

## **REPORT TO THE NORTHERN AREA HUB PLANNING COMMITTEE**

<b>Date of Meeting</b>	8 <sup>th</sup> January 2014
<b>Application Number</b>	N/11/02763/FUL
<b>Site Address</b>	Land at Moredon Bridge Purton Road Wiltshire
<b>Proposal</b>	50 Dwellings, Access, Associated Works and Landscaping
<b>Applicant</b>	Wainhomes (SW) Holdings Ltd.
<b>Town/Parish Council</b>	PURTON
<b>Grid Ref</b>	412100 186862
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lee Burman

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### **Reason for the application being considered by Committee**

The application was previously reported to Committee on the 24<sup>th</sup> April 2013 where it was resolved to delegate authority to the Area Development Manager to grant consent subject to the signing of a section 106 agreement and conditions. The applicant has subsequently submitted an appeal against non determination and an Inquiry is scheduled to sit during March 2014. It is therefore necessary to formally establish the Council's position in respect of the applicant's submitted appeal.

### **1. Purpose of Report**

To recommend that in the absence of a S106 agreement to secure the provision of necessary ecological mitigation the Committee resolve that it's position would have been to refuse planning permission due to the harm to and loss of important ecological habitat (Calcareous Grassland) contrary to NPPF section 11 and specifically but not exclusively paras 14 17 & 118; NWLP policies C3, NE7, NE11; Core Policy 50 Wiltshire Core Strategy Proposed Modifications (Sept 2013).

### **2. Report Summary**

The report to Committee 24/4/2013 is attached at Appendix 1 with the minutes of the meeting attached at Appendix 2. There has been no further public consultation or representations received since the previous Committee meeting.

### **3. Site Description**

The site is bounded by the consented residential development (ref. 09/02020/REM) accessed off of Purton Rd (B4553) and the B4534 to the northwest, the dismantled Midland and South Western Junction Railway to the northeast, the River Ray to the southeast and the Swindon and Stroud railway line to the southwest. The overall site

measures 13.5 ha. However, the application area covers approximately 1.7 ha and is delineated by hedgerows and trees on its East and South East boundary.

#### 4. Planning History

<b>4. Relevant Planning History</b>		
06/00250/OUT	Residential Development	Refused
08/00403/OUT	200 Dwellings, Public Open Space and Landscaping	Allowed
09/02020/REM	200 Dwellings & Associated Works	Permitted
10/03149/REM	Reserved Matters – Landscaping	Permitted

This application was reported to the North Area Planning Committee Meeting 24/4/13 and it was resolved:

*That planning permission be DELEGATED to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report.*

The Council has subsequently entered into a process of liaison with the applicant in respect of drafting of the S106 agreement. This reached an advanced stage where all matters excepting ecological mitigation were addressed. The applicant resolved to submit an appeal against non determination in September 2013 as the agreement had not been completed. The applicant has submitted a duplicate application alongside their appeal and this is registered under application number 13/04912/FUL. These matters are discussed further below.

#### 5. The Proposal

The application seeks permission for 50 dwellings of which 6 are a re-plan from a previous Reserved Matters approval. The scheme comprises the following mix:

36 market dwellings – mostly two storeys comprising 2 and 3 bedroom with some 4 bed dwelling. There is a slight discrepancy between the plan information in that the revised site layout plan refers to 5 units as 4 bed 2.5 storey dwellings whilst the house type booklet shows these to be 3 storey units. It is considered that this is a referencing/description discrepancy as the house type drawings have consistently shown the height and scale of the proposed dwellings.

The proposed affordable units comprise 10 units to rent and 4 intermediate units most of which are 2 bed with one 1 bed apartment, a 2 bed apartment and two 3 bed houses.

#### 6. Planning Policy

The full policy position is addressed under the previous report to Committee 24/3/13 attached at appendix 1. Since that date the Public Examination of the Core Strategy has taken place including the submission of position statements and topic papers. The process has resulted in the consultation and submission of minor proposed modifications (September 2013) to the examination Inspector. The WCS Public Examination Inspector has subsequently written to the Council (02 December 2013). The position is discussed further below.

Policies that are specifically relevant to the matter now under consideration are:

NPPF section 11 and paras 14 17 & 118;  
North Wiltshire Local Plan 2016 policies C3, NE7, NE10, NE11;

Wiltshire Core Strategy Submission Draft and Proposed modifications Sept 2013 Core Policy 50.

## **7. Consultations**

As per previous report to Committee copied at Appendix 1. As referenced above no further consultations undertaken since that meeting.

## **8. Publicity**

As per previous report to Committee copied at Appendix 1. As referenced above no further consultations were undertaken since the NAPC meeting.

## **9. Planning Considerations**

### **Principle**

Whilst there have been several significant events since the last report to Committee including the Wiltshire Core Strategy Public Examination; various appeal decisions; and receipt of a letter from the Wiltshire Core Strategy Public Examination Inspector the position has largely not changed since the last report to Committee. The Council has made submissions to the Wiltshire Core Strategy Public Examination regarding this locality, this specific site and indeed the Ridgeway Farm site in close proximity. In summary the Council acknowledges the position that the Moredon Bridge site, being situated adjoining the administrative boundary with Swindon, is considered in the context of Swindon Borough Council's housing land requirement. The locality has previously been the subject of detailed investigations and proposals through the development plan process, including at Regional level, and this final phase of development is seen in that context. However, the submissions to the Wiltshire Core Strategy Public Examination identify that a new phase of planning for housing and new strategies for the distribution of housing to meet identified requirements in both the Wiltshire and Swindon areas are well advanced. Further that the previous regional approach no longer informs the assessment of requirements and strategies for distribution of housing and therefore provides no basis for forward planning for housing in the locality. As such Officers do not consider that the position regarding the principle of development of the 50 dwellings proposed as phase 2 has changed substantively since the last report to Committee and that there is no sound basis for refusing the current application on these grounds. Beyond this and once the Wiltshire Core Strategy proceeds to adoption a new phase of planning will be adopted. The letter published by the Wiltshire Core Strategy Public Examination Inspector specifically comments on the Housing Land requirement in Wiltshire indicating that this should be of a higher quantum and invites comment from the Council, particularly as to distribution. At the time of writing this report the Council is in the process of considering the Inspector's correspondence and preparing its response. However, it is not considered that the position with regard to the Moredon Bridge site will change substantively as a consequence.

This position is wholly dependent on there being no site specific objections to the development proposed. This was the position adopted during consideration of the application at the previous Northern Area Planning Committee on 24<sup>th</sup> April 2013. As was identified within the previous report to Committee the proposed development is located on an area of Calcareous Grassland that is a protected ecological asset and habitat. This is discussed in greater detail below but as a matter of adopted policy principle (national and local) as referenced in section 6 above development that results in the loss of, or significant harm to, interests of nature conservation importance, including Biodiversity Action Plan habitats and species, should not be permitted without appropriate mitigation.

The applicant previously stated that mitigation and appropriate compensatory habitat provision would be made to replace the habitat destroyed by their development proposals. This was supported by the submission of an ecological management Plan setting out proposals in this regard. On that basis the Council resolved to allow development subject to the signing of a section 106 agreement to deliver the mitigation works. As will be set out in detail below this S106 agreement has not been signed and there is no detailed and deliverable mitigation scheme available to compensate for the harm caused by the proposed development at this point in time. In the absence of such mitigation development should be refused. The Applicant has submitted an appeal against non determination and so the Council cannot formally determine the application. However, in the absence of appropriate and deliverable ecological mitigation, if the Council had been in a position to determine the application, the recommendation would have been that the application be refused. In order that the Council's position can be clearly communicated to the Inspector appointed to hear the appeal this report has been prepared to define what the Council's position would be given these circumstances.

