

Date of Meeting	11 June 2014
Application Number	13/06782/OUT
Site Address	Land North West Of Boreham Mill, Bishopstrow Road, Warminster
Proposal	Outline application for the erection of up to 35 custom build residential dwellings including access details
Applicant	HPH Ltd & Hab Housing Limited
Town/Parish Council	WARMINSTER
Ward	WARMINSTER EAST
Grid Ref	389085 144135
Type of application	Outline Planning Application
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called in to committee at the request of the Division Member, Cllr. Andrew Davis to enable Members to consider the application in conjunction with the associated listed building consent proposal covered by application 13/06783/LBC.

1. Purpose of Report

To consider the recommendation that the application be approved, subject to a Section 106 legal agreement.

2. Report Summary

The main issue to consider is whether, notwithstanding the fact that the site lies outside the Warminster limits of development, the proposal represents a sustainable form of development for which planning permission ought to be granted. The other key determining issues relate to highway safety, flood risk, ecology and conservation, and neighbouring impacts.

Warminster Town Council – Supportive

Bishopstrow Parish Council – Object

Public Representations – 4 letters of support and 52 letters of objection.

3. Site Description

The application site is broadly circular in shape measuring approximately 1.22ha located on the southern side of Boreham Road, on the eastern edge of Warminster. The southern boundary is formed by the river Wylye. Boreham Mill (built 1886) lies to the south east. Beyond that lies Bishopstrow Conservation Area. The existing access into the site is in the north western corner of the northern boundary, which runs adjacent and parallel to Boreham Road.

Current planning constraint mapping indicates that the site lies in Flood Zone 1. The site was previously recorded as being functional floodplain. However in 2010, the Environment Agency amended their flood map in recognition that much of the site fell outside of the river's floodplain.

The site is partly within the River Avon Special Area of Conservation (SAC) which is a European designated site. The Avon is also notified at a national level as the River Avon System Site of Special Scientific Interest (SSSI).

4. Planning History

By way of some background, the site was in agricultural use up until the early 1960s. In 1963 (under planning reference 44-1962/63), planning permission was granted for permanent tipping of building material and excavated soil. This permission was enacted and tipping operations were carried out which has resulted in raising ground levels across the site by around 2m. The tipping operations have long since ceased and the land has been overgrown and unused for many years.

In 1974 a planning application for a motel/restaurant was submitted but was deemed premature pending the establishment of the Warminster bypass - which was eventually built in the 1990s.

A Neighbourhood Development Order (NDO) proposal for a self-build housing development was initiated in 2011 with the support of the Town Council at the time, but this was later dropped in June 2013 following the appointment of new town councillors.

The following two applications were subsequently withdrawn to allow the applicant and his appointed agent(s) time to revise the submission and to engage further with the local community.

13/02808/OUT Outline application for the erection of 35 dwellings and associated works including access and layout arrangements (including provision of 7 self build plots) – application withdrawn

13/04282/LBC Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development – application withdrawn

Application 13/06783/LBC is dealt with separately on this agenda and relates to the proposed relocation of a Grade II listed milestone to facilitate the construction of a junction serving this proposed residential development. (Resubmission of 13/04282/LBC)

5. The Proposal

This is an outline proposal for up to 35 custom build homes and associated access works. All matters except means of access are reserved for future consideration (i.e. to be dealt with by a separate / subsequent reserved matters submission) – should this outline application gain consent. An illustrative layout is however included with the application along with a "Design Principles" document. As part of the submission, it has been confirmed that 30% of the houses would be 'affordable'.

An ecological buffer zone of 0.53ha is proposed around the perimeter of the site along the river Wylde in accordance with a management plan. This would create an undeveloped natural ring around the new development, maintaining the green boundary to the site.

Whilst landscaping is a matter reserved for later approval, the indicative plans show the existing boundary vegetation to be retained, as well as providing new screen planting on the sensitive edges of the site.

Supporting the application, the following documents were provided, consulted upon and fully appraised:

Planning, Design and Access Statement; A Community Engagement Statement An Archaeological Assessment; A Flood Risk Assessment, A Transport Assessment with separate Drainage Reports, A Geo-Environmental Site Assessment and Remediation Strategy; A Landscape & Visual Impact Assessment; An Arboricultural Impact Assessment; A Habitat Regulation Assessment and Habitat Survey as well as a Biodiversity Value Assessment, Dormouse Survey and Ecological Management Plan.

6. Planning Policy

West Wiltshire District Local Plan 1st alteration (WWDP). Policy H1 allows for housing development within the built up area of Warminster, subject to certain criteria. However further development outside the urban area, as defined by the town policy limits, will not be permitted. (For the avoidance of any doubt, the site lies just outside the town policy limits). Policy H19 covers development in open countryside and Policy C1 covers countryside protection. Policy C4 relates to the landscape setting of the town. The WWDP also records that part of the site was identified as part of a much larger swathe of land to provide further recreation space under Policy R5. However this policy has been superseded by policy LP5 of the Leisure and Recreation DPD, which is now more of a general policy than site specific.

