REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	15 April 2025
Application Number	PL/2023/05157
Site Address	Land off Freestone Grove, Westbury
Proposal	Residential development for up to 40 dwellings, associated works including infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular accesses off Freestone Grove and Cheviot Road (Outline application with all matters reserved)
Applicant	Robert Hitchins Limited
Town/Parish Council	WESTBURY
Electoral Division	WESTBURY EAST – Cllr Gordon King
Type of application	OUTLINE WITH ALL MATTERS RESERVED
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: In accordance with the Council's Scheme of Delegation, this application constitutes a development plan departure comprising a housing development on unallocated land outside the established settlement limits of Westbury, and in recognition of the Council's current demonstrable housing land supply position, the application merits being reported to the Strategic Planning Committee rather than the relevant area planning committee, since there are strategic planning matters requiring member determination.

The local ward member, Cllr King, requested that the application be reported to committee should officers be minded to support the proposal, to allow the elected members to consider the visual impact of the proposal on the surrounding area, the relationship with adjoining properties, as well as environmental and highway impacts.

Cllr King has also provided the following comment, *"owing to the constrained nature of the Millbrook development, the tight angles and narrow roads Freestone Grove is ill equipped to facilitate construction traffic which will negatively impact on residents*".

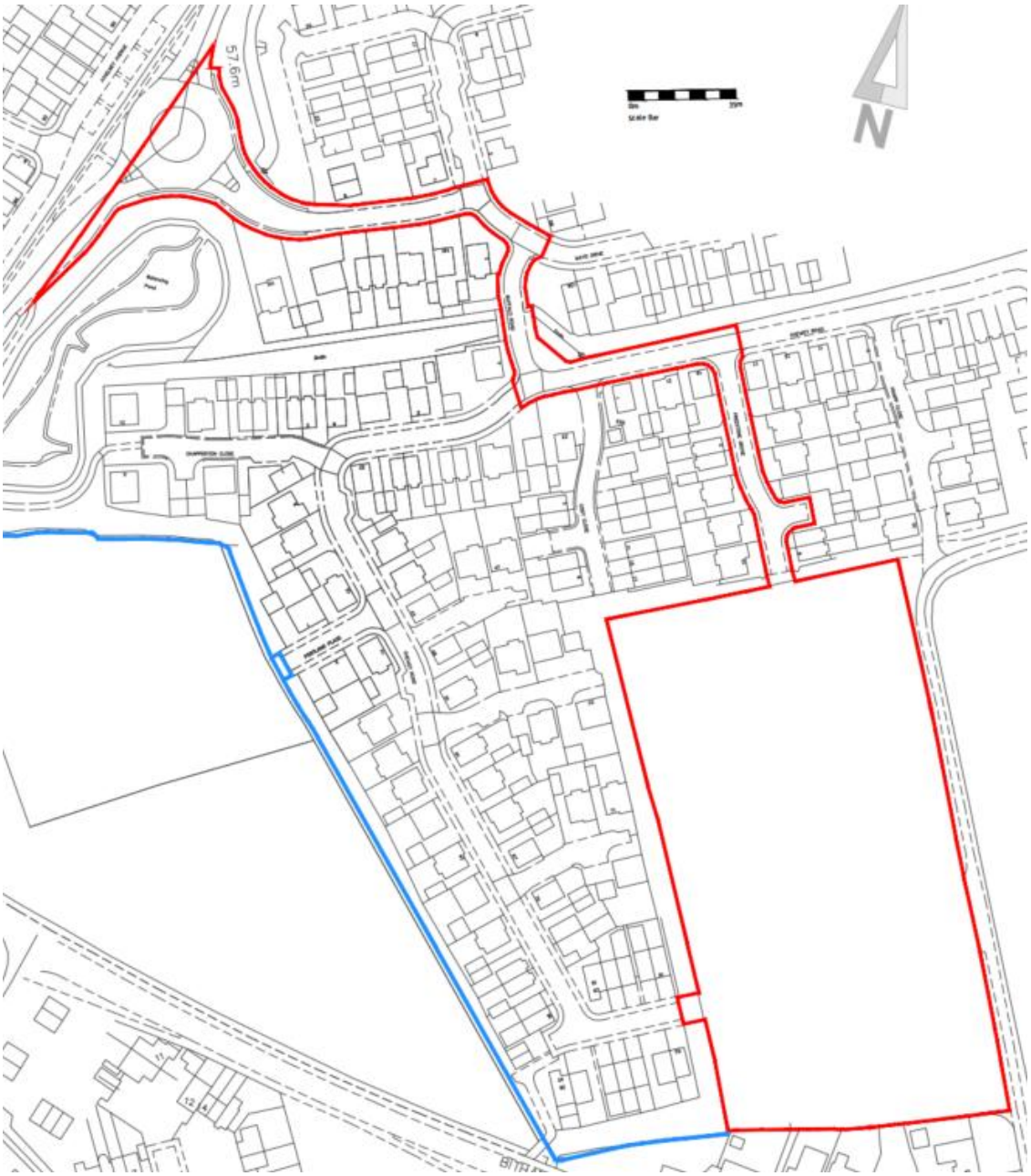
1. RECOMMENDATION: For the reasons set out within this report, officers recommend that members of the Planning Committee endorse the officer recommendation to approve the abovementioned application, subject to a s106 legal agreement and planning conditions (as set out at the end of this report).