### **Ecological Impact and Mitigation**

Within the previous report to Committee it was identified that the Council's Ecologist had objected to the scheme proposals as follows:--

*"Whilst pleased to see that the development itself has been redesigned to provide a buffer strip alongside the Moredon Copse CWS, until the drainage scheme for the site is revised it is still considered that the development would result in unacceptable damage to this woodland. The submitted management plan provides no reassurance that the ecological value of the identified compensation site would actually increase in the long-term (indeed it could well decrease), or any evidence of what would actually be achieved through intervention; this therefore clearly fails to demonstrate that the necessary proportionate compensation for 2ha of calcareous grassland could be achieved. Indeed several of the proposals for that site could impact upon European protected species, and it is not clear that the Council could legally approve such measures. The site is also being promoted for future development which casts considerable doubt upon the delivery of long-term ecological compensation on this site and its suitability for such a purpose.*

*For the above reasons it is considered that the proposed approach to compensation is entirely inappropriate and the application therefore still fails to meet the requirements of local policy NE7 due to unacceptable impacts upon Bradley's Meadow and Moredon Copse CWSs. Therefore objection is maintained to the application on these grounds and it is recommended that it be refused."*

Subsequent to this objection it was identified that:-

*...the applicant had employed ecological consultants to investigate and present options for acceptable and appropriate off site compensatory mitigation. Discussions have taken place regarding proposals with the Council's Ecologist and a scheme for off-site enhancement of Marlborough Downs Nature Improvement Area to create replacement calcareous grassland on a publicly accessible site close to Swindon has been proposed by the applicant, including funding provision and long term maintenance. The Council's Ecologist has reviewed and assessed the proposed mitigation scheme and considers them acceptable and appropriate as compensatory mitigation for the loss of the Nature Conservation Site and the original ecological scheme mitigation in line with guidance issued by the Department for Environment Food and Rural Affairs. Subject to appropriate conditions the above described objection is overcome and is withdrawn by the Council's Ecologist.*

Consequently the report set out the following position:-

*As identified above the Council's Ecologists formally objected to the scheme proposals due to their impact on sites of identified nature conservation importance protected under policy NE7 of the NWLP 2011 and the lack of any satisfactory proposals to mitigate and / or compensate for this loss. It is also important to note in this context that the application site incorporates land which was itself proposed to be enhanced in terms of its ecological value to compensate and mitigate for the loss of land within the first phase of the development. The applicant acknowledges that the previously agreed works of enhancement have not taken place as yet. In addition it was identified that the proposed drainage scheme for the site would result in the loss of protected woodland through harm to root protection zones by the laying of pipelines. Also that insufficient survey information was provided in respect of protected species to be able to fully assess impacts and to define to the required legal standard that harm to protected species or their habitats would not be significant and could be readily and effectively mitigated.*

*Since the Council's Ecological objections to the scheme proposals were identified the applicant has sought to address these through revisions to the scheme layout to incorporate buffer zones adjacent the woodland; revisions to the layout of the drainage scheme to ensure protection of the tree root zones whilst ensuring adequate drainage flows and capacity; and provision of additional survey information and mitigation measures in respect of protected species at the site and their habitats. In addition proposals have been submitted through an Environmental Management Plan and related supporting documentation to ensure onsite ecological management of grassland, woodland the River Ray, and offsite enhancement and management of the land in the vicinity. The applicant has identified long-term land owner commitment to the offsite scheme (to be secured through a legal agreement with the Council); third party commitment to implementation and on-going management (to be delivered by the Marlborough Downs Nature Improvement Area project); and provision of funding for the management and maintenance of the site to be covered in the Section 106 agreement. Following review of the initial drafts additional supporting information and detail was requested and has been provided. The Councils Ecologist considers that the proposals represent adequate and commensurate mitigation and compensation for the loss of habitat over the long-term, provided that the Council is satisfied that the need for the proposal outweighs the need to safeguard the nature conservation value of the site (NE7).*

As previously noted submissions by the applicant, including confirmation statements and submission of an Ecological Management Plan, indicated that deliverable and commensurate mitigation proposals were in place. This position led officers to recommend approval of the application subject to the signing of a section 106 agreement and the Committee resolved to approve that recommendation. Since that date the Council and applicant have been in liaison with respect to the preparation of the S106 Agreement and advancement of the proposals for ecological mitigation.

The submitted Ecological Management Plan proposed off site mitigation through works to enhance a site at Cow Hill Bank, Strouds Hill located to the South of Swindon, North of the village of Chisledon and west of the A346 to create replacement Calcareous Grassland. The Ecological Management Plan also included reference to a fall back site should the Cow Hill Bank site not be available and this is located in close proximity to the preferred site. It was proposed by both parties that the mitigation works and ongoing management would be undertaken by the Marlborough Downs Nature Improvement Area Team (MDNIA). The MDNIA are active in the locality managing such ecological habitats and have expertise in this matter.

As discussions progressed and drafts of the relevant documents were submitted by the applicant it became apparent that detailed analysis of the preferred site including soil conditions had not been completed and that the relevant landowner of the site was not a party to the on-going S106 agreement discussions. Soil testing was undertaken and it was identified that the land was too acidic to create the required Calcareous Grassland. The applicant subsequently submitted a revised Ecological Management Plan proposing

measures which they considered would create the requisite soil conditions for the creation of the Calcareous Grassland, in particular a process of liming of the land. This would take place over an extended period. The Council's Ecologist was concerned as to both the likelihood of successfully creating the necessary soil conditions and the scale and extent of the works involved. Given these concerns Officers assessed that the selected site could not be considered as readily deliverable for ecological mitigation and recommended that alternative proposals and sites were investigated including the fall back option. The applicant disputed this position and considered that the Cow Hill Bank site presented an acceptable and deliverable option and proceeded with this proposal through the submission a revised draft S106 agreement and EMP. These documents again did not include the landowner as a full partner in agreement. Subsequently the MDNIA Team have commented that the relevant landowner has withdrawn active support for the proposals on his land. The previous fall back site and other potential sites in the locality have been taken forward as part of other proposals and schemes and are no longer available for mitigation works associated with the Moredon Bridge Phase 2 application proposals. As this situation has developed the applicant has become frustrated with the process and considers that the Council has been obstructive and indeed should have advanced mitigation proposals themselves in order to support the development. The applicant has offered funding to allow this process to take place. Officers consider that it is the developer's role and function to identify deliverable mitigation proposals that are necessary to facilitate its development proposals. Similarly the MDNIA Team has also identified that they have no resource availability to identify alternate mitigation options on behalf of the applicant. That is not to say that there are no potential locations that are suitable for appropriate mitigation in the locality merely than none of the parties involved has identified a solution to the matter, in particular that the developer/applicant has not identified deliverable proposals. Instead of advancing such investigations and bringing forward deliverable proposals the applicant decided to submit an appeal against non determination.

At this point in time there are no detailed proposals from the applicant for mitigation although the applicant has stated in correspondence and a recent meeting (04/12/13) that they are continuing with investigations. However, the Planning Inspectorate has issued an appeal timetable that includes an Inquiry into this matter in March 2014. It is therefore necessary to report this matter to Committee now and it is not possible to await further submissions from the Applicant before doing so. In this regard the applicant has had over a year to bring forward necessary mitigation proposals and has known of this requirement since submission of the application having developed phase 1 residential properties at this site which raised these very issues during consideration of those proposals.

### **S106**

As noted above the application was reported to the NAPC previously where it was resolved to delegate authority to the Area Development Manager to grant permission subject to the signing of a Section 106 agreement and conditions. The matters to be addressed in that agreement are set out in the report attached at Appendix 1 alongside the delivery of the ecological mitigation measures as referenced above. Subsequently the applicant submitted a draft Section 106 agreement to meet all the identified matters fully except in relation to ecological mitigation. This remains the case at the time of writing albeit the Council has yet to receive proofs of evidence and related documents including draft S106 agreement in respect of the submitted appeal. In addition as noted the applicant has indicated that they continue to investigate options and as such further submissions may yet be forthcoming.

### **Duplication Application 13/04912/FUL**

This report relates specifically to the subject of the submitted appeal which is application N/11/02763/FUL. It is however important to note that a duplicate application has been submitted to the Council alongside the submitted appeal against non-determination. Should the applicant be able to bring forward an appropriate and deliverable scheme of mitigation that can be secured through an appropriate S106 agreement then it is conceivable that a consent could be issued for this duplicate application and the appeal could therefore be withdrawn. Given the very short and imminent appeal timetable that has been issued, which reflects that sought by the applicant, Officers are not optimistic that this is realistically achievable. Certainly the Council is not in a position to rely on such an eventuality and therefore it is necessary to report to Committee to establish the Council's position in advance of the appeal in the absence of any deliverable and confirmed ecological mitigation proposals.

## **10. Conclusion**

At the time of writing there is no detailed, commensurate and deliverable scheme of ecological mitigation proposed or agreed for the development and loss of the Calcareous Grassland at the site. Had the Council been in a position to determine the application in these circumstances the officer recommendation would be for refusal. There are no other objections to the scheme proposals that can justifiably be defended.

## **RECOMMENDATION**

That had the Council been in a position to determine the application it would have been refused for the following reason:-

The proposed development results in the loss of a significant protected ecological habitat which is a designated County Wildlife Site and Biodiversity Action Plan listed habitat. The proposals include no provision for commensurate, deliverable mitigation for the loss of and harm to protected ecological habitat (Calcareous Grassland). The proposals are contrary to the NPPF section 11 and paragraphs 14, 17 & 118; NWLP policies C3, NE7, NE10, NE11; and Core Policy 50 Wiltshire Core Strategy Proposed Modifications (Sept 2013).