The WWDP will soon be replaced by the emerging Wiltshire Core Strategy (eWCS). Members will be aware that this has undergone a series of detailed public examinations through the summer of 2013 and is considered to be at an advanced stage, which deserves due weight in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).

The most relevant policies of the eWCS are: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP31 (Spatial Strategy: Warminster Community Area) and CP43 (Providing Affordable Homes). Policy CP2 states that development outside of limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document (DPD) which identifies specific sites for development. This development must be adjacent or well related to the limits of development.

The NPPF sets out national planning policy and at its heart, there is a presumption in favour of sustainable development, which is seen as a 'golden thread' running through both plan-making and decision taking (paragraph 14). The NPPF expects local planning authorities to plan for a mix of housing types, but it also makes specific reference to people wishing to build their own homes (under paragraph 50).

In the budget of 19 March 2014, the Chancellor announced Governmental support for custom build and set out measures designed to promote it.

7. Consultations

Warminster Town Council - Supports the application.

Bishopstrow Parish Council - Objects to the application on the following grounds:

- The site is outside of the defined settlement area for Warminster.
- The proposal is a speculative one, seeking to take advantage of the current uncertainties over the Core Strategy. If successful, the proposal will trigger more unplanned and unnecessary developments.
- The site is the only undeveloped area between Warminster and Bishopstrow. If it is built on, the two settlements will merge.
- In terms of localism, the proposal does not have community support.
- Brownfield sites should be developed ahead of greenfield ones such as this.
- The proposal makes no clear allowance for affordable homes.
- Whether or not the development is custom-build, a greenfield site would still be lost forever.
- Irrespective of screening the site will be visible, especially in winter.
- The development of the site would result in more water run off from the site reaching the river more rapidly, exacerbating flooding downstream.
- Fragile populations of otters and water voles will be threatened.
- A substantial part of the site is designated as a Special Landscape Area.

Natural England - No objection. The proposal has a lot of potential for enhancing biodiversity and improving the condition of the River Avon SAC and SSSI. Significant effects on the SAC are unlikely to occur – and there is unlikely to be any adverse effects on the SSSI. Natural England welcomes the proposals for improving the marginal habitat of the river and the use of fencing which should reduce the chance of bank erosion from uncontrolled access. Conditions should be attached to secure the implementation of the submitted Ecological Management Plan and to secure water quality monitoring in the ditches.

Environment Agency - No objection subject to conditions.

English Heritage - No objection. However would like to have assurances that the buffer area proposed to the south east of the site would be sufficient to alleviate any harm that might be caused to the setting of the conservation area.

Wiltshire Council Conservation Officer - No objection. The site is outside of Bishopstrow Conservation Area but within its setting. Provided that the landscape buffer around the edge of the site remains intact, then the proposed development would not have a significant impact on the Conservation Area or the nearby heritage assets.

Wiltshire Council Highways - No objection subject to a s106 agreement and various conditions. The S106 agreement should cover: (i) The bus stop on the north side of Boreham Road being upgraded with the installation of high access kerbs with localised resurfacing of the footway to suit the revised levels; and (ii) The construction of a pedestrian refuge with illuminated bollards on Boreham Road

Wessex Water - Recommends a planning condition requiring a foul and surface water drainage strategy to be submitted to and approved in writing by the local planning authority.

Wiltshire Council Spatial Planning - The application appears contrary to development plan policy, as housing development is proposed outside the town policy boundary. However the applicants set out a detailed case for making their proposals an exception to this framework. Planning legislation allows decision makers to set aside the provisions of the development plan when material circumstances indicate otherwise. The weight to be attached to the range

of matters argued by the applicants, (the nature of the scheme, the approach it pilots and the benefits claimed for it) and whether these amount to such circumstances is a matter for the decision maker.

In terms of planning policy, it is considered appropriate to firstly consider what likelihood there is that the site would become included when the town policy limit is reviewed, either by the Neighbourhood Plan or Housing Sites Allocation DPD.

At present no further significant land releases over and above those already identified west of the town seem necessary purely to meet the scale of housing required by the emerging development plan. The proposals therefore have merit mainly on the potential to offer a better choice of housing locally and the benefits of the particular custom build approach proposed by the developer. In terms of policy, the treatment of the application depends upon the degree to which there is local demonstrable support for the scheme. If the community favours the scheme's approach to meet local needs and would go on to choose to revise the town policy boundary to achieve it, there is a strong case for taking a pragmatic approach and allowing the application.

