanley Lane, visibility at cycle access point on London Road, lack of path segregation, design of footways across junctions. Comments also provided in relation to onsite design issues around cycle parking, streets and path layout/geometry. In response to revised plans the group expressed support subject to contribution towards off-site connectivity improvements and scheme improvements included in latest plans.

Dorset & Wiltshire Fire and Rescue Authority (Fire Safety Advisor): The application falls within the area for which Dorset & Wiltshire Fire and Rescue Service is responsible for delivering an operational and emergency response. Comments have been provided which refer to Building Regulations requirements in relation to improving safety and reducing property loss in the event of fire. Full comments are available online.

## **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.

The introduction of the Framework (latest iteration published in 2024) states that the *"Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant"*.

## **EIA Development**

The proposal falls within the definition of development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, specifically Table 10 (b) 'Urban Development Projects'. National guidance provides thresholds and criteria for the identification of Schedule 2 development requiring Environmental Impact Assessment and indicative values for determining significant effects. The guidance is clear that it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects. Each development will need to be considered on its merits.

The Gate Farm site itself does not fall within any especially sensitive environmental locations and is not the subject of any international or national designations relating to environmental protection. The proposal involves up to 150 dwellings (under the 150 dwelling threshold where EIA may be required), and whilst the overall redline area exceeds the 5ha threshold for urban development projects, in this case a large portion of the site provides allotments, community orchard and POS/landscaping which does not result in significant urbanising effect over the existing use of the site which includes mixed agriculture and equestrian. The urbanising effects resulting in the greatest characteristic change will occur within the residential area within the southern part of the site on an area under 5ha. When considering the national EIA guidance on indicative criteria and thresholds for where urbanising effects of development projects may warrant EIA (as a result of their physical scale of the development, potential increase in traffic, emissions and noise) this

proposal for up to 150 dwellings is not considered likely to result in 'significant effects' in the context of EIA regulations therefore EIA is not required.

It is noted that a Screening Opinion was issued by the Council in 2016 relating to a proposal for 140 dwellings. It was the opinion at the time that the proposal did require EIA however the decision letter is clear that the site was not considered in isolation and its relationship with the Chippenham Riverside/East Chippenham proposal (N/15/12363/OUT) was relevant. It was described as being, in effect, part of the same site and that one was inter-dependent upon the other. In particular the officer commented that road linkages and access to the wider highway network demonstrate that the two sites could not come forward independently. This is not the case with the current application proposal which is not reliant on a broader development area.

### **9.1 Principle of development**

The proposal is for outline planning permission for up to 150 dwellings with associated development. The application site is located to the east of Chippenham. The site is in open countryside, approximately 30m north of the settlement boundary of Chippenham (which borders the Pewsham estate).

WCS, Core Policy 1 sets out that a Settlement Strategy for Wiltshire with Principal Settlements, such as Chippenham at the top of the hierarchy (ref: CP10). Chippenham is considered one of the three strategically important centres that forms the primary focus for development in Wiltshire, including the provision of significant levels of homes.

WCS, Core Policy 2 goes on to detail the Delivery Strategy in this context. It sets out that within the defined limits of development that there is a presumption in favour of sustainable development. However, the site is not located within the limits of development of Chippenham, being an open countryside location outside of the defined limits of development. CP2 is clear that development should not be permitted outside the limits of development.

Saved Policy H4 of the NWLP provides support for new dwellings in the countryside only where they are in connection with the essential needs of agriculture, forestry or rural based enterprise, or for replacement dwellings.

Whilst there are a number of exceptions identified at paragraph 4.25 of the WCS none of these are applicable in this case.

The limits of development can be altered through subsequent Site Allocations Development Plan Documents and neighbourhood plans. Having regard to the subsequent Chippenham Site Allocations Plan Adopted May 2017 and Wiltshire Housing Site Allocations Plan Adopted February 2020 there has been no change in circumstances that would be relevant to this site. It is also not the intention for the site to be allocation in the emerging local plan. Therefore, the proposal is contrary to the Settlement and Delivery Strategies set out within the development plan.

### **Housing Land Supply and status of the development Plan**

On 12 December 2024 the Government issued an update to the National Planning Policy Framework (NPPF). This followed a consultation into the proposed changes in summer 2024. The changes to the NPPF included amendments to the deliverable housing land supply policies, the terms under which a buffer should be added to the housing requirement to be used in the housing land supply calculation, and the implications of not being able to meet a sufficient deliverable housing land supply. On the same date the Government also issued revisions to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need, and published the 2023 Housing Delivery Test results.

The changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately. This results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The council cannot demonstrate the requisite five-year housing land supply and can demonstrate a **2.03 years supply**.

The changes introduced on 12 December 2024 mean that the council **now has a substantial shortfall** in its housing land supply position (2.03 years). This alters the weight to give to housing supply when giving consideration to planning applications for residential development. This means balancing the strengthened need to boost housing supply against any adverse impacts of

the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

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.