## **Appendices:**

**1. Report to 24<sup>th</sup> April 2013 North Area Planning Committee**

**2. Minutes of the North Area Planning Committee 24<sup>th</sup> April 2014**

## **Background Documents Used in the Preparation of this Report:**

### **Application Documents**

**Draft Section 106 Agreement dated 03/09/2013**

**Draft Ecological Management Plan dated 14/08/2013**

## APPENDIX 1 Report to North Area Planning Committee 24<sup>th</sup> April 2013

### REPORT TO THE NORTH AREA PLANNING COMMITTEE

Report No.

Date of Meeting	24 April 2013		
Application Number	N/11/02763/FUL		
Site Address	Land at Moredon Bridge, Purton Road, Wiltshire		
Proposal	50 Dwellings, Access, Associated Works and Landscaping		
Applicant	Wainhomes (SW) Holdings Ltd		
Town/Parish Council	Purton Parish Council		
Electoral Division	Purton	Unitary Member	Councillor Jacqui Lay
Grid Ref	412100 186862		
Type of application	Full		
Case Officer	Lee Burman	01249 70668	<a href="mailto:Lee.burman@wiltshire.gov.uk">Lee.burman@wiltshire.gov.uk</a>

#### Reason for the application being considered by Committee

Councillor Lay called the application to Committee to consider the scale of development; visual impact on the surrounding area; relationship to adjoining properties; and design character.

#### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED

#### 2. Report summary

The application was not determined within the 13 week period in an attempt to try and resolve ecological issues on the site and subsequent to that to await the outcome of the Secretary of State's decision in respect of Ridgeway Farm. This extended timeframe was agreed between the parties. Subsequently a further extension of the determination date was agreed to address ecological objections.

For consistency the main issues are broadly the same as those for Ridgeway Farm and are as follows:

- Status of the development plan
- Principle of development
- West of Swindon background
- Housing need and 5 year land supply
- Prematurity
- Development form including affordable housing
- Impact on the highway network
- Sustainability of the site and development proposals
- Provision of open space and green infrastructure
- Affect on ecology, nature conservation and biodiversity
- Affect on the character and appearance of the area
- Affect on drainage and flood risk
- Impact on residential amenity (existing and proposed residents)
- Other Material Considerations
- Section 106 requirements

The application has generated objections from Purton Parish Council; and 71 letters of objection from the public. One letter of Support has been received. A total of 85 representations have been submitted in respect of the application.

#### 3. Site Description

The site is bounded by the consented residential development (ref. 09/02020/REM) accessed off of Purton Rd (84553) and the 84534 to the northwest, the dismantled Midland and South Western Junction Railway to the northeast, the River Ray to the southeast and the Swindon and Stroud railway line to the southwest. The overall site measures 13.5 ha. However, the application area covers approximately 1.7 ha and is delineated by hedgerows and trees on its East and South East boundary.



4. Relevant Planning History		
06/00250/OUT	Residential Development	Refused
08/00403/OUT	200 Dwellings, Public Open Space and Landscaping	Allowed
09/02020/REM	200 Dwellings & Associated Works	Permitted
10/03149/REM	Reserved Matters – Landscaping	Permitted

#### 5. The Proposal

The scheme seeks permission for 50 dwellings of which 6 are a re-plan from a previous Reserved Matters approval. The scheme comprises the following mix:

36 market dwellings – mostly two storey comprising 2 and 3 bedroom with some 4 bed dwelling. 5 units are 4 bed 2.5 storey.

The proposed affordable units comprise 10 units to rent and 4 intermediate units most of which are 2 bed with one 1 bed and a 3 bed house.

Materials are predominantly brick with some render and reconstituted stone, roof materials are concrete tiles. All materials are to match the existing approved development together with window styles and features. A condition is required to identify specific materials to be used.

The application has been submitted with the following documentation and plans:

Archaeological Report  
 Constraints Report  
 Design and Access Statement  
 Drainage Layout (Revised)  
 Flood Risk Assessment and Drainage Strategy  
 Ecological Assessment  
 Environmental Noise Assessment  
 Footpath Diversion  
 Geo-Environmental & Geo-Technical Report  
 Landscape & Visual Appraisal  
 Landscape Specification  
 LAP Proposals  
 Planning Obligation Heads of Terms  
 Statement of Community Involvement  
 Transport Statement  
 Waste Management Plan  
 Site Location Plan  
 Topographical Survey  
 Highway Layout  
 Footpath Diversion  
 Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3  
 House Type Planning Drawings – 1552 (1 – 27 various revisions)  
 Revised Site Layout 14/3/12  
 Revised Street Elevations 1552/103 REV B

#### 6. Planning Policy

Below is a summary list of the most relevant adopted guidance and policy documents in the considerations of this proposal:

- National Planning Policy Framework (NPPF)
- Circular 05/2005 Planning Obligations
- Circular 06/2005 Biodiversity and Geological Conservation
- Conservation of Habitats and Species Regulations 2010
- Wildlife and Countryside Act 1981
- RPG10 Regional Planning Guidance for the South West

- Wiltshire and Swindon Structure Plan 2016 principally Policies DP2, DP3, DP4, DP10B and DP13
- North Wiltshire Local Plan 2011 Policies C1 Sustainability; C2 Community Infrastructure; C3 Development Control Policy; NE7 Nature Conservation Sites of Local Importance; NE9 Protection of Species; NE10 Managing Nature Conservation Features; NE11 Conserving Biodiversity; NE13 The Great Western Community Forest; NE14 Trees and the Control of New Development; NE15 The Landscape Character of the Countryside; NE17 Contaminated Land; NE18 Noise and Pollution; HE8 Archaeological Evaluation; T1 Minimising the Need to Travel; T2 Transport Assessment and Travel Plans; T4 Cycling, Walking and Public Transport; H4 Residential Development in the Open Countryside; H5 Affordable Housing in Urban Areas and Policy CF3.
- North Wiltshire Open Space Study 2004
- Affordable Housing SPD 2008

The following documents are emerging and the weight to be attached to each document is for the decision maker:

- Ministerial Statement "Planning for Growth" March 2011
- Wiltshire Core Strategy Submission Draft document July 2012 Policies 1, 2, 3 and 19.
- Swindon Borough Council Core Strategy – Revised Proposed Submission Draft June 2011 – principally Policy NC5.

## 7. Consultations

Purton Parish Council – refer to their historical objections to the site on the following grounds:

- The creation of an isolated community away from any established neighbourhoods notwithstanding previous Inspector did not agree;
- Ecological impact on Calcareous Grassland and Bradley Meadow, the latter was afforded protection via condition by the Inspector and the applicants have ignored this;
- The location of the play area in the flood zone which floods and should therefore be relocated to cope with this additional development;
- No junction management has been implemented contrary to approved plans;
- Highways impact.

However, notwithstanding the above the Parish Council considers that as the development has changed the area irrevocably and therefore does not object to modest development subject to caveats:

- An independent study confirming Bradley Meadow cannot be restored;
- Relocation of the play area;
- Implementation of traffic lights; and

Swindon Borough Council – Submitted two separate letters covering general planning policy and development control matters in one letter and transport matters in the second. The comments are extensive and detailed and are available for viewing on the File and the Council's website. In summary Swindon BC objects to the proposed development on the following grounds:

- The application and supporting information including the Design & Access Statement and Transport Statement are unclear and inadequate to the extent that the proposals cannot be formally and fully assessed with regard to impacts.
- The objections raised in respect of the Phase1 Appeal remain valid in the view of Swindon BC
- The site should not be considered in the context of the housing land supply for the Swindon Area being within Wiltshire. As such the position with regard to 5 year supply of land for housing in Swindon is irrelevant and in any event does not override the harm to the delivery of the development strategy for Swindon which focuses on delivery of housing at the Tadpole Farm site and the emerging development strategy in Wiltshire.
- The Government has resolved to abolish Regional Spatial Strategies. There is no specific site allocation of the land for development in emerging development plan documents.
- The site is of identified nature conservation importance.
- The site is subject to flood risk and development of plots close to the flood plain boundary is inappropriate.

- The proposed layout and design is not considered acceptable for a range of reasons details in the consultation response including inadequate levels of residential amenity for future occupants; poor relationship of properties to one another and the communal areas and street – blank facades; inadequate parking provision etc.
- Inadequate and inappropriate public open space provision including the provision of LAPs which Swindon BC does not accept.
- The proposals do not take account of Swindon Transport Policies and objectives.
- The proposals do not provide for or take opportunities to enhance links to the pedestrian and cycle network in the locality.
- Several key amenities are beyond recommended walking distances resulting in a car dominated development.
- The transport statement has not considered changed circumstances since the original application.
- The submitted assessment of the site access shows each arm is over capacity in each scenario. This will likely have an impact on highways safety. Swindon BC are concerned that the site access does not provide enough capacity to serve the development. Confirmation of Emergency Services support for the layout is required.
- Confirmation is required as to whether the submitted FRA covers the 50 dwellings, if a not a new FRA is required. Confirmation as to the capacity of the Drainage Strategy to accommodate the additional development is required.