If the scheme approach is irrelevant, not amongst the community's preferred means of meeting local needs or there are other sites and other means that are potentially far better, then the site would therefore be unlikely to be brought forward within the settlement boundary through subsequent review and thus, there would be little logic in setting the policies aside.

The NPPF expects local planning authorities to plan for a mix of housing types and specifically refers to people wishing to build their own homes in paragraph 50. National housing strategy since 2011 has also been looking to promote ways to increase the amount of self build. A much smaller proportion of new homes in the UK are self built compared to many other countries such is the dominance of the volume house builders. The Government has stated its aim to make self building more mainstream. The latest announcement in the 2014 Budget centres on possible funding for self building schemes and a right to build as means to acquire public land for self or custom built housing.

The current application is distinctly different from the 2013 withdrawn applications. A proposed legal agreement governing the scheme would involve a cascade marketing approach to be agreed with the Council giving priority for new homes to people with a connection to Warminster-Bishopstrow, then the Warminster Community Area, and finally nationally. In addition, there is also a commitment to provide up to 30% of the homes as affordable housing. It is noted that the Town Council does not object to the proposals.

In short the scheme clearly resembles the form of scheme that was being considered through the abandoned NDO process previously facilitated by Wiltshire Council and it is seemingly just the sort of scheme the Government is attempting to promote.

Wiltshire Council Urban Designer - At a principle level, the concept is commendable. However the indicative layout presents a number of issues which should be noted by the applicant and addressed:

The scheme is completely inward looking with no houses fronting onto the main road.

The layout is dominated by roads, hard standing and parking.

7 of the 35 units would be 3 storeys - This is not considered to be appropriate for a rural area.

Many of the houses are pushed right up against existing vegetation. This is likely to limit light levels within the dwellings or result in future pressure to remove trees and hedges.

The smallest units have inadequately sized gardens.

The first 4 units on entering the site have no south facing windows.

Wiltshire Council New Housing team – Supportive, subject to a 30% affordable housing contribution. This would equate to 11 homes being broken down into 80% (9 units) being provided for affordable rent and 20% (2 units) to be for shared ownership. The rented units would need to be let and the shared ownership units will need to be sold by following the Council's nomination policy which is operated by Homes4Wiltshire.

The Council's Housing team supports the aim of engaging prospective occupiers with elements of a custom build process. This could see a range of levels of involvement for prospective tenants; from a direct engagement in the design process of their future home, to the carrying out of some of the construction work on the property. The Council would seek to identify suitable registered tenants for this project.

Wiltshire Council Archaeologist - Even though there is archaeological potential at the site, there is modern landfill across the site to depths of between 1.2m and 1.9m below existing ground level. Based on the construction method using piled foundations with suspended ground floor slabs, the impact on below ground archaeology would be minimal. Therefore no further archaeological investigations are required.

Wiltshire Council Environmental Health – No objections subject to a contaminated land condition.

Wiltshire Council Ecologist - The site adjoins the River Wylye, which is part of the River Avon SAC. The screening report however confirms that there would be no significant effects on the SAC, subject to conditions.

In relation to bats, there would be a consequential loss of foraging habitat in the short term due to tree felling. The long term effects would depend on how the site is managed. However it seems likely that the river corridor would remain suitable as a bat commuting corridor. In relation to birds, the new planting should maintain the abundance of nesting opportunities and it is possible that the development could lead to no net loss of biodiversity.

It is essential for the Ecological Management Committee and a revised Ecological Management Plan to be secured under a S106 agreement. This should explain how and when the Management Committee would be formed, how it would be administered, reporting systems and how the work programmes would be updated, delivered and monitored. The Management Plan should be agreed in writing by the Council before the first dwelling is sold. It should explain the Committee's responsibilities in perpetuity towards the River Avon SAC, protected species and biodiversity in general as well as any other duties in relation to drainage, landscape, health and safety.

Conditions should be attached requiring the submission and approval of a Construction Management Plan and also a scheme to maintain and enhance the River Avon SAC.

Wiltshire Wildlife Trust - Objects. The site is adjacent to the River Wylye which is included within the River Avon SAC. Many stretches of the SAC have high concentrations of phosphates. The site is also just downstream of the Smallbrook Meadows Nature Reserve, which is a County Wildlife Site. The site is part of the essential ecological connectivity for wildlife required within the River Wylye corridor and supports parcels of high quality habitat (marshy grassland) of great value to wildlife.

Wiltshire Council Landscape Officer - The existing riparian vegetation surrounding the site provides a substantial screening effect and creates a strong sense of enclosure. There is therefore limited concern that the landscape and visual effects of the proposed development

would have significant or far reaching effects. Indeed, the submitted Landscape & Visual Impact Assessment demonstrates that the visual effect would be limited and localised.