It is recognised that this proposal would deliver benefits including 150 new homes, 40% of which would be affordable housing. In addition, it provides economic benefits during construction as well as through spending of new residents on occupation. Biodiversity related gains as well as the provision of allotments. The application suggests that the properties may also low carbon and renewable technologies such as solar panels, EV charging points and air source heat pumps which would provide a good level of energy performance and is welcomed, though should be expected in all new development seeking to comply with relevant building regulations. The development would also be CIL liable, these contributions (as well as those for transport, NHS, sports provision, POS and waste containers) are not considered to be a benefit as these are required to provide infrastructure directly related to the development. The tilted balance assessment involves consideration of the site-specific impacts of development and any harm arising which are discussed in the relevant sections of this report below.

#### Best and most versatile agricultural land

The NPPF requires that decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land. The application site land is identified as grade 3 which is good to moderate quality agricultural land. The proposal would result in the loss of approximately 7.2 hectares of what could affect some best and most versatile agricultural land and as such, the loss of this land should weigh against the proposal in the planning balance.

#### Scale, Design and Landscape Impact

Core Policy 57 seeks to secure good design. The policy seeks to ensure that proposals enhance local distinctiveness by responding to the value of the natural and historic environment and



requires all applications for new development to be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of the area. Core Policy 51 expects development to protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Sections 12 of the NPPF expects a good standard of design.

The site comprises an area of agricultural land to the south-east of Chippenham. One edge of the site borders the main A4 London Road, whilst access is gained from the historic lane leading to Stanley and Bremhill. The site is seen in the context of the relatively recently constructed Abbeyfield School, which lies to the north of the lane. The current use appears to be mixture of agricultural and equestrian uses with a proliferation of stables, barns and storage buildings/containers across the site.

This planning application is submitted in outline only, with all matters reserved for later consideration. In order to assist in consideration, an Illustrative Masterplan has been included in the submission. A Design and Access Statement (D&AS) has also been provided to indicate how the site could be developed at the quantum proposed. It suggests general parameters for land use, access & movement and green & blue infrastructure across the development.

The application proposes a maximum of 150 new dwellings with a suburban density described to be typically two storey or two ½ storey with some three storey plots around key development locations. A material palette is suggested to comprise combination red brick, stone and painted render utilising materials that are the same or complimentary those that are seen in the local area. In the northern area, largely enclosed by retained hedgerows and including new planting, are proposed a children's play area, as well as allotments and a new orchard. The D&AS states that parking on site will be required to meet the standards embraced in the Council's LTP3 Car Parking Strategy. In the event of planning permission being granted, an appropriately worded planning condition can adequately ensure proper parking is provided on the site. The northern area of the site (north of the Stanley Park access) remains largely enclosed by retained hedgerows and new planting, a children's play area, allotments and a new orchard are also proposed in this area. A central green, street trees and retained sections of hedgerows will deliver green corridors integrated within the residential area to the south. The surface water attenuation is shown provided along the eastern boundary. A small orchard, which sits alongside Gate Farm will be

enhanced by new planting and help to soften the impact of development on the Listed building and nearby milepost. The majority of the site's hedgerows are to be retained, with small losses to provide access and facilitate the delivery of drainage infrastructure, to be mitigated by new planting.

The Urban Design officer has expressed concern in relation to the suggested materials explaining that the expansive use of brick is not appropriate and that the use of stone is preferable in order to reflect the character of the locality and wider area where brick appears incrementally and sparingly. Further concern is expressed in relation to the 'Scale Parameter Plan' which suggests a substantial coverage /concentration of building volume and collective mass as above two storey domestic eaves heights for attic and part attic under large roof slopes and full three storey façade heights that would be prominent its rural edge of settlement setting rather than sporadic and limited buildings of increased height. The UD officer confirms that it is not necessary to restrict building heights across the site at this stage though this will need careful consideration at later design stages.

The Landscape Officer confirms that the site is not included within any nationally or locally designated landscape. It is also confirmed that the site area will not present any opportunities for shared intervisibility with a nationally protected landscape and in their view would not negatively impact upon the visual setting of Bowood (Grade I Registered Park and Garden) which is located circa 2.6km to the southwest of the site at its closest point. Comments are provided in relation to proposed tree species suggesting that larger canopied trees should be included along with the provision of tree lined streets. It is noted that the density of development could compromise a suitably landscaped and attractive scheme depending on the types of dwelling proposed – e.g. too many detached properties being included within the final housing mix presented at RM stage. The officer is supportive of the retained orchard and new community orchard to the north. It is concluded that given the site's proximity to the town's established settlement boundary, and subject to a high-quality attractive residential scheme design, incorporating tree lined streets and multifunctional sustainable urban drainage being secured at later RM stages, no particular landscape or visual harm is caused, other than loss of countryside, that would substantiate a landscape or visual reason to object to this development proposal at this location.

The final mix and arrangement of house types, materials and building scale would be determined through the subsequent submission of reserved matters applications. Matters in relation to the

cycle and pedestrian links, POS and SUDS layouts are also capable of being addressed at the RM stage.

The Council POS and Leisure teams have provided calculations for on-site open space and play requirements to be incorporated into a reserved matters scheme, and/or for off-site financial contributions to be secured via s106 agreement including £41,400 towards the upgrading of facilities Stanley Park Sports Ground.

### Heritage Impacts

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant consent for works that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved and where appropriate enhanced in a manner appropriate to their significance including buildings and structures of special architectural or historic interest. Section 16 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.