Despite the above position regarding lack of detail and clarity in the proposals and supporting documentation and inability to assess impacts, Swindon BC was able to provide a detailed and quantified assessment of the financial contributions required to support service and infrastructure enhancements and provision to serve the needs of the development proposed. This matter is addressed under the S.106 section below.

Spatial Plans – The initial response from the Spatial Plans Team centred on the contention that a 5 year supply of land for housing could be readily identified in accordance with the then adopted and emerging national policy guidance contained in PPS3 and the draft NPPF. It was noted that the site fell outside any defined settlement framework boundary and was therefore in the open countryside with policy H4 of the NWLP relevant. Officers identified that the development plan including Wiltshire and Swindon Structure Plan (Policy DP4) identified a requirement for housing provision in the locality of the application site which had not been met and the site had been found to be broadly sustainable through the Phase 1 appeal process. In this context officers noted the Ecological objections to the proposals (referenced below). However, given the open countryside location and the assessed ability to demonstrate a 5 year supply of land for housing officers considered that the site was not required for residential development and was in an inappropriate location contrary to adopted development plan policy. Further that the release of the site was premature to the emerging Wiltshire Core Strategy and Neighbourhood Plan process. Objection was therefore raised and refusal recommended.

Since those initial representations were made the Secretary of State for Communities has issued his decision in relation to the Ridgeway Farm appeal. The Inspector, while noting the presumption that development should be plan-led and have the support of the local community, in concluding her findings made the following points:

- In line with Structure Plan Policy DP10B “...it has already been accepted in the DP that some housing sites will be exceptions to countryside policy H4. RPG10 and WSSP supported residential development on Greenfield land to the west of Swindon and although the housing figures that justify it are outdated, they were due to be increased rather than decreased following the EIP into the dRSS”. (paragraph 403)
- The Inspector noted that “the Ridgeway Farm proposal would only provide about 3.8% of the total housing numbers envisaged as urban extensions to Swindon in the dSCS and a proportionally smaller percentage (1.9%) of the dRSS figures” (paragraph 357). In referring to this, the Inspector concludes: “The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is not a reason to refuse the scheme” (paragraph 404).

The proposals within this current application relate to land already permitted on appeal at Moredon Bridge for 200 dwellings. In total 900 dwellings have now been permitted in ‘locations’ west of Swindon that Inspectors have found to be sustainable. Spatial Plans Officers therefore consider that given the findings of the Ridgeway Farm Inspector and Secretary of State and the lack of 5 year land supply at Swindon, together with

the Policy requirement for 1,000 dwellings in saved Policy DP10B of the Wiltshire and Swindon Structure Plan 2016, there is not an objection to this application on housing land supply grounds.

Notwithstanding this, Officers note that in order for the proposals to constitute sustainable development in accordance with the NPPF it will be important to ensure that there are no site specific reasons as outlined in the previous response to this application.

Affordable Housing – confirms that 30% affordable housing is required and the proposal appears to conform to SPD requirements.

Wiltshire Highways – no objections subject to conditions. See section on Highways Matters below for further details.

Tree Officer – following receipt of amended root barrier plans no objections are proposed.

Principal Ecologist – detailed comments are contained on the file and website (see email dated 4 April 2012) and these comments from the ecological considerations of the report below. The Officer recommended the following:

*“Whilst pleased to see that the development itself has been redesigned to provide a buffer strip alongside the Moredon Copse CWS, until the drainage scheme for the site is revised it is still considered that the development would result in unacceptable damage to this woodland. The submitted management plan provides no reassurance that the ecological value of the identified compensation site would actually increase in the long-term (indeed it could well decrease), or any evidence of what would actually be achieved through intervention; this therefore clearly fails to demonstrate that the necessary proportionate compensation for 2ha of calcareous grassland could be achieved. Indeed several of the proposals for that site could impact upon European protected species, and it is not clear that the Council could legally approve such measures. The site is also being promoted for future development which casts considerable doubt upon the delivery of long-term ecological compensation on this site and its suitability for such a purpose.*

*For the above reasons it is considered that the proposed approach to compensation is entirely inappropriate and the application therefore still fails to meet the requirements of local policy NE7 due to unacceptable impacts upon Bradley’s Meadow and Moredon Copse CWSs. Therefore objection is maintained to the application on these grounds and it is recommended that it be refused.”*

Subsequently the applicant has employed ecological consultants to investigate and present options for acceptable and appropriate off site compensatory mitigation. Discussions have taken place regarding proposals with the Council’s Ecologist and a scheme for off-site enhancement of Marlborough Downs Nature Improvement Area to create replacement calcareous grassland on a publicly accessible site close to Swindon has been proposed by the applicant, including funding provision and long term maintenance. The Council’s Ecologist has reviewed and assessed the proposed mitigation scheme and considers them acceptable and appropriate as compensatory mitigation for the loss of the Nature Conservation Site and the original ecological scheme mitigation in line with guidance issued by the Department for Environment Food and Rural Affairs. Subject to appropriate conditions the above described objection is overcome and is withdrawn by the Council’s Ecologist.

Education – Officers identify that the requirement for primary and secondary school place provision can be accommodated within existing facilities based on proposed enhancements to school provision in the locality and existing and projected school place availability. As such no requirement for contributions is identified.

Public Open Space – No objection subject to satisfactory provision for future maintenance and management not to be undertaken by the Council.

Archaeological Officer – Raised no objections to the scheme proposals.

Environmental Health Officer – Raised no objection to the scheme proposals

Drainage Engineers – No objections based on the submitted details.

Senior Waste Officer – Identifies a requirement for financial contributions toward the provision of Waste Bins to serve the residential properties. This is addressed further in relation to S.106 matters below.

Defence Estates – the MOD has no safeguarding objections.

Environment Agency – no objections subject to conditions but defer any comments regarding ecology to the Council.

Highways Agency – consider the proposed development would have an incremental impact on Junction 16 and thus a Travel Plan is required.

Wessex Water – have confirmed a water supply can be provided to the site and will be agreed at the detailed design stage. Assumptions have been made about surface water

## 8. Publicity

The application was advertised by site notice and neighbour consultation.

71 letters of letters of objection received

Summary of key relevant points raised:

16 representations raised objection in respect of the principle of development considering that there was no need and that the location was unsustainable;

17 representations raised objection in respect of the harmful ecological impact of the proposed development;

26 representations raised objection in respect of the lack of infrastructure and inadequate provision to serve the needs of the proposed development;

51 representations raised objection in respect of the impact of the proposals on the highway network;

9 representations raised objection in respect of the noise disturbance created by the nearby rail line

16 representations raised objection in respect of the impact of the proposals on flooding and the risk of flooding of the proposed dwellings.

Comments were also raised in respect of loss of views and open aspect, lack of demand for housing and impact on house values.

## 9. Planning Considerations

As identified above for consistency the key headings and planning considerations are identified as the same for the consideration of the Ridgeway Farm proposals. The assessment and main considerations under each of these headings is set out below albeit the situation has fundamentally changed following the publication of the Secretary of States decision in respect of the Ridgeway Farm Appeal.

### Status of the Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material considerations indicate otherwise.

The development plan that relates to this development is as follows:

- Regional Planning Guidance for the South West (RPG10);
- Wiltshire and Swindon Structure Plan 2016 (adopted April 2006) – policies saved therein;
- North Wiltshire Local Plan 2011 (adopted June 2006) (and the saved policies therein; and
- Wiltshire and Swindon Waste Core Strategy (adopted July 2009).

With regard to the status of the development plan the above documents are adopted and incorporate saved policies however it has been accepted through various appeals dating back to 2011 that RPG10 and the housing requirement specified in the North Wiltshire Local Plan based on RPG10 are out of date. In addition the Government has stated (28/3/13) that all Regional Spatial Strategies – RPG10 will be abolished by order at the restart of the Parliamentary session after Easter 2013. Therefore whilst part of the adopted

development plan at the point of submission, during determination and still at present the abolition of the document is imminent and therefore no weight should be attached. Furthermore the 12 month period after the publication of the NPPF which Adopted Local Plan policies according with the NPPF still carry full weight as material considerations elapsed as of 27<sup>th</sup> March 2013. However, paragraph 215 of the NPPF makes it clear that where adopted Local Plan policies generally accord with the NPPF weight will still be attached to them even after the expiry of the 12<sup>th</sup> month period albeit this weight will be commensurately reduced. In this context it is essential to note that the Council has submitted its draft Core Strategy for examination which is due to take place in May – July 2013.