2. Purpose of Report: The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions and requiring the applicant to enter into a s106 legal agreement.

3. Report Summary: This report appraises the: principle of development; highway safety; landscape impact; ecology; drainage and flood risk; impacts on neighbouring amenity.

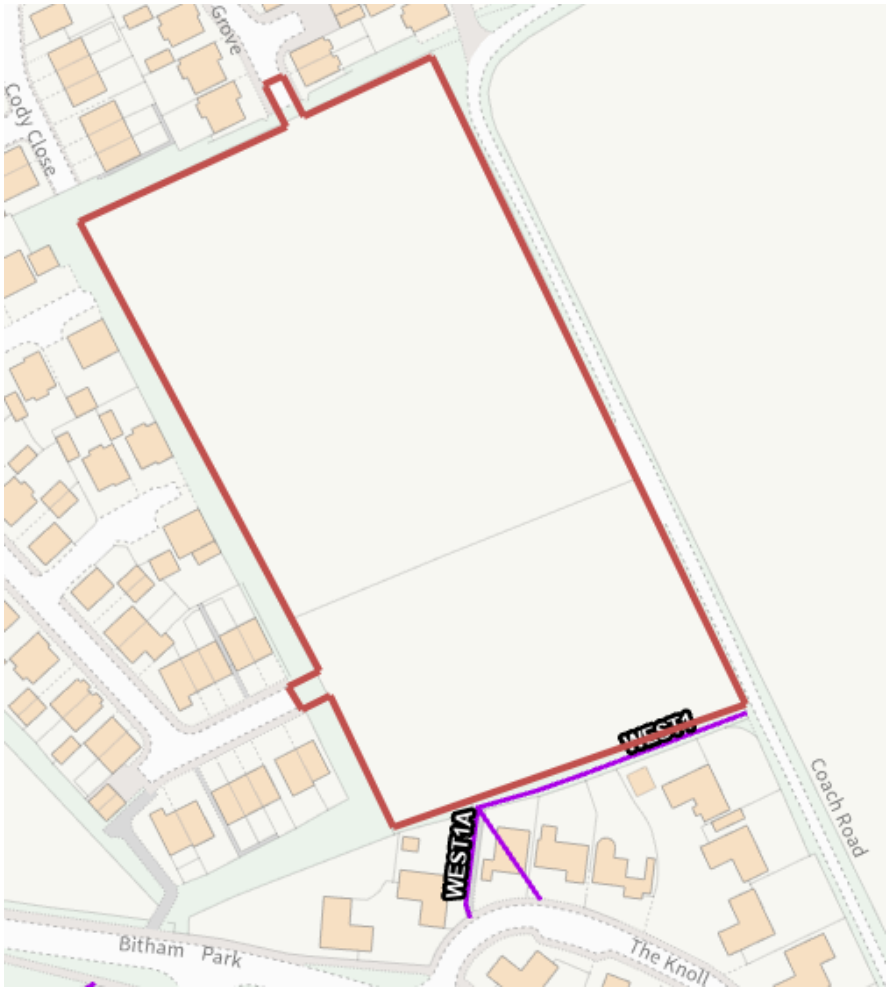
Westbury Town Council objects to the application, the details of which are provided in section 8 of this report. A total of 70 public representations have also been received, which are summarised in section 9 of this report.