The site is within 50m of Gate Farmhouse which is a former tollhouse on the A4 which was later converted to use as a farmstead. The Grade II listed building occupies the deliberately prominent (in relation to its historic function) position on the junction of the A4 and Stanley Lane. The wider area includes a series of farmsteads, both listed and non-designated. The established character of the area is of a historic agricultural landscape on the edge of the built- up area of Chippenham. The locality is one of known archaeological interest.

The indicative site layout shows a retained orchard immediately to the south west of Gate Farm house. Properties are also shown to be orientated so that garden boundaries are shared with

Gate farm and Gate House which results in the closest built form approximately 50m from the rear of the listed build. During the site selections process it was found that there was potential for any harmful impact from development of this set to be mitigated via the specification of appropriate buffers to Gate Farm and careful siting of development to ensure the continuing visibility/prominence of the former tollhouse in the street scene. On this basis the Senior Conservation Officer confirmed the following -

*Provided that the final design carries forward the mitigation measures indicated in the illustrative masterplan the impact of the proposals on heritage assets will be neutral and the requirements of current conservation legislation, policy or guidance are considered to be met. There is therefore no objection to the approval of the application from the point of view of the built historic environment.*

### **Archaeology**

The Council Archaeologist raised concerns with the initial submission noting that the submitted reports appeared to be incomplete and did not include a geophysical survey contrary to preapplication advice. A geophysical survey was later provided which the Archaeologist advised would need to be tested by means of an archaeological trial trench evaluation prior to the commencement of development and to be secured by condition.

Whilst matters relating to site layout are reserved at this time, subject to a condition securing further archaeological investigation, it is considered that an appropriate scheme could be designed to incorporate the necessary mitigation to protect the significance of nearby heritage assets in accordance with CP57 or CP58 of the WCS in this respect.

### **Residential Amenity**

Core Policy 57 seeks to ensure that development proposals are compatible with adjoining buildings and uses and do not have an adverse impact on the amenities of existing occupants. Issues such as privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise etc.) all have to be considered. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The closes residential properties are those on Stanley Lane – Gate Farm and Gate House, and the properties along the A4, Cherrytops, The Haven and Jays Farm.

As the application is submitted in outline, it remains the case for the final layout, appearance, landscaping etc to be established. The indicative plan, notwithstanding that the Landscape Officer's comments that the housing mix and layout will likely appear denser depending on dwelling type, still suggest that the amenities of existing surrounding residents will be protected by existing gardens and intervening landscaping. Minimum 20m back to back property distances can be achieved as part of detailed design to ensure acceptable levels of privacy are achieved for existing and new residents.

In so far as living conditions of future occupiers relates to the urban design and quantum of development. There are some concerns about the quantum of dwellings proposed within the size of the site, which could have implications in terms of whether an acceptable living environment for residents could be achieved. Given that the application is made at outline for up-to 150 dwellings it is appropriate for the impacts on residential amenity to require further consideration at reserved matters stage

Some concern has been raised in relation to potential noise disturbance, particularly as a result of ASHP installations. It is agreed that these installations will need to be controlled and so a condition is suggested to ensure that the location and specification of any ASHP is first approved by the LPA to ensure that acceptable noise levels are achieved and residential amenity is protected. The information requested should take into account the cumulative noise of the ASHP's across the development.

#### Highways – Access, Parking and Sustainable Transport

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seeks to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport options. Policies require that proposals are capable of being served by safe access to the highway network. Core Policy 64 'Demand Management' expects the provision of car parking associated with well designed new residential development will be based on minimum parking standards as set out Wiltshire Councils Parking Strategy.

In this case all matters are reserved except for access. The proposal demonstrates an indicative masterplan for 150 dwellings with access for vehicles on Stanley Lane. The indicative masterplan

also includes for allotments, local area of equipped play and walking on the northern area. The existing access to the Stanley Park Sports Ground is retained and cuts across the residential area to the south and other facilities to the north. The access road to the sports ground is intended to include on-street parking with walking and cycling facilities on both sides. The vehicle access for the residential area is proposed approximately 100m north of the junction with London Road.

Another proposal for an expansion to Abbeyfield School proposes two access on the western side of Stanley Lane approximately 45m and 90m from London Road. The two applications are unrelated, however there must be some consideration to the nature of accesses along Stanley Lane if one or both applications were to be approved and the impacts in a cumulative position.

A number of objections received have raised concern about the safety of cyclists, horse riders and pedestrians on Stanley Lane and London Road. The junction itself is highlighted as a particular concern.

The application proposes the site main access via a priority access junction from Stanley Lane, approximately 100m east from its junction with London Road. The new access design includes a pedestrian and cycle crossing and traffic management to control speed. The new access along with internal road layouts (subject of Reserved Matters application) would need to be designed to Wiltshire Council Standards and the provision of the access and associated pedestrian facilities would need to be agreed through a Section 278. Furthermore, a Section 38 Agreement may be required depending on whether the internal roads are proposed for adoption. These separate highways processes are subject to appropriate safety reviews.

The Transport Assessment provides a summary of pedestrian and cycle infrastructure in the locality and refers to a series of enhancements for cyclists and pedestrians which may be directly linked to the development.

