

28 January 2022
Delivered by email

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County Hall
Bythesea Road
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Ref: CASR3002

Dear David

OUTLINE PLANNING APPLICATION (LPA REF: 20/03641/OUT) FOR RESIDENTIAL DEVELOPMENT AT LAND SOUTH OF WHITE HORSE BUSINESS PARK, TROWBRIDGE - AMENDMENTS SUBMITTED ON BEHALF OF CASTLEWOOD PROPERTIES VENTURES LTD

We are instructed by our client, Castlewood Properties Ventures Ltd, to submit the enclosed material as amendments and additional material in relation to the outline planning application for residential development at Land south of White Horse Business Park, Trowbridge (LPA reference: 20/03641/OUT).

The submission of this material follows an extensive period of engagement between the Applicant's consultant team and the LPA, particularly in relation to the matter of ecology. This engagement has necessitated additional ecological surveys and analysis, including in relation to the manner in which this proposal responds to the Trowbridge Bat Mitigation Strategy (TBMS). As you will be aware, the Applicant had been exploring various options in that regard, and engaged with a third party landowner (within the H2.2 allocation) to establish whether the necessary mitigation measures could be secured outside of the Application Site, but elsewhere within the allocation. Having undertaken the necessary additional surveys, the Applicant considers that the mitigation measures can be provided within the Application Site.

The purpose of this letter is to identify the amended material (and that which it supersedes) and to submit updated additional which considers the revised scheme from relevant technical points and, where relevant, responds to matters raised in representations and by statutory consultees.

Although some time has expired since the application was submitted, and since our initial post-submission correspondence, this letter also addresses points raised at that time where relevant.

We welcome the LPA's willingness to engage with the Applicant over the last 18 months and hope that the enclosed material sufficiently addresses any remaining concerns and therefore enables the application to progress in a positive manner.

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REVISED DESCRIPTION OF DEVELOPMENT

As it was originally submitted, the description of development proposed the following:

“Outline application for up to 100 dwellings and a care home (Class C2 Use) of up to 64 beds (up to 3,750sqm), as well as vehicular access from the A363. Matters to be considered: Access into the site.”

In light of the amendments made to the scheme, we propose that the description of development be revised as follows:

“Outline application for up to 100 dwellings, landscaping, green infrastructure, associated drainage measures and vehicular access from the A363 as well as all associated works. Matters to be considered: Access into the site.”

This letter is accompanied by the following material:

- Land Budget and Access Plan (drawing 5000 Rev J)
 - This supersedes Revision D
- An Illustrative Sketch Layout (drawing 4005 Rev I) (illustrative only)
 - This supersedes Revision E
- An updated Proposed Right Turn Lane Access drawing (003 Rev B) (appended to the Badingham Technical Note and submitted separately)
 - This supersedes Revision A
- A Green Infrastructure Parameters Plan (NPA 11020 301 P01)
- A Landscape and Visual Technical Note (as a rebuttal to landscape matters referred to in responses, and to support the revised scheme)
- A Technical Note on Highways matters (as a rebuttal to highways matters referred to in responses, and to support the revised scheme) (Baddingham)
- An Archaeological Evaluation (Cotswold Archaeology) (this has previously been submitted but is included for completeness and is in response to archaeological considerations referred to by consultees)
- An Air Quality Assessment (SLR) (this has previously been submitted but is included for completeness and is in response to air quality considerations referred to by consultees)
- A Noise Assessment (SLR) (as a rebuttal to noise matters referred to in responses, and to support the revised scheme)

An Ecology Addendum (prepared by Nicholas Pearson Associates) will follow in due course and include the updated ecological surveys and Biodiversity Net Gain calculations. A Design and Access Statement Addendum (Turley) (as additional material/an addendum to the original Design and Access Statement) will be provided under separate cover.

All material, originally submitted with the application, other than those plans or documents which have been superseded, remains relevant.

OTHER CONSIDERATIONS

Design

This application is accompanied by a Design and Access Statement Addendum provides an indication (supported by the other material which accompanies this letter and the original submission) as to how the proposals have evolved having regard to the characteristics of the Site.

The Applicant's design team has had regard to the comments made by the LPA's Urban Design Officer, however we also note that many of those points related to matters which this application, or indeed this allocation, cannot reasonably be expected to address, such as those which relate to masterplanning across a much wider area.

Castlewood originally submitted a Wider Site Allocation Masterplan (drawing SK001) and we understand that this matter was discussed recently during a meeting between the LPA and Vistry (in relation to the application for land south of that promoted by Castlewood). We are liaising with Vistry regarding this plan and hope to submit a revised version to you shortly. However, we note that Vistry are understood to be embarking on more wholesale changes (including proposing a full application) to their proposals.

In addition, the revised Wider Site Allocation Masterplan will show land to the south east of Little Common Lane as remaining undeveloped. For the avoidance of doubt, that is not intended to prejudice the eventual development of that area should such a proposal be justified, and nor is the depiction of this area as open space to be taken as any indication that this area is required as open space to serve the Castlewood application proposals.