Wiltshire Council Public Open Space & Leisure Teams -The submitted documents do not show any functional provision of onsite open space or sports provision, therefore offsite contributions of £48,891.85 and £7,838.74 respectively would be required. These contributions would be used to upgrade facilities at Warminster Park. Contributions of £15,175 towards upgrading the sports hall at Warminster Sports Centre and £11,863 towards upgrading pool spectator seating at its swimming pool are required.

Wiltshire Council Land Drainage Engineer - The local geology could be effective for infiltration from SUDS, but infiltration rates would need to be confirmed by undertaking permeability testing on the site. The ground water level is high and the site is close to flood areas highlighted on the Environment Agency's flood maps, so the drainage strategy would need to be robust. To discharge into the existing ditch, a Land Drainage Consent application would need to be issued and include drainage calculations.

Wiltshire Council Education Team - The development generates a need for 10 primary and 7 secondary places. The designated schools would be St John's CE Primary and Kingsdown School. St John's has capacity, so there is no need for a developer contribution. However Kingsdown is full, so developer contributions would be required at £19,155 per place.

Wiltshire Fire & Rescue Service – A developer contribution of £2664.55 is required to mitigate against the risk posed by the development, including the costs incurred to provide additional / enhanced fire and rescue service infrastructure.

8. Publicity

4 Supportive letters received from the following:

- The National Self Build Association, who comment that custom building offers so many advantages over the normal speculative housing provision. There is an ever growing demand for this type of housing. It is far better to build a house for the end user: that way the property can be designed for them. It can also be more sustainable than anything built by speculative developers as they only build to the minimum specification under current legislation.
- A further letter of support has been received from the Chair of the Build a Dream Self Build Association whereby it is asserted that there is a national shortfall in custom build provision. Self build gives a community the best designed, best quality housing at the most reasonable cost, and which best fits their needs and lifestyles.
- Another letter of support has been received from Selwood Housing (the affordable housing provider that has been working with the applicant). They consider: (a) the proposal would deliver much needed affordable homes; (b) the custom build approach is extremely innovative, and; (c) the proposed development is of a high quality.
- The Chairman of Warminster and Villages Development Trust has also submitted a letter of support, within which it is argued that self-build is a tried and tested method that is very appropriate in today's economic circumstances. The site is clearly linked to Warminster rather than to Bishopstrow and there is a substantial divide between the 2 settlements.

52 Objection letters received from local residents and from teh East Boreham Residents Action Group (EBRAG) raising the following concerns:

- The site is outside the Warminster settlement boundary and so is contrary to Core Policy 2 and WWDP saved policy H1. This is a speculative proposal seeking to exploit the current Core Strategy vacuum. If approved, a precedent would be set for other speculative applications.
- Developing the site is unwarranted and other, more acceptable sites are already earmarked for development. The Warminster West Urban Extension would more than meet the need for extra housing required by the Core Strategy and would produce a surplus of 200 homes over housing need requirements. There is already a high density of new development in the locality e.g. Yeats Field View, St George's Close, Boreham Field and the Beeline Coach Depot.
- The application is one of several speculative applications currently submitted in Wiltshire and should be refused.
- It is premature to consider any development projects of this size until the Core Strategy is adopted.
- The proposal offers no guaranteed affordable housing.
- The proposal would lead to the coalescence of Warminster and Bishopstrow, to the detriment of Bishopstrow's identity and independence. The previous Local Plan Inspector concluded that the site should remain undeveloped in order to stop this coalescence. This remains relevant.
- The site is a key site on a main route into Warminster, providing part of the town's identity.
- An up to date EIA (Environmental Impact Assessment) screening opinion needs to be undertaken. The only lawful screening opinion must be that there is a need for an EIA.
- The site is greenfield (a water meadow), it is not brownfield, nor is it of 'no agricultural use'. It is merely not used for agriculture because the site owners have chosen to leave it unused in an attempt to get planning permission.
- Too many large houses are proposed. This is not what Warminster needs.
- Covering the site with properties would increase run off into the river, increasing the risk of flooding downstream.
- Drainage and flooding problems are acute and the site is in the floodplain. The site is susceptible to serious flooding and developing it would exacerbate this. With climate change, the recent floods cannot be discounted as a one-off event. The Environment Agency's maps may show the site to be out of the flood risk area, but local people know differently.
- The proposed flood mitigation measures are inadequate.
- Construction would add siltation downstream of the site, increasing the downstream flood risk.
- The site adjoins the River Wylfe which is a SSSI and is part of the River Avon SAC. The proposed development would increase pollution entering the river, both from excavating a site where there are suspected contaminants in the landfill, and from the houses themselves.
- Development of the site would cut off an important wildlife corridor along the valley.
- Development of the site would cause a great loss of wildlife habitat and would compromise fragile populations of otters and water voles. Increasing human access to the river would have a detrimental effect on species living there, which would not be attracted to man-made mitigation structures put there to accommodate them and drive them away. Furthermore the introduction of household pets would put local wildlife at risk.
- The proposed 8m buffer zone is insufficient for wildlife.
- The creation of the new access would involve the felling of mature lime trees. The developer has already cut down trees and thinned out the woodland on the west side of the site.