WC Highways, the CCNDG and Active Travel England have provided comments on the scheme. In particular, the Highways Engineer identified concerns with the access design, crossing opportunities on London Road and Stanley Lane as well as a focus of the offsite works to London Road and walking and cycling routes.

In response the applicant has provided a Transport Statement Addendum with revised access plans and a scope of works. This involves a proportionate contribution towards some works and

delivery of works by the developer, specifically, a 3m shared footway/ cycleway link on Stanley Lane north of proposed vehicular to existing footway/cycleway and 2m footway between proposed vehicular access on Stanley Lane and pedestrian/ cycle access onto London Road.

The Highways Engineer has commented on the revised proposal, an extract is below -

*The revised access proposal and highways works plan are acceptable and will be secured by highways condition as access plans that directly relate to a safe and suitable form of access to support 150 dwellings.*

*As the presented highways plans are direct outcomes for the development they will be secured by planning conditions that will need to be discharged. All highways works will be subject to entering into a suitable form of legal agreement with the authority to carry out works in the public highway.*

#### Site Location

*Stanley Lane already supports access to Abbeyfield School and local facilities. The site does sit on an area outside current residential housing. However, from a highways perspective the greatest movements at busiest times relate to school activity which include a significant number of walking and cycling movements. Whilst local walking and cycling infrastructure is not to current standards the school operates relatively safely and suitably. However, it should be noted that the School Travel Plan has identified issues and improvements that would be beneficial for the current level of use.*

*The proposed development will generate traffic at times that for the most part will not conflict with the school and whilst the local infrastructure is not ideal it does cater for the levels of use associated with the school.*

*The proposed access works will therefore address direct issues to ensure that times when the activity between the school and residential elements are combined that traffic will be safely and suitable mitigated.*

*Contributions are required as local facilities are lacking in quality terms for current design and would otherwise remain as lower grade facilities despite planning growth. Improvement in infrastructure for best offer is a key part of establishing modal shift, genuine choice for walking and cycling and the other associated benefits from reducing car use.*

The Highways Engineer confirms that the access arrangement and offsite works are acceptable and should be secured by highways condition and/or s106 agreement. The contributions proposed are considered to be appropriate in scale to the proposals and should be secured by s106 agreement. All highways works will be subject to entering into a suitable form of legal agreement with the authority to carry out works in the public highway.

Whilst the developer has sought to address the objections raised by Active Travel England and the CCNDG, it is clear that not all objections have been addressed. There remain areas of divergence from the aspirations of Active Travel England who have a preference for a cycle link along London Road. In this case the matters in relation to access arrangements and sustainable transport, including contributions towards a range of off site walking and cycling improvements in the vicinity have been resolved to the satisfaction of both the WC Highways Engineer and the CCNDG. The scheme represents a policy compliant proposal such that there is no highways reason to justify refusal of the scheme.

### ***Rights of Way***

The Rights of Way team identified the proximity of the Wilts and Berks Canal and has requested various towards PROW network and canal restoration –

- £500 per dwelling Towards restoration of canal for recreation and biodiversity value.
- £2000 Contribution to upgrade of CHIP107 (which may be closed)
- £5000 Contribution towards BREM47
- £20,000 Contribution towards Chippenham to Calne Cycleway

The developer has agreed to provide £5000 Contribution towards BREM47 which the ROW team explain could be used to divert the path or provide a new link (e.g. through the provision of fencing) to better serve the development – subject to appropriate consultation. The developer does not agree that the other requests would be necessary or reasonably related to the development, these are discussed below.

On CHIP107, the LPA agrees that is not possible to justify a contribution towards improving a PROW which the Council is looking to close. Similarly, whilst the contribution towards the canal



restoration is desirable, given that the developer is providing on site POS which exceed the minimum requirement along with appropriate play and contribution towards upgrading Stanley Park Sports Ground immediately adjacent to the site, there is insufficient justification for this contribution. Though this could also offer environmental benefits, given that developer has also committed to providing in excess of 10% biodiversity net gain on site, there is no outstanding requirement to deliver additional offsite biodiversity gain. Similarly, as the developer has also agreed to a wider transport contribution to local cycling and walking infrastructure improvements within the vicinity of the site (as requested by the Highways Engineer). There is insufficient policy justification for an additional contribution towards upkeep of the wider cycle network.

On consideration of the above, subject to appropriate conditions to secure offsite works and contributions to walking and cycling infrastructure upgrades, the proposal is considered to be acceptable in terms of accessibility and connectivity. The arrangements are considered policy compliant and suitable for approval.

#### Drainage and Flood Risk

Core Policy 67 of the WCS outlines that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. Section 14 of the NPPF expects that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The Council's Strategic Flood Risk Assessment (SFRA) indicates that the site is at low risk from surface and groundwater flooding. The site is wholly within Flood Zone 1.

A number of comments have raised the issue of flooding noting that development of the site may increase flood risk to the surrounding area. As is noted in representations, the Environment Agency is publishing new national risk information with documents relating to river, sea and surface water flooding (the 'National assessment of flood risk and coastal erosion risk in England 2024' - NaFRA - due for publication later this year). At this time the EA are not publishing regular updates to their flood risk data.