Quantum of Development

In your email of 30th September 2020, you state *"From what I can see from the (approximate) 175 dwelling allocation figure was that this was accepted by both the developer and the Inspectorate, who presumably did not have any evidence through master planning etc that more than 175 dwellings could be accommodated across the whole site."*

The first point to note is that the Site Allocations Plan (February 2020) identifies Site H2.2 for approximately 175 dwellings. There is no absolute minimum, or maximum restriction on the capacity of the allocation. Similarly, our client's position is that there is nothing in the Site Allocation Plan which indicates that additional/alternative uses could not be accommodated within the site, provided that these can be shown to satisfy relevant considerations.

In fact, the Site Allocations Plan Inspector set out that:

"The figure of 150 units does not reflect the most recent assessment of the site's capacity. In considering the site's heritage, biodiversity and layout constraints, a precautionary approach suggests modification to increase capacity to 175 would be justified. Provided that constraints can be addressed, this would not necessarily preclude additional dwellings coming forward through a comprehensive masterplan."

Landscape

This letter is accompanied by Landscape and Visual Technical Note which serves as a rebuttal to landscape matters referred to in responses, and to support the revised scheme.

Highways

Technical Note on Highways matters which serves as a rebuttal to highways matters referred to in responses, and to support the revised scheme. This Note also includes the revised access drawing.

Noise

This letter is accompanied by a Noise Assessment produced by SLR. This Assessment is based upon an illustrative layout (given that the layout of the development is a reserved matter).

SLR conclude that:

- Results and assessment indicate that mitigation will be required to achieve external and internal sound level criteria in certain areas of the proposed development.
- The proposed mitigation strategy for the site comprises:

- The orientation of dwellings so that gardens are located at facades facing away road sources, where practicable (taken account of in the site layout);
 - Installation of acoustically sound garden fencing of 2m height at identified Plots; and
 - Selection of glazing and acoustically attenuated ventilation to provide sufficient sound reduction.
- It is considered that, with implementation of the proposed mitigation measures, sound levels at the proposed development can be readily attenuated to achieve the requisite external and internal noise level criteria.
 - With regard to existing commercial use near to the Site, it has been demonstrated that the proposed development would not result in 'unreasonable restrictions' being placed on existing businesses.
 - The noise assessment confirms that noise is not a constraint to residential development, and that good standard of acoustic design can be achieved using reasonable and practicable design measures.

In light of SLR's Assessment, there is no justification for resisting this proposal due to noise considerations. We would expect subsequent reserved matters to demonstrate how proposals at that stage result in an acceptable form of development at that stage having regard to the mitigation measures identified by SLR.

Air Quality

This letter is accompanied by an Air Quality Assessment produced by SLR.

In light of SLR's Assessment, there is no justification for resisting this proposal due to air quality considerations. We expect that conditions can be applied to the outline permission to require the details and implementation of any mitigation identified as being necessary by SLR (see section 7.1 of their report) in relation to the construction phase.

Archaeology

This letter is accompanied by an Air Quality Assessment produced by SLR.

In April 2021, Cotswold Archaeology carried out an archaeological evaluation at the Site. A total of 22 trenches were excavated.

A series of ditch, pit and posthole features were recorded in the eastern part of the Site, potentially indicative of an area of Iron Age settlement, and features of Iron Age date were also recorded elsewhere within the Site.

Medieval/post-medieval furrows were recorded throughout the Site, and field boundaries of post-medieval/modern date were also identified.

A shallow bank of probable natural origin was recorded in the north-western part of the Site, correlating to an earthwork recorded on LiDAR imagery.

RESPONSE TO NORTH BRADLEY PARISH COUNCIL

The North Bradley Parish Council comments relate to a number of topics, primarily arising from the North Bradley Neighbourhood Plan. We respond to each of these topics below.

North Bradley Neighbourhood Plan

The Parish Council refer to the NBNP. The Applicant acknowledges the status of this, but its policies should only be applied to this scheme to the extent that they are relevant, as we explain below.

NBNP Policy 1: 'Landscape Setting Gap'

The Applicant's position in relation to this Policy is that it has no relevance to the determination of this application. That point is clearly demonstrated by the Comprehensive Policy Map included in the Parish Council's response.

This Application Site (and Allocation H2.2) are outside of the Landscape Setting Gap.

Furthermore, the wording of that Policy is entirely related to proposals / land within the Gap.