- The listed milepost should remain where it is, not be moved. Its current position affords protection from vandalism and vehicle impacts.
- Provision and use of the new access will diminish highway safety, resulting in an awkward T-junction close to a busy mini-roundabout. Vehicles approaching and indicating to enter the site from the town side could be mistaken for indicating to enter into Bishopstrow.
- The volume of traffic passing through the narrow road at Bishopstrow would increase significantly.
- The proposed development can only worsen the traffic congestion in East Street, which often tails back to the Esso garage.
- Individual house design would be to the individual householder's whim, which may result in a non-cohesive overall development.
- There would be an increase in light and noise pollution. There would also be disruption and noise when the site is developed.
- Kingsdown School is already operating at well above capacity. The development would put additional pressure upon the school and upon doctors' surgeries.
- The proposal adjoins Bishopstrow Conservation Area and would be detrimental to it.
- There is a danger of drowning at Boreham Mill weir.
- The proposed 3 storey houses would overlook the Mill House and the houses at Boreham crossroads. 3 storey houses would also harm the views from Battlesbury Hill.
- Irrespective of screening, the site will be visible, especially in winter.
- A substantial part of the site is designated as a Special Landscape Area.
- The landfill material below the surface, once disturbed, could release asbestos or other, once thought, harmless waste materials.

9. Planning Considerations

Principle of Development

9.1 The site lies beyond the Warminster limits of development, and in the absence of an agricultural/forestry based essential need, this residential development proposal is contrary to WWDP Policy H1, and therefore, the proposal has been assessed as a potential plan departure. It is also contrary to eWCS policy CP2 - which states that development outside the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document (DPD) which identifies specific sites for development.

9.2 Paragraph 12 of the NPPF states that proposed development that conflicts with up-to-date local plans should be refused unless other material considerations indicate otherwise. In this particular case, officers consider that there are a number of material considerations which indicate that this application ought to be approved.

9.3 Firstly, the Core Strategy Planning Inspector has remarked that the Council has not undertaken a recent review of settlement boundaries and that some of these were adopted some years ago (e.g. the WWDP was adopted 10 years ago). The Core Strategy Inspector has advised that "it cannot be argued with great strength that the settlement boundaries contained therein are up to date for the purposes of the Core Strategy plan period" and has advocated the review of settlement boundaries through a Sites Allocation DPD. This work is progressing and a draft DPD will be put to public consultation in the autumn of 2014. Although this application stands to be determined before this work is undertaken, it is noted that the application has the support of the Town Council and that the site, until very recently, appeared on course to be identified for development through an Neighbourhood Development Order (NDO).

9.4 Secondly, although located on the edge of the town, the site is considered to be a highly sustainable location in terms of travel patterns and proximity to the town centre and its facilities. It is accessible by public transport and there are two bus stops located adjacent to the site on Boreham Road.

9.5 Thirdly, the proposed development would make good use of a site which is not capable of viable agricultural use. Because of the presence of a 2m layer of imported material from the 1960s, the site is considered unsuitable to support any beneficial agricultural use. Furthermore the site is owned in isolation of any wider agricultural holding. Hence the proposed residential development would not deprive the site from being in active agricultural production.

9.6 Another factor in favour of the proposed development is the intended custom build approach. Paragraph 50 of the NPPF requires local planning authorities to “deliver a wide choice of high quality homes” and to plan for the “needs of people wishing to build their own homes”. Furthermore, in the Budget of 19 March 2014, the Chancellor announced Government support for custom build and set out measures designed to promote it, including a £150 million fund to provide loans to self builders. The Government has also brought in CIL exemption for self-build. Custom build is clearly an area currently favoured by the Government. In the UK, custom build makes up about 7% of new builds (in France the figure is 38%), such is the dominance of the volume house builders, but there is evidence to suggest there may be significant unmet demand for custom build.

9.7 There are not thought to be any other custom build proposals of this scale being promoted in Wiltshire. The proposed development is an opportunity to create a custom-build exemplar within Wiltshire, in line with the requirements of the NPPF to promote greater choice and to provide for those wanting to build their own homes. Historically, housing delivery in Wiltshire has been dominated by volume house builders, and this will continue to be the case with the proposed West Warminster Urban Extension (WWUE) in recognition of the land holding being taken up by three large-scale house builders. At present, no further significant land releases over and above those already identified west of the town seem necessary purely to meet the scale of housing required by the emerging development plan. However the proposed provision of 35 custom build units on the opposite side of the town would provide enhanced choice and diversity and officers duly note that the proposal has the support of the Town Council. The applicants are prepared to enter into a s106 agreement requiring the units to be provided as custom build and to be subject to a cascade marketing approach giving priority to people with a connection to Warminster-Bishopstrow, then the Warminster Community Area and finally nationally.