It is acknowledged within a published summary report on the NaFRA (dated December 2024) that the latest data vs previous data shows a significantly higher amount of properties at risk from surface water flooding. However, it is also explained that this does not equate to a real world increase of risk rather that the increased risk is a result of an improvement in data available to inform the assessment. The LPA has no evidence to suggest that the surface or ground water flood risks associated with this site will change as a result of the updated national data. At this time the LPA must rely on the evidence with the Council's SFRA and site-specific Flood Risk Assessment (FRA) and Drainage Strategy submitted as part of the application.

The Council Drainage Engineer/Lead Local Flood Authority has reviewed the submitted FRA and application proposal. The Engineer accepts that the outline proposal identifies the principal components of the surface water strategy which will need to be subject to further detailed investigation as part of the subsequent Reserved Matters applications. It is confirmed that the LLFA has no objection subject to pre commencement conditions to secure full detailed surface water drainage strategy and a Construction Management Plan to ensure surface water is managed during construction. In particular the applicant will be required to consider exceedance flows and an analysis of the existing network to ensure that flooding from surcharged outfall will not affect property or property, No development should commence on site until the drainage arrangements have been approved by the LLFA. In addition, 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.

The proposed foul water flows from the site will drain via gravity to a new on-site pumping station with offsite discharge via a rising main to the existing foul sewers southeast of the development. Separate consent will be required from the sewage undertaker for any new connections to the existing network. Wessex Water have not provided comments in relation to the planning application. They will have further opportunity to comment in relation to the discharge of any foul drainage related condition.

On this matter relating to drainage and flood risk, subject to an appropriate detailed drainage strategy for the site being approved prior to the commencement of development, the site is considered to be an acceptable location for development in policy terms.

Ecology and Biodiversity Net Gain

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Section 15 of the NPPF requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

This application was received on 6 October 2023 prior to requisite dates introducing the mandatory requirement to demonstrate BNG. Therefore, this proposal is not required to demonstrate 10% BNG. The proposal is however required to demonstrate compliance with CP50 and the NPPF in ensuring no net loss of biodiversity, biodiversity gain where possible and protection of sensitive species.

The Council Ecologists are satisfied with the standard and detail of the survey effort to determine the ecological baseline of the site and that suitable mitigation measures should be included to ensure the continued functionality of the area for biodiversity.

Further information was requested in the form of an Ecological Parameters plan to 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. A suitable plan has been provided which shows areas to provide compensatory habitat in line with the submitted ecology documents. Confirmation of the GCN district licencing payment certificate and a tree removal/protection plan was also submitted.

The Council Ecologist is satisfied with the submitted Ecology Parameters Plan, details of the GCN mitigation strategy and suitable tree removal and protection plan. A number of conditions are suggested these are to secure a CEMP, LEMP, mitigation features and detailed wildlife sensitive Lighting scheme.

In conclusion the expert advice of the Council's ecologist can be followed, and this is not a matter on which the application needs to be refused. Subject to the conditions requested by the Ecologist, the development is considered to comply with Core Policy 50 of the WCS and the NPPF.

### Energy & Sustainability

WCS Core Policy 41 identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. Major developments are required to include a Sustainable Energy Strategy. It is relevant to note that the energy performance standards referred to in CP41 for new homes is the 'Code for Sustainable Homes' which was removed by government in 2015. There is no replacement standard that Core Policy 41 will apply to at this time.

The Council Climate Team reviewed the submitted Resource Efficiency Statement and initially raised an objection on the basis that the scheme would not provide a low-carbon development. Several issues were identified including reference to out of date building regulations and an updated Sustainable Energy Strategy is requested. It was also suggested that higher water efficiency could improve sustainability of the development over minimum building regulations. In response the applicant submitted a Energy Strategy outlining a low carbon strategy. The Climate Teams objections have been withdrawn subject to the RM submission being supported with an updated Sustainable Energy Strategy to provide more detail in relation to operational and embodied carbon, climate change adaption measures and sustainable transport. Conditions suggested in relation to details and delivery of ASHP, Solar PV and EV along with cycle parking and water consumption.

### Section 106 Contributions/Obligations & Community Infrastructure Levy (CIL)

Wiltshire Council has a Planning Obligations Supplementary Planning Document. This should be read in conjunctions with the WCS (primarily Core Policy 3 'Infrastructure Requirements') and the Wiltshire CIL charging schedule. This SPD identifies the planning obligations that will be sought by the council for development that generates a need for new infrastructure and should be a material consideration in planning applications. In addition to this, Wiltshire Council has adopted CIL. The CIL contribution is index-linked and calculated on the basis of residential floor space and would be calculated at Reserved Matters Stage.

A legal agreement under s106 of The Act will be necessary in respect of the following matters and the applicant has agreed to these heads of terms subject to drafting of the s106.

### ***Affordable Housing***

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 40% on-site Affordable Housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within this Community Area.