4. Site Description: The application site is currently agricultural land bounded by hedgerows extending to about 1.7 hectares and is shown below along with the applicant's proposed vehicular routing to gain access to the site via Mays Drive and Freestone Grove/Cheviot Road located on the north-eastern side of Westbury. To the north and west, the application site borders the relatively recent Barratt Homes housing development (formerly advertised under the name of land north of Bitham Park and 'Mill Brook'). To the south, the application site borders existing residential dwellings of The Knoll and to the east is open countryside. The subject site measures and occupies a rectangular shape.



Extract taken from the submitted red line location plan (drawing no. 361.P.1 Rev C)

A public right of way (footpath reference WEST1) connects Coach Road to the south, with WEST1 connecting to WEST1A to join the cul-de-sac of The Knoll. This application is not seeking to form a new vehicular access from Coach Road, which is a narrow unclassified road with restricted access located to the east of the application site (connecting Bitham Park to the south and A350 to the north) and is illustrated as the track to the east of the red lied application site in the following insert.



Extract taken from the Council's mapping system to show the location of the public rights of way (depicted by the purple lines) to the south of the application site (outlined in red)

The applicant wishes to leave the detailed consideration of the vehicular access specification to a future REM submission; however, the applicant proposes that the site would be accessed via the existing housing estate with two future access connections being clearly illustrated in the above plan extract via Freestone Grove to the north and Cheviot Road to the west.

The application site is located within the designated buffer zones associated with the Salisbury Plain Special Protection Area (SPA) and greater horseshoe bat linked to the Bath & Bradford on Avon Bats Special Area of Conservation (SAC). The subject site is also located within the grey-hatched zone associated with the Trowbridge Bat Mitigation Strategy SPD (TBMS), which sets out a sequential approach to the risks associated to the recreational impacts by new housing development.

In terms of the Agricultural Land Classification (ALC), the Council's mapping system appears to be inconsistent with the Natural England online database provided on their Magic mapping resource,

which reveals that the majority of the site is classified as Grade 3a (coloured dark green in the insert below representing good quality agricultural land) with the north-east aspect of the site being graded 3b (land coloured light green below covering moderate quality agricultural land).

Natural England defines Grade 3a land as being "*capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops*".

An extract taken from Magic Map (which was updated on 3 June 2024) for the application site is provided below, which illustrates the extent of the parcels of 3a and 3b land across the site:



Extract taken from Defra's Magic Map (Magic Map Application) to show the ALC across the application site (outlined in red)

In light of the data held on Magic Map, it is acknowledged that the majority of the site is land that the NPPF defines as 'best and most versatile agricultural land' (BMV), which paragraph 187b seeks to protect and avoid the loss of through "*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*"

However, in this particular case, due regard should be given to the site being surrounded on three boundaries by residential development (north, south and west) with the land to the east (and beyond Coach Road) being advanced for future housing development in the emerging Wiltshire Local Plan, which, if found sound by the Planning Inspectorate, would result in the application site being completely enclosed by residential development. As members will be aware, each application must be assessed on its merits with the decision being based on the most relevant material considerations. This report includes a section on the consequential loss of the good and moderate agricultural graded land in the planning balance, which must be considered along with all the other material considerations.

The following reproduced extracts are taken from the Council's mapping system and the emerging new Wiltshire Local Plan which illustrate the application site (outlined in red), along with the emerging strategic housing allocation on land to the east (hatched in blue) which relates to Policy 62 of the emerging Wiltshire Local Plan that seeks to allocate land for about 260 dwellings and 0.3 hectares of land for nursery provision. At the time of writing, this Council is committed to retaining the Bratton

Road site allocation in the emerging Plan, which significantly impacts how this Council can apply weight to the loss of agricultural land as part of the wider planning balance since the same agricultural land grading affects both sites.