#### Principle of Development

The site lies outside of any currently defined settlement and is therefore by definition within the open countryside and a location where new residential development (other than specific limited categories) is not supported in principle. Saved policy H4 of the North Wiltshire Local Plan 2011 is relevant in this regard and identifies that only residential development for agricultural or forestry purposes or with respect to replacement dwellings will be permitted in locations outside defined settlement boundaries. The proposed development is therefore in direct conflict with this saved policy and therefore the adopted development plan. The emerging Wiltshire Core Strategy does not propose any alteration to the definition of settlement boundaries in this locality. The policy is considered to generally accord with the policies and strategy of the NPPF. It is therefore necessary to consider what if any material considerations would support a departure from this policy imperative and this is addressed in detail below.

#### West of Swindon Background

WSSP 2016 Policy DP10B requires a joint study to be undertaken by the local planning authorities to identify the most sustainable location(s), adjacent to Swindon for an urban extension or extensions west of Swindon for 1,000 dwellings. The outcome of the study was to be identified within the authorities' Local Development Documents or in a joint Local Development Document. (Paragraph 4.87).

In response to Policy DP10B North Wiltshire District Council in partnership with Swindon Borough Council commenced the production of the West of Swindon Joint Study (Spring 2006). However the progress of this specific study was halted in order to respond to the increased housing requirements contained within the draft Regional Spatial Strategy (RSS), published June 2006. As a result this study was incorporated into the wider Swindon Small Scale Urban Extension Study (SSUES) 2008 which formed a technical evidence document supporting both the emerging Swindon and Wiltshire Core Strategy Development Plan Documents.

#### The Swindon Small Scale Urban Extension Study (SSUES) – Jan 2008

The SSUES was an analysis of potential locations for development to meet the housing requirements identified through the draft RSS (June 2006). Referring to the western edge of Swindon this required housing provision to be made for 2,000 dwellings within the Borough and a further 1,000 dwellings adjacent to Swindon but within the former North Wiltshire District.

In order to facilitate a more detailed assessment of the study area, the urban fringe of Swindon was broken down into cells. Each cell was tested for a variety of potential options comprising 200, 500, 1,000 and 2,000 dwellings. This was for the sole purpose of testing growth and not for specifying site specific capacity.

- a) The SSUES concluded that in order to meet the requirements of the draft RSS (June 2006) the following development scenario is recommended.

Location	Number of Dwellings
Swindon Borough (2,000 dwellings)	
Tadpole Farm	1,500
Kingsdown	500
North Wiltshire District (1,000 dwellings)	
Ridgeway Farm / Moredon Bridge	1,000
<b>Total</b>	<b>3,000</b>

- b) Tadpole Farm is situated within the identified area of search for Policy DP10B (Cells G and H of the Swindon PUA Study). The SSUES concluded that “Tadpole Farm emerged as the most sustainable location in the study area to accommodate development and should therefore be the priority site.” (Paragraph 4.6).
- c) The study also identified land at Ridgeway Farm and Moredon Bridge as the location suitable to meet the RSS requirement for 1,000 dwellings in North Wiltshire adjacent to Swindon. Commenting on the development area at Ridgeway Farm and Moredon Bridge the SSSUES concluded that this area is:

“... very accessible to existing services and facilities and provided the development is contained to the east of Purton Road, could be accommodated without a significant contribution to coalescence between Swindon and any of the surrounding villages or strategic landscape impact.”

- d) In terms of the environmental considerations (this relates to both the natural and built environment), Cell D of the SSSUES (within which Ridgeway Farm falls within) does not perform as well as Cell G (Tadpole Farm), this is largely the result of concerns surrounding the impact on the strategic landscape to accommodate growth above 1,000 dwellings on land south of the railway. However the SSSUES recognised that:

*“The fields to the south of Cell D [the location of this proposal] would provide the opportunity to integrate with the existing urban area without impacting too heavily upon local strategic landscape. There would also be capacity south of the railway line to accommodate a development scenario above 500 dwellings, provided that an element of strategic planting was provided to reduce the impact from the north. It should be acknowledged here that the local landscape impact of development here would be severe. There is not capacity to accommodate the full development scenario of 1,000 dwellings without extending beyond the topography that contains the site around Purton Road.”* (Paragraph 3.29).

- e) The SSUES therefore recognised the potential negative impact of Cell D on the strategic landscape and also the potential to cause coalescence for large scale development i.e. 1,000 dwellings with outlying settlements but acknowledged that:

*“There would appear significant capacity subject to mitigation to provide a minimum of 500 dwellings at this location. The capacity of the site is more likely to be around 700-800 dwellings.”* (Paragraph 3.37)

- f) Finally the SSUES recognised that:

*“Further detailed work needs to be undertaken to identify the exact scale of development that could be accommodated considering environmental constraints and it may be the site can only deliver around 800 dwellings. The majority of development would need to be concentrated to the south west of the railway line with only a small proportion of development land located on high ground at either side of Purton Road to the north and east of the railway.”* (Paragraph 4.5, Page 60)

- g) In summary, the SSUES acknowledged that land at Tadpole Farm represented the most sustainable development option to deliver the housing requirements identified through the draft RSS (June 2006). An assessment of the SSUES findings also demonstrates that the Ridgeway Farm site is a suitable location for development to meet the additional requirements of the emerging RSS.

#### The West of Swindon Study Update – Feb 2009

- a) The West of Swindon Study Update, built on the SSUES, focused on the specific requirement identified through the Proposed Changes version of the RSS (July 2008) to assess development options for 3,000 dwellings to the west of Swindon within the former North Wiltshire District. This Study Update concluded that a combination of sites (Moredon Bridge, Ridgeway Farm and The Pry) represented the best option for development to meet this need.
- b) In respect of the application site, the Study Update concluded that “Development on land at Ridgeway farm and Moredon Bridge would read as a logical urban extension to Swindon and could be brought forward in the short-term which would provide an early phase of development” (Paragraph 6.12)

- c) This document was subject to public consultation between February and April 2009, the findings of this consultation were subsequently used to inform the Wiltshire 2026 consultation document.

#### Wiltshire 2026: Planning For Wiltshire's Future, October 2009

- a) The Wiltshire 2026: Planning for Wiltshire (A consultation document to inform the Wiltshire Core Strategy) document was subject to public consultation between 30 October 2009 and 31 December 2009. As part of the supporting evidence a 'West of Swindon Background Paper' was produced that outlined the background to the various studies undertaken to identify suitable and sustainable development options at the west of Swindon in accordance with the Proposed Modification version of the draft RSS.
- b) This document carried forward the best option for development at the west of Swindon identified through the West of Swindon Study Update; a combination of the sites of Ridgeway Farm, Moredon Bridge and land at Pry Farm. It should be noted here that development options at the Pry reflected the higher housing numbers identified through the Proposed Modifications version of the RSS which required an additional 2,000 homes to be provided for at the west of Swindon, increasing the total requirement to 3,000 dwellings.

#### Housing Need and 5 year land supply

As identified above it is the Council's view that the most up to date identification of need is obtained via the respective emerging Core Strategies for Wiltshire and Swindon.

Regardless of the figures contained within the soon to be revoked Structure Plan (1,000 dwellings) or the most up to date figures contained within the Swindon Borough Core Strategy, the NPPF (paragraph 47) requires a 5 year supply of housing land. The NPPF identifies that a presumption in favour of sustainable development is the golden thread running throughout the NPPF. At paragraph 49 the NPPF specifies that applications for housing development should be considered in the context of the presumption in favour of sustainable development.

In terms of assessing supply, it is understood that 350 dwellings would be completed on Tadpole Farm by 2015/2016 (end of Structure Plan period). Together with the Moredon Bridge commitment of 200 dwellings, this means that in terms of the out of date Structure Plan requirement at West of Swindon, just over half of that requirement in Policy 10B could be delivered by 2016. However, this would leave a shortfall of at least 450 dwellings, which the permission granted at Ridgeway Farm site would deliver.

The assessed position indicated that having regard to the completions achieved at Swindon (within the Borough) to March 2011 a 2.6 to 2.9 years deliverable supply of housing land could be demonstrated compared to the Wiltshire and Swindon Structure Plan 2016 requirement, which is in conformity with RPG10, the adopted Regional Spatial Strategy for the South West. The difference in figures depends on whether the requirement in Policy DP10B is included or not. This compares to 2.5 years when assessed against the figures within the Proposed Modifications to the Regional Spatial Strategy for the South West (2008).

This position previously assessed and pursued by the Council and Swindon Borough Council in respect of Ridgeway Farm has been superseded by the decision of the Secretary of State in respect of the Ridgeway Farm appeal. This is also the case in respect of several other key events and decisions as discussed below under "Other Material Considerations".