The Affordable Housing Officer has provided standard advice in relation to the required tenure mix, unit size mix, design and size standards and indicated that some units should be adaptable. The completed affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

40% affordable housing with 10% as M4(2). 60% affordable rent and 25% first homes and 15% shared ownership. Indicative Mix based on 150 dwellings:

#### Affordable Rent (36 Units)

22% x 1 bed, 2 person flats/ house style maisonettes (8)

6% x 2 bed, 4 person bungalows (2) 39% x 2 bed, 4 person houses (14) 27% x 3 bed, 6 person houses (10) 6% x 4 bed, 7 person houses (2)

#### First Homes (15 units)

15% x 1 bed, 2 person flats (2) 15% x 2 bed, 3 person flats (2)

50% x 2 bed, 4 person houses (8) 20% x 3 bed, 4,5 or 6 person houses (3)

#### Shared Ownership (9 units)

65% x 2 bed, 4 person houses (6) 35% 3bed, 6 person houses (3)

### ***Transport***

Contributions in relation to cycling/walking infrastructure. £254,600 is requested towards the following works -

- London Road: Provision of bus shelters within public highway at 2 nearest bus stops.

- Footpath east of The Turnpike linking London Road with Roman Way and Buckingham Road: removal of barrier chicane.
- Bellmouth where Fitzwarren Close meets Pembroke Road: provision of dropped kerbs and tactile paving
- London Road: Provision of tactile or tactile and dropped kerbs at the following locations, Hardens Lane, Hardens Mead, Long Close, Bucklands Grove and Blackcross.
- London Road/ Avenue LaFleche/The Causeway, Queen Square roundabout: tactile access Avenue LaFleche.
- Market Place/ Lords Lane: dropped kerbs and tactile across the Lords Lane.
- London Road: improved cycle facilities on London Road between Stanley Lane and Hardens Lane including upgrade of existing zebra crossing to include cycle crossing facilities.
- Lane between Long Close and Baydons Lane: Lane improved to better accommodate cyclists.
- Local Cycle Routes: improvements to signage.

*S278 off-site highways works to be delivered by the developer for:*

Stanley Lane and London Road: 3m shared footway/ cycleway link on Stanley Lane north of proposed vehicular to existing footway/cycleway and 2m footway between proposed vehicular access on Stanley Lane and pedestrian/ cycle access onto London Road.

### ***Public Rights of Way***

A PROW Contribution £5,000 towards diverting or providing an additional link to BREAM47

### ***Travel Plan & Green Travel Vouchers***

A planning obligation will be required to secure a Full Travel Plan and Green Travel Vouchers, and the appointment of a Travel Plan Coordinator to administer the Travel Plan, monitor travel arrangements of residents and the achievement of targets.

### ***Education***

In accordance with WCS CP3, all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Education falls under the definition of essential infrastructure under this policy.

The education authority confirms identified a need for early years and secondary school places and have requested financial contributions as follows

- £297,874 (17 early years places at £17,522)
- £665,260 (29 secondary places at £22,940)

No requirement for primary places is generated by the proposal.

### ***Waste Containers***

Contribution towards the provision of containers for waste and recyclables - £101 per dwelling house/per apartment (for 1-5 apartments)

### ***Public Open Space***

The Public Open Space Officer has provided a formula to calculate the amount of public open space (POS) that would be sought on site, which cannot be calculated without a full housing mix

The requirement would be calculated at the Reserved Matter stage as follows:

- 1 bed Residential Unit= 30 sqm or an off-site contribution of £1,046.10
- per 2 bed Residential Unit= 45 sqm or an off-site contribution of £1,569.15
- per 3 bed Residential Unit= 60 sqm or an off-site contribution of £2,092.20
- per 4+ bed Residential Unit = 75 sqm or an off-site contribution of £2,615.25

The Equipped Play requirement can be calculated using the following formula:

- per 1 bed = 0m<sup>2</sup> play or an off-site contribution of £0
- per 2 bed = 3m<sup>2</sup> play or an off-site contribution of £432.00
- per 3 bed = 6m<sup>2</sup> play or an off-site contribution of £864.00
- per 4+ bed = 9m<sup>2</sup> play or an off-site contribution of £1,296.00

The development would also generate a requirement for a sports contribution of £41,400 for the upgrade of Stanley Park Sports Ground and/or sports, pitch or ancillary provision within the vicinity of the land. This equates to a 4,140sqm requirement for sports pitches.

### ***NHS Healthcare Contribution***

NHS Property Services have requested £162,701 towards capital costs and identifies two nearby surgeries likely to be impacted and where additional floor space is required to support new patients and existing facilities cannot accommodate the additional residents associated with the development. The NHS request that this relates to additional primary care floorspace at Lodge Surgery and/or Rowden Surgery and/or other surgeries within the local Primary Care Network (PCN) to serve the residents of the new development.

### ***Community Infrastructure Levy (CIL)***

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support development. The development will represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule and an informative would be placed on any permission. For further information with regards to CIL please refer to the Council's Website

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

### **Other matters - NHS 'funding gap'**

Comments received from the Royal United Hospitals Bath NHS Foundation Trust state that it is currently operating at full capacity in the provision of acute and planned healthcare. It explained that this development will create potentially long-term impact on the Trust ability provide services as required. A request for a contribution of £108,816 has been requested to address a funding gap as a result of each individual patient associated with the development.

Whilst the funding pressure on NHS services both locally and nationally is a serious concern, it has been reconfirmed in recent appeal decision (Land off Storridge Road, Westbury APP/Y3940/W/24/3340811) that is the responsibility of the NHS to allocate general funding for primary healthcare, and not Councils. As this request relates to a funding gap for NHS services rather than specific works (e.g. capital costs for surgery expansion) required as a result of the development, it is not demonstrated that the contribution is necessary to make the development acceptable in planning terms. As such the contribution request on this basis would not meet the tests for a planning obligation. As explained above, a separate financial contribution towards expansion of existing surgery space can be secured via s106 legal agreement.