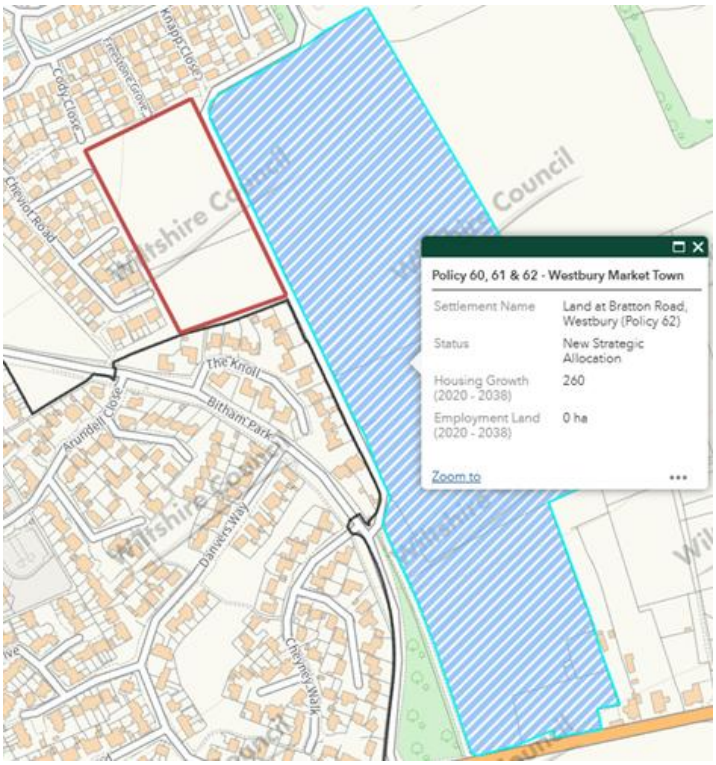
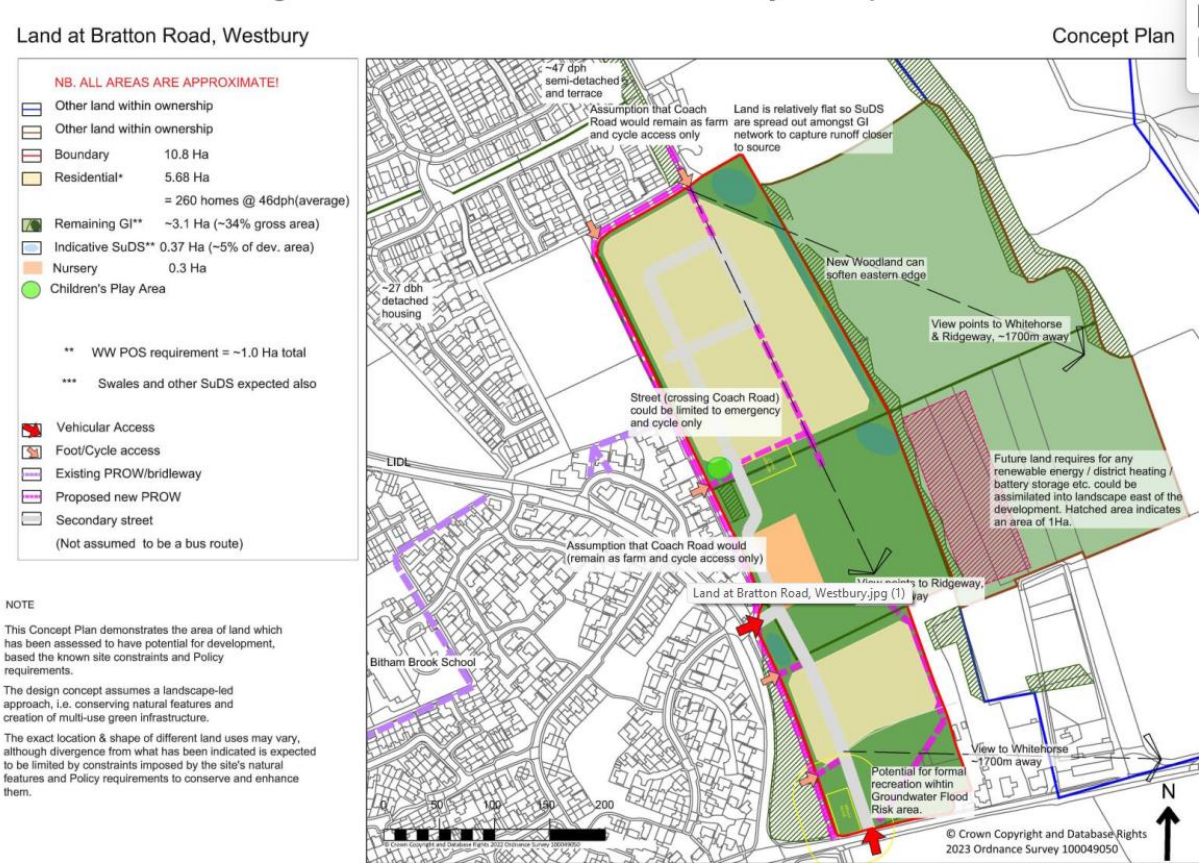