#### Prematurity

Based on the evidence outlined above in this report in respect of the diminishing, if not diminished weight that can be attached to the Structure Plan and the policies contained therein as well the draft RSS, any decision to approve this proposal could be considered premature to the emerging Core Strategies of both Councils, both of which are to be the subject of examinations later this year with adoptions expected during 2013/2014. A decision along these lines would be consistent with the *Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010]* and *R (on the application of Cala Homes (South) Limited) v Secretary of State for Communities and Local Government and another [2011]* decision. However once again this position has been significantly altered and undermined by the decision of the Secretary of State in respect of the Ridgeway Farm Appeal and in respect of several other key events and decisions as discussed below under "Other Material Considerations".



### Development form including affordable housing

It is considered that the development form reflects that of the Phase 1 200 dwellings already permitted and now under construction. The affordable housing provision in terms of quantum and layout is considered to be in general accord with the Council's adopted Supplementary Planning Guidance in respect of Affordable Housing provision. The Council's Housing Officers raise no objection to the scheme proposals. The Council's Urban Design Officer and other consultees including Swindon Borough Council have reviewed the scheme proposals and raise a number of queries and suggestions as to revisions in respect of layout. The Applicant has confirmed a willingness to amend the site layout to address these concerns. The matters raised are not considered to result in such a poor quality of layout or inadequate levels of amenity and design as to warrant refusal in any event, particularly given the approved and partially implemented scheme in respect of Phase 1.

### Impact on the highway network

The Council's Highways Engineers have raised no objections in principle particularly in light of the Phase 1 Permission and the recent Decision of the Secretary of State in respect of Ridgeway Farm. This is discussed in further detail below. The Council's Highways Engineers consider that contributions to enhanced pedestrian movement and legibility in the locality particularly at the principle site junction. S.106 requirements in this regard are discussed further below.

Highways Officers at Swindon Borough Council have submitted representations in respect of the proposals as set out in the consultations section above. In particular Officers of SBC consider that the Transport Assessment submitted with the application is insufficient to allow detailed assessment of the impact of the proposals. Concerns are however raised in respect of the capacity of the proposed access to accommodate the development proposed. Similarly Purton PC has submitted representations that approved works have not been implemented and traffic signalisation is required.

Wiltshire Council's Highways Engineers were asked to review the scheme proposals and application submission details in the light of these representations. Officers confirmed that no objection is raised to the scheme proposals. Officers do not consider the submitted documentation to be inadequate or deficient. The impact of the scheme proposals for 50 dwellings on the local Highways network in the light of the recent approval at Ridgeway Farm are not considered to be significant. In addition officers consider that all highway works required as part of the original development have been completed. There have never been any proposals to provide traffic signals at the site access as overall traffic delays would be increased. Officers acknowledge that turning right out of the site may be difficult at times but the alternative exists of a left turn out and a 'U' turn at the nearby Meadway roundabout. In this context and given the scale of development proposed the identified requirements of SBC officers and the Parish Council are not supported or considered to be necessary, reasonable and justifiable.

Whilst much of the impact of the scheme proposals in terms of transport and highways based traffic movements will be expressed on the road network in the Swindon Borough Council area Wiltshire Council is the Local Planning and Highways Authority for the application and in this context it is entirely appropriate and reasonable for the advice of Wiltshire Highways Officers to be followed.

The Highways Agency raised no objection to the scheme proposals but considers that the scheme requires preparation of a Travel Plan. The submitted Transport Statement commits to submission of a Travel plan should consent be forthcoming based on the provision and requirements of the Travel Plan agreed for Phase 1.

### Sustainability of the site and development proposals

The general site location has been found to be broadly sustainable and appropriate for residential development in previous studies and assessments (referred to above). Similarly the recent appeals decisions at Moredon Bridge Phase 1 and Ridgeway Farm consider the location to be broadly sustainable. It is considered that the scheme can be supported by sufficient S.106 requirements to meet the needs arising from the development. Ecological matters are addressed below as are other site specific considerations. On these grounds there is no in principle objection to the scheme proposals.

### Provision of open space and green infrastructure

The Council's Environmental Services Team have reviewed the scheme proposals and no objection is raised. In conjunction with the scale of provision as a part of Phase 1 of the development and the proposed

phase II layout the needs of the proposed development can be met on site. Officers consider that the proposed layout is not in a form that the Council would prefer to adopt and maintain itself but is acceptable in terms of distribution and accessibility. As such there is no in principle objection but Officers have identified a requirement for the spaces to be maintained in perpetuity and for proposals to be incorporated within the S.106 to address this matter. This is addressed further below.

#### Affect on ecology, nature conservation and biodiversity

As identified above the Council's Ecologists formally objected to the scheme proposals due to their impact on sites of identified nature conservation importance protected under policy NE7 of the NWLP 2011 and the lack of any satisfactory proposals to mitigate and / or compensate for this loss. It is also important to note in this context that the application site incorporates land which was itself proposed to be enhanced in terms of its ecological value to compensate and mitigate for the loss of land within the first phase of the development. The applicant acknowledges that the previously agreed works of enhancement have not taken place as yet. In addition it was identified that the proposed drainage scheme for the site would result in the loss of protected woodland through harm to root protection zones by the laying of pipelines. Also that insufficient survey information was provided in respect of protected species to be able to fully assess impacts and to define to the required legal standard that harm to protected species or their habitats would not be significant and could be readily and effectively mitigated.

Since the Council's Ecological objections to the scheme proposals were identified the applicant has sought to address these through revisions to the scheme layout to incorporate buffer zones adjacent the woodland; revisions to the layout of the drainage scheme to ensure protection of the tree root zones whilst ensuring adequate drainage flows and capacity; and provision of additional survey information and mitigation measures in respect of protected species at the site and their habitats. In addition proposals have been submitted through an Environmental Management Plan and related supporting documentation to ensure onsite ecological management of grassland, woodland the River Ray, and offsite enhancement and management of the land in the vicinity. The applicant has identified long-term land owner commitment to the offsite scheme (to be secured through a legal agreement with the Council); third party commitment to implementation and on-going management (to be delivered by the Marlborough Downs Nature Improvement Area project); and provision of funding for the management and maintenance of the site to be covered in the Section 106 agreement. Following review of the initial drafts additional supporting information and detail was requested and has been provided. The Council's Ecologist considers that the proposals represent adequate and commensurate mitigation and compensation for the loss of habitat over the long-term, provided that the Council is satisfied that the need for the proposal outweighs the need to safeguard the nature conservation value of the site (NE7).

The Environment Agency raised no objection to the scheme proposals. Natural England noted the location of the proposed development affecting a County Wildlife Site and advised that the council take particular care in the determination of the application. Given the limited scale of the development proposed no further comments were made and no formal objection was raised.

#### Affect on the character and appearance of the area

The proposal relates to open land of at least partial nature conservation importance featuring some elements of mature vegetation and a water course. The development of the land would undoubtedly result in a change to the visual appearance and character of this locality and this would be visible from transport links and neighbouring development. The site is however not overly prominent on the broader locality and is now seen and read in the context of the first phase of development permitted adjacent to the site. The existing woodland will be retained and this contributes to minimising the visual impact of the proposals. The Council's Landscape Officer has raised no objection to the scheme proposals. It is not considered that the visual impact is so significantly harmful to the character and appearance of the locality such that planning permission ought to be refused on these grounds. This is particularly considered to be the case in the context of the other material considerations discussed below.

#### Affect on drainage and flood risk

The applicant has submitted proposals for the construction of piped drainage for the development and these details have been assessed by the Council's drainage engineers. Whilst Officers are concerned regarding drainage in the locality, particularly given events during 2012, the detailed proposals, evidence and assessment submitted with regard to surface water drainage all demonstrate that the scheme can be adequately drained and no objection is raised in this regard.

### Impact on residential amenity (existing and proposed residents)

Concerns have been raised by various parties regarding the initial proposed site layout, particularly in the context of the relationship between some of the properties on the site and privacy and the adequacy of the proposed layout of private amenity space for future occupants of the properties themselves. The applicant subsequently submitted a revised site layout plan and it has considered that the issues and concerns raised in consultation comments and officers review of the proposals have been largely addressed. Again it is not considered that the amenities of future residents of the development are so significantly compromised and sub standard as to warrant and justify refusal of the application. Given the location and positioning of the proposed dwelling in relation to neighbouring properties and the degree of separation between the development site and existing dwellings it is not considered that there will be any significant harm to existing residential amenities.