## 10. Conclusion (The Planning Balance)

The starting point for determining planning applications is the development plan, which in this case is the WCS. The above report confirms that the proposed development conflicts with a number of Development Plan policies because the application site is beyond settlement limits and in an area classed as countryside and is not, therefore, Development Plan compliant. However, as also noted, the Council's Housing Policies are deemed out-of-date and Paragraph 11d) of the NPPF is engaged so that permission should be granted "unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when as a whole".

The NPPF does not specify how much weight should be afforded to policies that are 'out-of-date' due to a lack of five-year supply of housing. As such it is a matter for the decision-maker to judge the particular circumstances of each case, and how much weight should be given to out-of-date policies related to the delivery of housing

In terms of considering how much weight to apply the housing policies of the WCS, the extent of the lack of five-year housing supply is considered. The higher the shortfall, the greater the need for additional unplanned housing sites to meet this need.

### ***A consideration of the benefits associated with the development are set out below:***

The NPPF sets out the Government's objective of significantly boosting the supply of homes. The provision of up to 150 new dwellings would make a significant contribution to this objective. The proposal would provide a benefit in helping to address the five-year housing supply. The weight to be afforded to this benefit for new housing in this location, adjacent to the existing settlement boundary and with good access to a number of facilities and public transport, is considered to be **substantial**.

The provision of 40% affordable housing up to 51 units is afforded **significant weight**. Whilst the precise mix and tenure is not defined, there is a general need for all types of affordable housing within the Chippenham community area. The provision of such volumes of affordable and market housing to be secured via s106 agreement weighs in favour of the proposal.

There are a number of other benefits to the proposed development including the provision of direct and in-direct employment as a consequence of the construction process. Jobs associated with the construction of the dwellings are afforded **moderate weight** given this would be for a temporary period.

There would be net additional retail expenditure from new residents and the New Homes Bonus. Both are given **limited weight** as they would result in minor financial benefits.

The provision of allotments and provision of BNG in excess of 10% within the scheme should be afforded **moderate weight**.

S106 infrastructure contributions – contributions are sought towards cycling/pedestrian infrastructure improvements, early years provision, sports facilities and waste containers. POA is to be secured onsite or via off site contribution. These are considered to be **neutral** factors and items required directly in relation to supporting the development. Similarly, the payment of Council Tax is considered to be a neutral factor.

***A consideration of the harm associated with the development are set out below:***

The proposal would result in localised visual harm through the loss of countryside as this field is a rural gateway site to Chippenham, though this is mitigated to some extent by the sites position between the Sports Ground and Abbeyfield School. The proposal will urbanise the site and irreversible change the character of this land, particularly when viewed along Stanley Lane but also the A4. The level of harm in this context is considered to attract **moderate weight**.

There is further harm in granting consent for new housing in a location contrary to the development plan housing delivery policies. This site is however immediately adjacent to the settlement boundary and contextualised by existing development. When taking account these specific site circumstances, in addition to the fact that the housing land supply shortfall is now considered to be substantial (in light of the 2024 updated NPPF) the level of harm through conflict with the settlement strategy is considered to attract **moderate weight**.

## **Conclusion**

Given the conflict with the policies of the development plan, the key test is whether the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. The proposal would be contrary to the housing settlement and delivery policies CP1, CP2 and CP10 of the WCS and saved policy H4 of the NWLP. It is accepted that the Council's 5YLS position and the terms of NPPF para.11d mean that in considering applications outside the limits of development, this conflict should not automatically translate to refusal of the application. In this case **moderate** weight is attributed to the harm caused through conflict with these policies for the reasons set out above. Further this this there is **moderate** weight is afforded to the loss of countryside at this edge of settlement position. In this case would be some **substantial** benefits in the delivery open market housing, **significant** benefit in providing affordable housing and some **moderate** and **limited** economic and ecological benefits. On balance, it is concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits that the development would provide. Accordingly, it is recommended that the application is approved.

## **11. RECOMMENDATION**

Subject to all parties entering into an agreement under s106 to the Town and Country Planning Act 1990 (as amended), then:

Planning Permission is GRANTED subject to the following conditions:

Conditions: (20)

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

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

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

3

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

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

4

The development hereby permitted shall be carried out in accordance with the following approved plans;

22548\_1000Rev A Site location Plan

22548\_4030A Access and Movement Parameters Plan

22548\_4040A Green and Blue Infrastructure Parameters Plan

22548\_4010 Land Use Parameters Plan

(received 15 November 2024)

1207-001G Proposed Site Access Plan

Ecological Parameters Plan - Drawing no: A. Clarkson & Woods

(received 23 May 2024)

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

5

The Reserved matters submitted pursuant to Condition 2 must be accompanied by details and arrangement plans for the low-carbon and renewable energy technologies including a scheme for Ultra Low Energy vehicle Infrastructure. The arrangement plans should include as a minimum the location of solar panels, ASHP's and charging point locations with associated cable routes. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development are achieved

6

The reserved matters submitted pursuant to Condition 2 must be accompanied an external Lighting Strategy. The Lighting Strategy must demonstrate that the dark corridors shown on the Ecological Parameters Plan (Drawing no: A) can be achieved as specified on the plan. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals. The development shall be implemented in accordance with the approved details.