9.8 The applicants are also fully committed to providing on-site affordable housing. Currently, draft Core Policy 43 requires 40% affordable housing provision of sites of 5 or more dwellings, however, the Core Strategy Planning Inspector considered that the figure of 40% was not adequately justified or evidenced. Consequently, a 30% for certain parts of the county, including Warminster has been proposed. For the avoidance of any doubt, the applicant has confirmed their commitment to providing 30% on-site. This is considered to be acceptable and to be a benefit of the scheme. The applicant has already identified Selwood Housing to deliver the affordable housing and they are keen to innovate an affordable housing custom build model.

9.9 Although the application is in outline, with all matters reserved except the means of access, the applicant has submitted a ‘Design Principles’ document, which includes an indicative master plan. This document shows great promise, and the proposal has the potential to deliver a quality scheme. However, as recorded above within Section 7 (the

Consultation section), the Council's urban designer has highlighted some issues which will need addressing at the reserved matters stage.

Impact on Bishopstrow Identity/Heritage Assets

9.10 Officers recognise that some objectors have expressed concern that the proposal would lead to the coalescence of Warminster and Bishopstrow, to the detriment of Bishopstrow's identity and independence. The centre of Bishopstrow lies approximately 500m from the junction of Boreham Road and Bishopstrow Road. However the application site only extends for 50m from the junction down Bishopstrow Road and lies outside the Bishopstrow Conservation Area. It is therefore considered that the proposal would not lead to the erosion of Bishopstrow's separate identity. Furthermore, the application proposes to retain the existing tree cover around the boundaries and to provide for the establishment of a secondary line of hedgerow and trees in front of the buildings. There would also be a landscape and ecological buffer zone of around 10m width along the part of the site fronting Bishopstrow Road.

9.11 In addition, the existing riparian vegetation surrounding the site provides a substantial screening effect and creates a strong sense of enclosure. The landscape and visual effects of the proposed development would not be significant or far reaching. Indeed, the submitted Landscape & Visual Impact Assessment demonstrates that the visual effect would be limited and localised.

9.12 The site lies outside of the Bishopstrow Conservation Area but is considered to be within its setting. It is noted that neither English Heritage nor the Council's Conservation Officer object to the proposal, however English Heritage have sought assurances that the buffer area proposed to the south east of the site would be sufficient to alleviate any harm that might be caused to the setting of the Conservation Area.

9.13 Boreham Mill, which is an unlisted building dating from 1886, effectively shields the majority of the conservation area from the site, protecting its setting. Apart from a small section of field which faces the site across the river Wylye, the site is visually separated from the conservation area. But in any case, the proposed dwellings would be set back from the boundaries of the plot by a landscape and ecological buffer zone which would be around 10m wide at this point.

Highway Impacts

9.14 The highway authority raise no objection to the proposed development subject to a s106 legal agreement which would need to cover upgrading the nearby bus stop on the north of Boreham Road and the construction of a pedestrian refuge with illuminated bollards on Boreham Road in addition to planning conditions.

Flood Risk

9.15 The majority of the site lies within Flood Zone 1 and hence is not in the floodplain. It is this part of the site which would be developed. The ecology buffer zone partially lies within Flood Zones 2 and 3, however no built development or domestic gardens are proposed within zones 2 & 3. Members are advised that the Environment Agency raise no objection to the application subject to a condition requiring the any future construction to be in accordance with the submitted Flood Risk Assessment, which inter alia requires that surface water run-off levels should not exceed the existing run-off from the undeveloped site and that all ground levels within Flood Zones 2 and 3 should remain as existing. Furthermore, a condition is necessary to require all development to be located solely within Flood Zone 1, with no development taking place within 8m of the top of the bank of the river Wylye.

Ecology Impacts

9.16 Natural England has confirmed that the proposed development would have no likely significant effects on the River Avon SAC, provided conditions are attached. Natural England furthermore submits that the proposal has a lot of potential for enhancing biodiversity and improving the condition of the River Avon SAC and SSSI, whilst the Council's ecologist considers that it is possible that the development could lead to no 'net loss' of biodiversity.

9.17 Given the importance of the site for biodiversity, the Council's ecologist considers it essential that a Management Company and Management Plan are secured under a s106 legal agreement. This should explain how and when the Management Company would be formed, how it would be administered, detail the reporting systems and how the work programmes would be updated, delivered and monitored. The Management Plan would need to be agreed in writing by the Council before the first dwelling is sold. It should explain the Company's responsibilities in perpetuity towards the River Avon SAC, protected species and biodiversity in general as well as any other duties in relation to drainage and landscape matters and should be based on the applicant's submitted Ecological Management Plan.