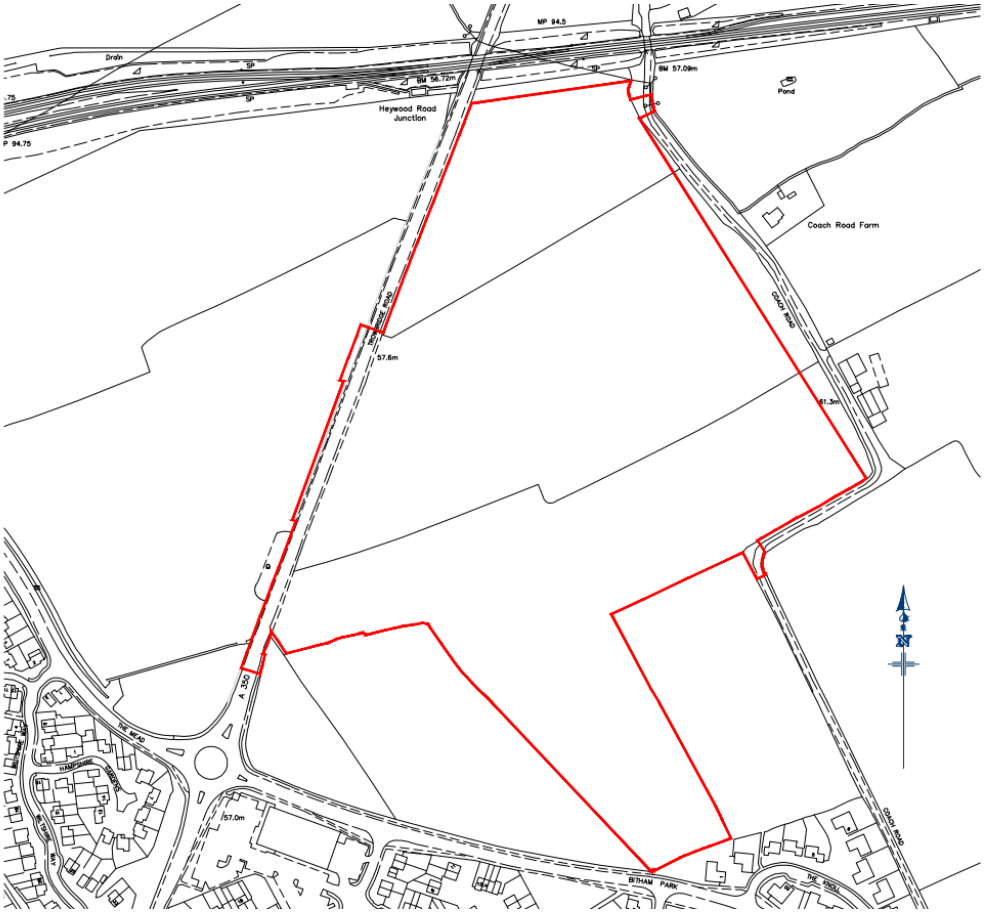