REASON: To avoid illumination of habitat used by bats.

7

The Reserved matters submitted pursuant to Condition 2 must be accompanied by a Sustainable Energy Strategy, including details of operational carbon/energy, embodied carbon and climate change adaptation measures. The Strategy shall be based on the principles set out in the hereby approved Sustainability and Energy Statement Land at Gate Farm Chippenham by David Wilson Homes South West, Dated March 2024; in particular the commitments at paragraph 7.5. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development are achieved.

8

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

- i. Site management arrangements including on-site storage of materials, plant and machinery; on-site parking and turning provision for vehicles for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site
- ii. Delivery, demolition and construction working hours
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

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

REASON: Ensuring appropriate levels of amenity are achievable and to ensure protection of the natural environment.

No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details 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) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds, badgers, dormice, amphibians and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for reptiles/amphibians; this should comprise the preconstruction/construction related elements of strategies only.
- d) Invasive species management plan.
- e) Sensitive lighting strategy to ensure dark corridors (as identified on Ecological Parameters Plan, Drawing no: A) are maintained.
- f) 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.
- g) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP at all times.

REASON: To ensure 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

10

No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include 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 be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure 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.

11

No development shall commence on site, including vegetation removal and demolition, until details of the number, design and locations of ecological enhancements such as roosting bat features, bird boxes and habitat piles/hibernacula shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity

12

No development shall commence on site until details of a scheme for protecting the proposed dwellings from external traffic noise has been submitted to and approved in writing by the local planning authority.



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):

- A. bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L<sub>Amax, F</sub> of 45 dB
- B. living rooms and dining rooms shall achieve a 16 – hour LAeq (07:00 to 23:00) of 35dB(A)
- C. external amenity spaces shall achieve a 16 – hour LAeq (07:00 to 23:00) of 55dB(A)

A noise validation report, demonstrating compliance with the noise criteria shall be submitted to and approved by the local planning authority before any of the dwellings are occupied. 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.

Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

REASON: To ensure that appropriate levels of amenity are achievable within the development.

13

No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the local planning authority.

The scheme shall incorporate sustainable drainage details, including any off-site works and any permissions for connections to private drainage systems/land drainage consents. The submitted scheme must be in accordance with the LLFA response (received 21 November 2023) and include:

- a) Strategy to demonstrate how surface water will be managed throughout the construction phase.
- b) Detailed hydraulic modelling calculations, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- c) A timetable for its phased implementation.

d) The management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details and shall not be first occupied until surface water drainage, including any off-site works, has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained and that flood risk is not increased on or off site.

14

No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation the sewerage undertaker. The Strategy shall include a drainage scheme providing detailed arrangements for the means of connection to the main sewer network and the capacity improvements required to serve the proposed development, including any phasing.

No dwelling shall be first occupied or other building brought into use until the drainage scheme has been completed in full, in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage

15

With the exception of the removal of existing buildings, structures and topsoil, no development shall commence on site until the approved programme of archaeological work as set out within the Cotswold Archaeology Written Scheme of Investigation for an Archaeological Evaluation (Rev B) dated 19.11.24 has been carried out in accordance with the approved details.

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

16

The development shall be carried out as specified in the approved Arboricultural Report Impact Assessment & Method Statement V6 prepared by Silver Maple Consultants Ltd & Greenway Tree Surgery (dated 01 January 2025) and shall be supervised by an arboricultural consultant.

REASON: To prevent retained trees on or adjacent to the site from being damaged during construction works.

17

The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised.

18

Each dwelling shall be provided with an Air Source Heat Pump and Solar Panel(s) in accordance with the approved Sustainability and Energy Statement Land at Gate Farm Chippenham by David Wilson Homes South West, Dated March 2024.

No dwelling shall be occupied until the Solar Panel(s) and Air Source Heat Pump on that respective dwelling has been installed and brought into operation.

REASON: To ensure that the objectives of sustainable development are achieved.

19

No Air Source Heat Pumps shall be installed until a Noise Assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment must demonstrate that the cumulative noise impact from all heat pumps installed at the development, achieve a rating level of 35dBLAeq15mins at 1m of the facade of any residential property (including those

outside of the development). The noise limit would include the ASHPs at both full duty and when in reverse and defrost mode. The installation works shall be carried out in accordance with the approved details.

REASON: To ensure that appropriate levels of amenity are achievable within and outside of the development.

20

No part of the development shall be first brought into use/occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43m in each direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

Informatives: (7)

21

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

22

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>.

23

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

The off-site works will require the Developer to enter into a S278 Agreement, and a S38 Agreement will be required for the on-site works. Early contact is recommended with the Sustainable Transport Team with regard to securing the full approval of the details to enable the Agreements to be progressed, and to avoid delays in the commencement of the works

24

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.

25

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development team [development.north@wessexwater.co.uk](mailto:development.north@wessexwater.co.uk) to agree proposals for the Section 104 adoption or Section 106 connection and submit details for technical review prior to construction.

26

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

27

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.