### Other Material Considerations

Since the application was submitted there has been a significant change in material circumstances pertinent to the assessment and consideration of the development proposal. These are summarised as follows:

- a) The Secretary of State for Communities' decision in respect of the Ridgeway Farm appeal was issued on the 26 November 2012
- b) Two appeal decisions in respect of residential development proposals at Calne were issued by the Planning Inspectorate in September 2012
- c) An Appeal Decision in Respect of residential Development at Widham Farm, Purton was issued in September 2012 by the Planning Inspectorate. This decision has subsequently been challenged through the Courts of Justice and the decision has been quashed March 2013.
- d) Royal Wootton Bassett Town Council and Cricklade Town Council have both withdrawn from the neighbourhood Plan process for the Royal Wootton Bassett and Cricklade Community Area and resolved to prepare Neighbourhood Plans for their individual localities.
- e) An appeal decision in respect of a residential development proposal at Filands, Malmesbury was issued in error by the Planning Inspectorate and has subsequently been withdrawn to allow the Secretary of State to determine the appeal March 2013.

#### a) Ridgeway Farm Appeal Decision

The Ridgeway Farm Appeal decision is a particularly pertinent material planning consideration in respect of the determination of the current application for Phase II Moredon Bridge given the close proximity of the sites to one another and the material planning considerations relevant to both applications in the context of the nature of the development proposed. In particular the relevant development plan policies, 5 year supply of land for housing and housing land requirements; and prematurity to emerging development plans are all matters of principle relevant to both sites. These have been tested and thoroughly examined through an appeal process and full public inquiry with the final decision recovered by the Secretary of State for his determination. As such any decision in respect of Moredon Bridge Phase II must reflect and take into account the Ridgeway Farm decision unless there are clear and unequivocal reasons to justify a different approach. This is not considered to be the case and as such the Council's Spatial Plans team have removed their principle policy based objections to the scheme proposals. In this context it considered that a great many of the objections to and comments in respect of the scheme proposals including those of Swindon Borough Council are superseded by this decision.

Of particular relevance is the finding of the Inspector and subsequently the Secretary of State that the proposed scale of development at Ridgeway Farm was not so significant and substantive that :-

*"The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is not a reason to refuse the scheme"* (paragraph 404).

This of course related to a proposed level of development of some 750 dwellings with supporting infrastructure including a primary school, extra care facility, community buildings, roads and open spaces. In this context it is considered that the 50 dwellings proposed at Moredon Bridge cannot be considered significant or prejudicial to the communities' ability to set and define a spatial strategy for the locality. It is also important to note that the Secretary of State and Inspector found that neither Wiltshire Council or Swindon Borough Council had a confirmed 5 year supply of land for housing as required by the NPPF (Para 10 of the SoS's decision letter). Consequently the SoS goes on to state that the NPPF gives strong support for the grant of planning permission for housing schemes on sites in such circumstances as that of the Ridgeway

Farm site. Given this finding it is considered that there is a strong likelihood that any appeal against a decision to refuse planning permission on Development Plan and housing land supply grounds would be allowed by an Inspector.

b) On the 18<sup>th</sup> September 2012 the Planning Inspectorate issued two decisions in respect of two separate appeal sites within the town of Calne. Both appeals were allowed with the Inspector finds at paragraph 19 of the decisions that the Council cannot demonstrate a deliverable 5 year supply of land for housing and that the provision of the Development Plan in that regard are out of date.

Of particular relevance is the Inspector's finding that there is significant doubt over the delivery of identified strategic sites in the emerging Wiltshire Core Strategy and that these should be discounted from the supply of land for housing as a consequence.

Whilst the sites fall within a different housing market area forming the basis for assessing housing requirements and provision from that of the application site the decisions are of relevance in respect of the findings as to the status of the development plan and the Council's general approach to assessing the supply of land for housing in terms of including provision from Strategic Sites.

c) On 5<sup>th</sup> October 2012 the Planning Inspectorate issued a decision in respect of an appeal against the refusal of planning permission by the Council for residential development on land at Widham Farm, Purton. The appeal was dismissed in the instance with many of the issues again similar to those at Ridgeway Farm and the two sites in Calne. In this instance the inspector found that the Council could demonstrate a deliverable supply of land for housing for a 5 year period. Further the Inspector found that there was sufficient evidence to demonstrate that housing would be delivered from the identified Strategic Sites in the Emerging Wiltshire Core Strategy such that they could be counted toward the supply of land for housing.

This decision was subsequently subject to legal challenge through the Courts of Justice by the appellant and a third party with an interest in the land. The third party in that case is also the applicant for the development at Moredon Bridge the subject of this application. The decision in respect of this legal challenge was issued on the 25<sup>th</sup> March 2013 and this quashed the appeal decision by the Inspector. The grounds for this being that the Inspector had not considered the Appeal decisions in respect of the two proposals at Calne (referred to above) and had not given detailed reasons for not considering these decisions which were assessed as material considerations. The appeal must now be heard again at a further public inquiry.

Once again the appeal site at Purton falls just outside the Housing Market area relevant to the current application at Moredon Bridge. It is however of material relevance in respect of the assessment of the Council's approach to assessing the 5 year supply of land for housing in respect of Strategy Sites in the eWCS and in respect of the materiality and relevance of the Calne appeal decisions.

d) At the time the application was submitted and representations submitted from interested parties work was underway on a Neighbourhood Plan for the locality as part of the Front Runner programme. It was anticipated that by the time the appeal would be heard that substantive progress could be demonstrated with the Plan. Since then Royal Wootton Bassett Town Council and Cricklade Town Council have both separately withdrawn from the Front Runner programme and the Royal Wootton Bassett and Cricklade Community Area Neighbourhood Planning process. Both Town Councils are now progressing their own separate Neighbourhood Plans, although it is understood that this is at an early stage.

This is of relevance in respect of the soundness of any reason for refusal based on grounds of prematurity to the Core Strategy and Neighbourhood Plan process.

e) On the 18<sup>th</sup> March 2013 the Planning Inspectorate issued a decision in respect of an appeal against the Council's refusal of an application for residential development on land at Filands, Malmesbury. The decision allowed the appeal but had been issued in error and has since been withdrawn to allow the Secretary of State to determine the application. As such there is no formal decision in respect of the appeal at this point in time. However many interested parties have had sight of the proposed decision of the Inspector hearing that appeal. Whilst not legally material in respect of the current application and therefore of very little weight it would be perverse of the Council not to acknowledge the existence of the recommended decision of the Inspector and their findings in that regard.

Whilst the sites fall within a different housing market area forming the basis for assessing housing requirements and provision from that of the application site the decisions are of relevance in respect of the findings as to the status of the development plan and the Council's general approach to assessing the supply of land for housing in terms of including provision from Strategic Sites.

## Summary

There are several key appeal decisions and other material considerations that have arisen since the application was submitted that are of direct relevance to the determination of the current development proposal. These decisions indicate clearly that various Inspectors and the Secretary of State do not consider that a deliverable 5 year supply of land for housing can be clearly demonstrated by the Council as is required by the NPPF. The deliverability of housing from strategic sites identified in the eWCS within the next 5 years is clearly disputed and decisions in that regard are not wholly consistent, which is not wholly surprising as this assessment requires Inspectors to consider evidence and form a view as the likelihood of development. This is a balancing exercise which leaves some scope for differing weight to be attached and conclusions reached. It is however critical to note that in respect of the Ridgeway Farm decision which is the most directly relevant to the current development proposals both the Inspector and the Secretary of State found that a 5 year land supply could not be demonstrated by either Wiltshire Council or Swindon Borough Council. All decisions have found the adopted development plan to be out of date in respect of housing requirements, with varying weight attached to the eWCS and the draft SWRSS. In these circumstances it is not considered that the current proposals could reasonably and justifiably be refused on the grounds of oversupply of housing or in principle conflict with the emerging development strategy for the locality. Particularly given the support in the NPPF for the grant of planning permission in circumstances where the development plan is out of date and a deliverable 5 year supply of land for housing cannot be demonstrated.

Given the findings of the Secretary of State in respect of the scale of development at Ridgeway Farm not prejudicing the local communities ability to set the development strategy for the locality and given the withdrawal of key parties from the Neighbourhood Plan process it is not considered that the proposals could reasonably and justifiably be refused on grounds of prematurity.

Given these circumstances it is considered that any decision to refuse the current application on these grounds is highly unlikely to be supported at appeal by an Inspector. Indeed should the Council resolve to refuse the application on these grounds in the light of the Ridgeway Farm decision it is considered that this would be considered unreasonable to the extent that the Council would be at risk of a costs award.

## Section 106 requirements

The Council in liaison with Swindon Borough Council has identified the broad requirements that arising as a consequence of the development proposed in terms of the service infrastructure needs of future residents of the development and the works required to mitigate and offset the impacts of proposed development. Officers are in on-going discussions as to the exact nature of the measures necessary to address requirements and mitigate impacts and consequently the exact level of financial contributions necessary.