Figure 4.46 Land at Bratton Road, Westbury Concept Plan



The application site is not located within any designated landscape, such as a National Landscape (formerly an Area of Outstanding Natural Beauty), Special Landscape Area or Green Belt. The subject site is in Flood Zone 1 (i.e., land that has the lowest probability of flooding from rivers), and with reference to the latest Environment Agency's Flood maps, the site is shown to be in an area not at risk of future groundwater flooding. The same review identified there being a degree of risk of surface water flooding along Coach Road to the east of the site, but this is located outside the red line for this application.

5. Planning History: There is no planning history relating specifically to the application site, but the following planning history (in addition to subsequent variations and discharge of conditions applications not listed) relates to the neighbouring residential estate to which this application proposal would take access through:



14/09262/OUT - Proposed development of up to 300 dwellings; Creation of new roundabout access from Trowbridge Road; Creation of a new emergency/cycle and pedestrian access from Coach Road; Open Space; Drainage Works and ancillary works – **Refused but allowed at appeal** for the site above; and

17/01643/REM - Reserved Matters relating to appearance, landscaping, layout, and scale. (Development of 300 dwellings with associated infrastructure, parking, landscaping, public open space and neighbourhood equipped area of play - Outline Application 14/09262/OUT) - **Approved with conditions.**

6. The Proposal: This application seeks outline planning permission with all matters reserved for the construction of up to 40 dwellings (with affordable housing provision) and associated works including infrastructure, vehicular and pedestrian accesses, ancillary facilities, open space, and landscaping. Therefore, the only matter to be considered as part of this outline application is the principle of the development.

The proposed development would involve the formation of two new vehicular accesses being formed off Freestone Grove (to the north) and Cheviot Road, (to the west) which are existing roads serving the recently built residential development approved under application references 14/09262/OUT (which was allowed on appeal under reference APP/Y3940/W/15/3130433 and the subsequent reserved matters application 17/01643/REM) for 300 dwellings. The full details of the two proposed vehicular accessed would be considered as part of a future reserved matters application.

The applicant's illustrative masterplan for the site is shown below and includes an attenuation pond near the northern edge of the site, an area of public open space around the site with a Local Area for Play (LAP) and a cycleway link to join the public right of way to the south. The extract provided below is only an illustration showing how the site may be developed. It is not a finalised detailed plan, but it demonstrates that the quantum of housing and key infrastructure can be accommodated on the site.



Extract taken from the submitted Illustrative Masterplan drawing (reference 361.P.3.1 Rev I)

It is important to mention that as part of the emerging Westbury Neighbourhood Plan 2023-2036 (prior to the neighbourhood plan being 'made' following independent examination and a positive referendum on 19 March 2024), the application site before the committee was for a while identified by the neighbourhood plan working group as a potential neighbourhood plan allocation site for about 30 dwellings (under Policy DDH5), as illustrated by the extract provided on the following page, taken from a pre-examination iteration of the neighbourhood plan. However, this draft allocation was subsequently dropped after concerns were raised by Natural England on the potential value of the site being used for bat foraging habitat and the site was not adopted in the made Plan.

The draft allocation does however reveal that the site was strongly supported by the neighbourhood plan working group, and it will never be known how the 2024 referendum would have fared had the site remained allocated. As things stand, the application represents a speculative housing development on an unallocated site located in open countryside.

The policy wording provided within the draft versions of the Westbury Neighbourhood Plan prior to it being made in March 2024 carries no material weight, but the concerns raised by Natural England (which led to the site being removed from the Plan) have subsequently been addressed through this application, which is material.