Landscape Considerations

The Parish Council's response sets out a number of comments in relation to landscape considerations. We refer you to the accompanying Landscape and Visual Technical Note but also make the following observations following the comments made by the Parish Council:

- The visual and spatial impacts of the proposals on North Bradley were assessed within the LVIA. This included assessment of the impact of the proposals on the following receptors: District Landscape Character Area (LCA) E3: North Bradley Rolling Clay Lowland; Local LCA: North Bradley Village, Local LCA: Trowbridge Lowland Farmland; Woodmarsh Farm Cottage and residential properties on the eastern side of Woodmarsh; pedestrians and motorists on Woodmarsh; pedestrians using the public footpath ref: NBRA7 to the southeast and Little Common; and, pedestrians, horse riders and motorists using Bridleway ref: NBRA3 / Axe and Cleaver Lane to the west.
- During the preparation of the Landscape and Visual Impact Appraisal (LVIA) due regard was given to both the NBNP and the Landscape and Visual Setting Analysis report. The NBNP is referred to in the summary of Local Planning Context. It is not the role of the LVIA to provide a detail review of individual planning documents. Relevant points have been drawn out and considered within the assessment of effects. Within the Submission NBNP, the Site is not located within the Landscape Setting Gap and Policy 1 is not relevant to land outside of the identified Landscape Setting Gap.
- Consideration was also given to the Landscape and Visual Setting Analysis report in the collation of baseline information on landscape and visual characteristics. However, as the conclusions of this report for land included within the Site conflicted with the adopted policy information for the Housing Allocation H2.2, and were not taken forward in the submission version of the NBNP, it was not considered relevant to include further analysis on this document.
- The Landscape and Visual Setting Analysis report included the application site within the Landscape Setting Gap and located development adjacent to the existing settlement edge of North Bradley. This goes against guidance for Allocation H2.2 which states that to retain the visual separation of Trowbridge's urban area from North Bradley village proposals should be located to the north and east of the (allocation) site.
- The gap between the proposed development and North Bradley is a minimum of 50m to the edge of the rear gardens of properties on Woodmarsh and for the majority of the boundary is much wider (of up to 80m), even extending up to 200m where a new area of public open space is incorporated. The rear gardens of existing adjacent properties in North Bradley, many of which are up to 30-40m long, would also increase the width of the proposed gap. In our opinion this could not be described as 'very narrow'.
- The properties would be set a minimum of 50m away from the outer edge of rear gardens of the properties on Woodmarsh and would be separated by a landscape zone incorporating planting and open space. It is noted that the recommendations of the Landscape and Visual Setting Analysis report (which despite not being taken forward in the NBNP were described as acceptable) located the developable area directly adjacent to the settlement edge of North Bradley, which would have resulted in houses located closer to properties on Woodmarsh than is proposed in the development.

- It is acknowledged within the assessment provided in the LVIA (Section 7) that there would be adverse effects on local landscape character as a result of the proposed development. This is inevitable for a greenfield development. However, it is also identified that the Proposed Development would retain trees and hedgerows where possible, preserve ecological corridors and enhance the landscape structure with additional planting. Further details in relation to landscape proposals in order to ensure negative impacts are mitigated as far as possible would be secured at reserved matters stage. We are confident that the proposed development parameters would secure sufficient space for a strong landscape zone to be created between North Bradley and the proposed development area.
- The DAS identifies that *'the majority of the proposal will be 2 storey, with key nodal points to be up to 2.5 storey'*. It also states that *'development along the green infrastructure edges (which includes the landscape zone adjacent to North Bradley) will more likely be two storey heights to respond to its open character'*. This is considered an appropriate response to the surrounding context and would create visual interest to the street scene within the development itself.
- It is identified in the LVIA that the views experienced by residents of properties on Woodmarsh would change with adverse effects at year 1 ranging from **Medium** (for properties with little vegetation within rear gardens) to **Low** (where mature vegetation filters views). By year 15, it was identified that the effects on views would reduce to vary between **Low** and **Negligible** magnitude. This is due to the proposed planting, which would strengthen the existing landscape structure and contain views of built form. It is recognised that there would be a change of outlook from these properties. However, changes to private views are not a planning consideration (*Aldred's Case in 1610 established in English law that views from private property cannot be protected*) unless the development is likely to be so overbearing or dominating that they could result in unacceptable living conditions and harm the residential amenity of properties. Due to the separation distances between existing and proposed properties and the presence of existing and proposed vegetation in the intervening area, it is not considered this would be the case.

Care Home

The Parish Council response refers to the care home. Since this has now been removed from the proposal, we do not comment any further.

Ecological Corridor

The Parish Council response suggests that the 'dark corridor' should be widened. The Applicant considers that the proposal is appropriate for ecological reasons set out in the material from NPA.

Infrastructure NP Policy 6

The Parish Council response refers to local infrastructure priorities. This application should only be required to make contributions or provision towards infrastructure where such obligations meet the 'tests' of CIL Regulation 122(2).

Policy 7 – Parish Burial Ground

The Parish Council's response suggests that this policy has been ignored. The Applicant's position is that it is not relevant to the determination of this application. Whilst the Policy explains the Parish's aims for the provision of a new non-denominational burial ground within the parish, there is no explanation in any Policy that such a requirement is associated with this application.

Access

The Parish Council's response accepts access via the A363 (Bradley Road), but would object to a vehicular access via Woodmarsh. The application drawings propose the access via the A363.

SUMMARY

We hope that you find the enclosed material useful and that the remaining concerns raised by the LPA have been addressed to your satisfaction.

Our client is now keen that this application progresses towards resolution and determination so that it may be delivered in line with Policy H2.2.

Yours sincerely



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Director

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