The broad areas/heads of terms are considered to include:

- Ecological site provision, enhancement and maintenance
- Affordable Housing
- Formal Open Space provision and informal Open Space & equipped Playspace maintenance
- Highway works including Pedestrian Crossing facility provision
- Built Leisure Facilities
- Libraries
- Wiltshire Fire and Rescue Service
- Waste and Recycling Collection
- Travel Plan

Whilst no formal S.106 agreement is yet in place nor signed, the heads of terms (matters to be addressed as listed above, are agreed with the developer and it is considered that the detailed covenants, terms and conditions and exact levels of financial contributions can be finalised through on-going negotiation. It is not considered that there is any basis or concern as to key requirements not being adequately addressed and therefore no justifiable and defensible reason for refusal on this basis.

It should however be noted that Swindon Borough Council in their initial representations identified a broader range of contribution requirements than those listed above. In particular contributions to the enhancement of the public realm in the centre of Swindon were identified as a requirement. It is the view of the case officer that such a contribution could not reasonably be justified as directly related to the development proposed or

necessary for the development to proceed on the basis of Wiltshire Council adopted policies and so this matter was not pursued with the applicant. In addition contributions to Community Forest provision and Public Arts at facilities and locations within Swindon were initially identified as requirements. However, during recent negotiations on the phase 1 replacement S.106 agreement which have taken place since the initial representations were submitted Swindon Officers resolved not to pursue these types of contributions. On this basis it is not considered reasonable or justifiable to seek the contributions in relation to phase II on the basis of representations made during 2011 and so these were also not pursued with the applicant.

#### 10. Conclusion

The policy position and material circumstances relevant to the consideration of this application are and have been in a state of flux and constant change. However the importance of the Ridgeway Farm appeal decision by the Secretary of State is fundamental given the close locational relationship, nature and scale of developments proposed and the relevant policy and Development Plan considerations. Given the findings of the decision it is not considered that a refusal of planning permission on the grounds of conflict with the Development Plan, provision of a 5 year supply of land for housing or prematurity to emerging development plan documents would be defensible and supported by any Inspector at an appeal.

The applicant has adequately addressed the Council concerns regarding the ecological impact if the proposed development through on and off-site mitigation and compensatory provision. Similarly it is considered that the needs of the future occupants of the development and other impacts can be readily addressed and mitigated through provisions in a Section 106 agreement and the applicant has stated a willingness to enter into such an agreement based on the identified heads of terms.

#### 11. Recommendation

Planning Permission be GRANTED for the following reason:

The Council has determined the application in accordance with the Development Plan and all material considerations. In respect of this site relevant material considerations, particularly including the Ridgeway Farm appeal decision by the Secretary of State for Communities, indicate that a departure from adopted development plan policy in particular NWLP 2011 Policy H4 is necessary and appropriate. Similarly with respect to emerging policies contained in the draft Wiltshire Core Strategy. The NPPF paragraphs 14 & 47-55 indicate strong support for the release of land in for residential development in the identified circumstances. The scheme proposals include adequate compensatory mitigation in respect of the identified Nature Conservation value and importance of the site. The proposed development does not result in harm to the character and appearance of the locality such that consent should be refused. The proposals provide for an adequate level of amenity for future occupants of the dwellings and would not result in harm to existing residential amenities. The proposals include adequate provision to meet the needs of future occupants and mitigate the impacts of the development.

Subject to the following conditions:

- (1) WA1 FULL PLANNING PERMISSION -COMMENCEMENT 3 YEARS

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

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

- (2) WB1 SUBSEQUENT APPROVAL OF MATERIALS FOR WALLS & ROOFS

No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

Policy C3

- (3) Wc1 APPROVAL OF LANDSCAPING BEFORE COMMENCEMENT

No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

POLICY-[C3]

#### (4) WC2 LANDSCAPING TO BE CARRIED OUT & MAINTAINED

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

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

POLICY-[C3]

#### (5) WC6 PROTECTION OF RETAINED TREES

No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-[C3]

(6) WD8

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

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

POLICY {C3}

(7) WD12

No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY {C3}

(8) WE3 NO ADDITIONS/EXTENSIONS OR EXTERNAL ALTERATIONS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY {C3}

(9) WE15 USE OF GARAGE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

POLICY-[C3]

(10) WG3 DISPOSAL OF SEWERAGE-SUBMITTED & IMPLEMENTED

No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing



by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

POLICY-[C3]

(11) WG4 DISPOSAL OF SEWERAGE -IMPLEMENTED

The development hereby permitted shall not be occupied until the approved [sewage disposal] [drainage] works proposed have been completed in accordance with the submitted and approved details.

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

POLICY-[C3]

(12) WH2A CONTAMINATION INVESTIGATION - SUBMIT AND IMPLEMENT

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY-[C3]

(13) WH6 FLOOD RISK ASSESSMENT (IMPLEMENTATION)

The mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated 12/9/12 shall be carried out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

POLICY: National Planning Policy Frameworks paragraphs 100-103.

(14) WM4 CONSTRUCTION METHOD STATEMENT

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

- a) the parking of vehicles of site operatives and visitors;

- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

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

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

POLICY-[C3]

(15) WH8

Management and maintenance of all habitats shall be carried out in strict accordance with the management prescriptions set out in the approved Ecological Management Plan (Waterman, April 2013, Document ref: EED13466\_R\_1\_4\_4\_LM), unless otherwise agreed in writing with the Local Planning Authority. Upon commencement of development, annual monitoring reports shall be submitted to the Local Planning Authority, as required by the Ecological Management Plan, annually for a period of at least five years.

Reason: To protect and enhance the nature conservation interests at the site

Policy NE7

(16) WH8

Prior to commencement of development, detailed proposals for the restoration of the River Ray (as approved by the Environment Agency) shall be submitted to and approved by the Local Planning Authority. The Detailed River Restoration Proposals shall be in accordance with the principles of the approved preliminary concept, as shown on Drawing Ref CPM2658a/20 (Figure 5 of the approved Ecological Management Plan), and shall include timescales for carrying out and completing the works. All restoration works shall be carried out in strict accordance with the approved Detailed River Restoration Proposals, and shall be completed within the approved timescales unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect and enhance the nature conservation interest of the River Ray

Policy NE7

(17) WM13 APPROVED PLANS

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

Archaeological Report 12/9/11  
 Arboricultural survey & Constraints Report 12/8/11  
 Design and Access Statement 12/8/11  
 Drainage Layout (Revised) 9/2/13  
 Flood Risk Assessment and Drainage Strategy 12/9/11  
 Ecological Assessment 12/9/11  
 Ecological Management Plan including plan Ref CPM2658a/20 4/4/13  
 Environmental Noise Assessment 12/9/11  
 Geo-Environmental & Geo-Technical Report 12/9/11  
 Landscape & Visual Appraisal 12/9/11  
 Landscape Specification 12/8/11  
 Statement of Community Involvement 25/8/11

Transport Statement 12/9/11  
Waste Audit and Management Strategy 12/9/11  
Site Location Plan 12/8/11  
Topographical Survey 12/9/11  
Highway Layout 9/4/13  
Car Parking Schedule 14/3/12  
Footpath Diversion 9/4/13  
Revised Landscape Proposals WAIN17762-10 Sheets 1 to 3 15/3/12  
House Type Planning Drawings – 1552 (1 – 27 various revisions – full list to follow) 18/10/11  
Revised Site Layout 14/3/11  
Revised Street Elevations 1552/103 REV B 18/10/11

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

POLICY-[C3]

## **APPENDIX 2 Minutes of the North Area Planning Committee Meeting 24<sup>th</sup> April 2013**

43d 11/02763/FUL - Land at Moredon Bridge

Public Participation

Mr Peter Crawford spoke in support of the application. Cllr Jeffrey Greenaway spoke in objection to the application.

The Area Team Leader explained that comments by email had been received from Haydon Wick Parish Council since the report had been written. His recommendation had been amended to delegate authority to grant planning permission to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report. It was noted this was the second phase of a development which had earlier been agreed on appeal. The application had been influenced by changed circumstances and in particular the Secretary of State's decision with respect to Ridgeway Farm. The Spatial Plans team now had no in principle objection to the application with regards to ecological concerns. The Committee then had the opportunity to ask technical questions of the officer. A flood risk assessment had been completed and found the scheme's mitigation sites would be suitable. In relation to drainage, drainage engineers would be aware of the Ridgeway Farm development and its implications, however assessment could only be made on the basis of what was already there.

Members of the public then had the opportunity to address the Committee with their views, as stated above. The local councillor, Cllr Jacqui Lay, then spoke in objection to the application. During the debate concerns were raised regarding flood risks.

Resolved: For Application 11/02763/FUL

That planning permission be DELEGATED to the Area Development Manager subject to the recommended conditions and the signing of a Section 106 agreement to cover the matters identified in the report. Subject to the conditions