9.18 Members are advised that the applicant has agreed that the requirement for the submission and approval of a "Communal Area Management Plan" is to be included within the s106 agreement. Furthermore, the applicant has also agreed that the requirements of the Plan would be carried out by ecological contractors appointed by the Management Company.

9.19 The Council's ecologist believes it is possible that the development would be able to retain the water vole population on the site and maintain its continued use by otters through the Communal Area Management Plan and this matter would be addressed through the s106 agreement. Water vole habitat would be increased by making the ditches more suitable for water voles. Habitat for both water voles and otters would be protected and enhanced along the river bank through tried and tested habitat enhancement works agreed with the Environment Agency and the Council's ecologist. While the water vole population could be threatened by the introduction of domestic cats and use of the river for exercising dogs, the Council would require the Management Plan to contain measures to avoid this. These should include physical measures to make the watercourse less available for these animals, and responsibilities placed on the Management Company to educate occupants about the potential ecological impacts of having domestic pets. Where declines in water voles are detected, the Management Plan should identify remedial measures that would need to be taken by the Management Company.

Neighbouring Impacts

9.20 Officers submit that the indicative layout and orientation of the housing would not pose substantive harm to neighbouring interests/amenities or privacies. The separation distances between existing properties and the proposed development site is such that there would not be demonstrable harm caused. The more finer/detailed design elements including window positions would be treated as part of a follow-up reserved matters application.

Developer Contributions

9.21 The indicative layout does not propose any functional provision of onsite open space or sports provision; therefore, offsite contributions of £48,891.85 and £7,838.74 are required, to be secured via a s106 agreement. Through consultation with the Council's public open space and leisure officers, these contributions would be used to upgrade facilities at Warminster Park.

9.22 The development generates a need for 10 primary and 7 secondary places. The designated schools would be St John's CE Primary and Kingsdown School. Whilst St John's

Primary School has capacity, Kingsdown School is full. So, developer contributions would be required at £19,155 per place and to be secured via a S106 agreement.

9.23 The applicant is prepared to enter into a S106 agreement and has suggested that this covers the following matters, the scope of which, officers find acceptable:

- (a) The housing units to be provided as custom build;
- (b) The housing units to be subject to a cascade marketing approach, giving priority to local people;
- (c) 30% affordable housing to be provided on-site;
- (d) Contributions for offsite open space and sports provision at Warminster Park;
- (e) Education contributions;
- (f) Leisure contributions towards the upgrade of facilities at Warminster Sports Centre;
- (g) Salisbury Plain Special Protection Area contribution to help fund a project to evaluate the impact of additional visitors to Salisbury Plain on bird species;
- (h) The constitution and terms of reference of a Communal Area Management Company;
- (i) A Communal Area Management Plan to be submitted and approved by the Council, with the requirements of the Plan to be carried out by ecological contractors appointed by the Management Company, and;
- (j) Highway infrastructure improvement works with the bus stop on the north side of Boreham Road to be upgraded and the construction of a pedestrian refuge on Boreham Road.

10. Conclusion

In planning policy terms, the site lies beyond the Warminster limits of development. However it is extremely well related to the town and represents a sustainable location for development. Furthermore it is visually well contained and its development would have no wider landscape impact. The site has previously been subjected to landfill and serves no beneficial agricultural use. The proposed development would provide 30% affordable housing and increase diversity in housing supply through provision of plots for custom built housing in a sustainable location. The proposed custom build approach is in line with up to date government thinking and would offer local house buyers much greater choice and diversity and would act as an alternative to housing development being delivered by volume house builders. Officers submit that developing the site would not harm the character and appearance of the wider countryside or harm the setting of Bishopstrow Conservation Area or nearby heritage assets. Neither would it lead to the coalescence of Warminster and Bishopstrow. There are no highway objections. The majority of the site is outside the floodplain and there would be no exacerbation of flood risk. Furthermore, there would be no likely significant effects on the SAC and the proposal has a lot of potential for enhancing biodiversity. The applicant is agreeable to a wide ranging s106 agreement incorporating all the Council's requirements.

On the basis of the above, officers consider that this proposal is an appropriate form of development. It is therefore recommended that planning permission be granted, subject to an appropriate s106 legal agreement and conditions.

RECOMMENDATION:

To delegate to the Area Development Manager to grant permission on the completion of a s.106 legal agreement to secure:-

- The housing units to be provided are restricted to be for custom build;
- The housing units to be subject to a cascade marketing approach, giving priority to local people;
- 30% affordable housing to be provided on-site;

- Financial contributions for offsite open space comprising £48,891.85 and £7,838.74 to upgrade facilities at Warminster Sports Centre;
- Financial contributions amounting to £134,085 for secondary education school spaces;
- A financial contribution associated to Salisbury Plain Special Protection Area to help fund a project to evaluate the impact of additional visitors to Salisbury Plain on bird species;
- Establishing the constitution and terms of reference of a Communal Area Management Company;
- A Communal Area Management Plan to be submitted and approved by the Council, with the requirements of the Plan to be carried out by ecological contractors appointed by the Management Company, and;
- Highway infrastructure improvement works with the bus stop on the north side of Boreham Road to be upgraded and the construction of a pedestrian refuge on Boreham Road.

Subject to the following conditions:

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

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

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

4. The reserved matters submission shall be designed in accordance with the general principles set out in the submitted "Design Principles Rev B" document.

REASON: To ensure that the design quality envisaged at outline stage is actually delivered in the final scheme.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
 - a) human health,
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c) adjoining land,
 - d) groundwater and surface waters,
 - e) ecological systems,
 - f) archaeological sites and ancient monuments

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to commencement of the development full structural details and calculations of the culvert beneath the access road shall be submitted to the Local Planning Authority for approval by the Structures team of the Council . The culvert shall be constructed in full accordance with the details approved.

REASON: In the interests of ensuring correct drainage of the frontage ditch and the structural integrity of the access road serving the site.

7. No part of the residential development shall be first occupied until the access has been completed in accordance with the details shown on plan number IMA/13/071/010/A.

REASON: In the interests of highway safety.

8. No part of the residential development shall be first occupied until the field gate access to the west of the proposed development has been closed, with the existing lowered kerbs being replaced by full- height kerbs. After the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on plan number IMA/13/071/010/A.

REASON: In the interests of highway safety.

9. No part of the residential development shall be first occupied until the footway has been reconstructed over part of the frontage of the site at a consistent 2 metres width (between a position 26 metres west of the centre-line of the site access and a position opposite the existing pedestrian refuge on the site frontage) with the exception that some variation to this width will be accepted at the location of the retained trees. Full details of these works shall be submitted to and approved in writing by the local planning authority prior to commencement of the works.

REASON: In the interests of highway safety.

10. No development shall commence on site until a foul and surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

11. Prior to commencement of the development, a scheme to maintain and enhance the River Avon SAC as agreed with the Environment Agency and Natural England shall be submitted to and approved in writing by the local planning authority. The scheme will demonstrate the works to be undertaken within 8 metres of the river and ditches to enhance existing habitats and support the wider programme of river restoration works being promoted by the Environment Agency. It will also include details of a water quality monitoring programme that has been agreed with the Environment Agency. The works will be undertaken in accordance with the approved scheme.

REASON: In the interests of maintaining the ecological interest of the River Wylye corridor and River Avon system SSSI.

12. Following the approval of a future reserved matters application, the residential development shall be carried out in full accordance with the Flood Risk Assessment (published by Hydrock, Ref: R/C08249/001.03, dated December 2013) and the following mitigation measures detailed therein:-

- Limiting the surface water run-off generated by the 1 in 100 year critical storm, including a 30% allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (paragraph 5.2).
- Ground levels within Flood Zones 3 & 2 shall not be raised - all ground levels shall remain as 'existing' within these Flood Zones (paragraph 3.1).
- Finished floor levels shall be set no lower than 104.65 metres above Ordnance Datum (paragraph 4.2.1).

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site as well as ensuring that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

13. Following the approval of a future reserved matters application, all new development shall lie solely within Flood Zone 1 (sequential approach). In addition, irrespective of the extent of the Flood Zones, there shall be no development within 8 metres of the top of the bank of 'main' river (River Wylfe) and no development within 4 metres of the top of bank of 'ordinary' watercourses. Provision shall be made for [controlled] vehicular access route(s) to these 'no development' areas / wider 'main' river and 'ordinary' watercourse corridors.

REASON: To provide riparian owner access to facilitate maintenance and possible future improvements.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: Penetrative foundation methods can result in risks to potable water supplies. Thus it needs to be demonstrated that any proposed piling will not result in contamination of groundwater.

15. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To protect controlled waters from pollution.

16. No development shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the local planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON To prevent pollution of the water environment and maintain the water quality of the River Avon SAC.

17. No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

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

Site Location Plan 340/S/200

Proposed Ecology Zone 340/S/203
Proposed Site Access Junction & Visibility Splay IMA-13-071/010A
Schematic Ditch Culvert at Site Access IMA-13-071/003
Indicative Masterplan 2561-100

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

INFORMATIVES TO APPLICANT:

1. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

2. There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements:-

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the River Wylye, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

4. An appropriate submitted scheme to discharge the water efficiency condition would include a water usage calculator showing how the development will not exceed a usage level of 105 litres per person per day.