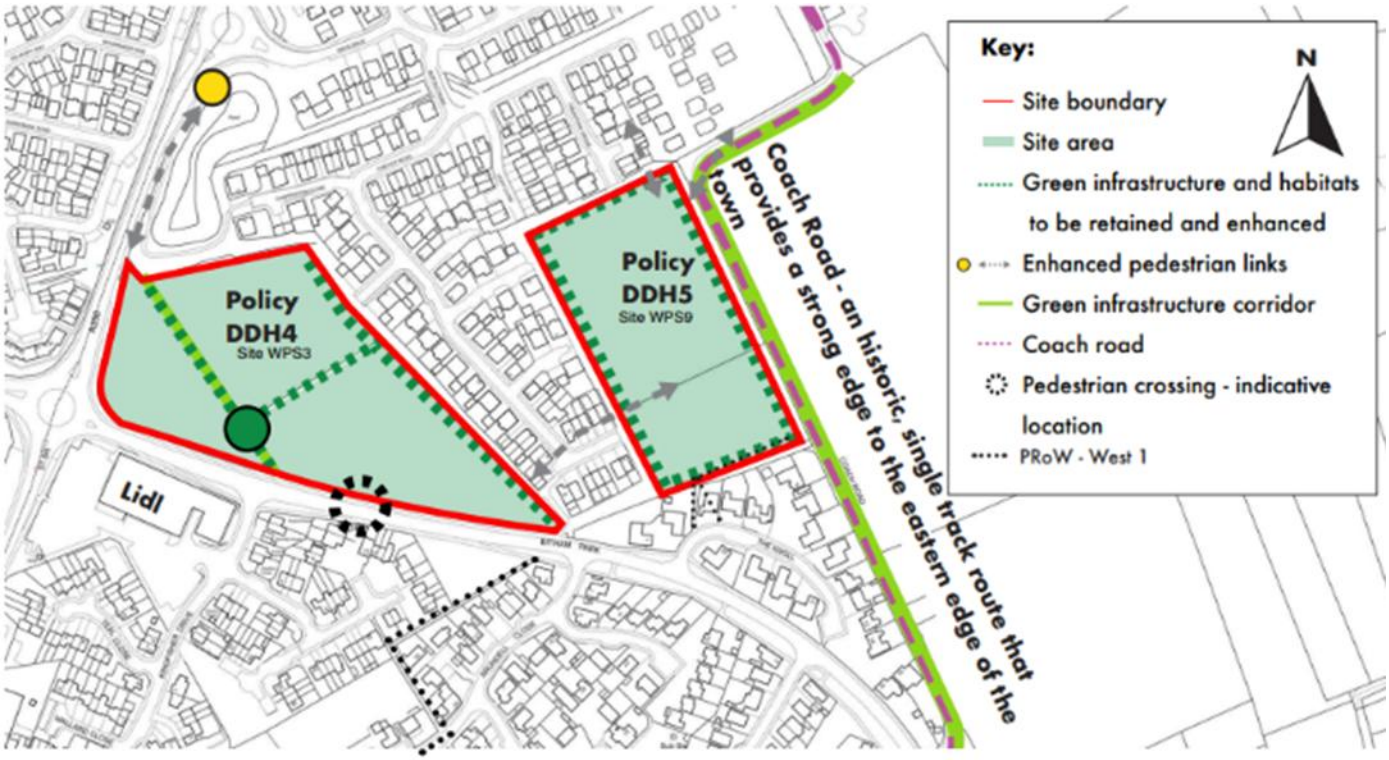


Figure 9: Sites Allocation Diagram

Over the course of this application's officer assessment, revised information has been submitted to address various technical consultee comments, with the submission of a revised Flood Risk Assessment, ecological surveys and an archaeological evaluation report. This information has been subject to fresh consultations with the relevant consultees and made publicly available on the Council's website, and these materially inform the remainder of this report.

7. Planning Policy

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG)

Local Context: The adopted Wiltshire Core Strategy (WCS adopted in January 2015), with particular regard to core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP3 - Infrastructure Requirements; CP32 - Spatial Strategy: Westbury Community Area; CP43 - Providing Affordable Housing; CP45 - Meeting Wiltshire's Housing Needs; CP50 - Biodiversity and Geodiversity; CP51 - Landscape; CP52 - Green Infrastructure; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP60 - Sustainable transport; CP61 - Transport and Development; CP62 - Development Impacts on the Transport Network; CP64 - Demand Management; CP67 - Flood Risk

The Westbury made Neighbourhood Plan (WNP) 2023 – 2036 (March 2024)

The adopted Wiltshire Design Guide Supplementary Planning Document (March 2024)

Wiltshire Housing Site Allocations Plan (adopted 25 February 2020)

Trowbridge Bat Mitigation Strategy Supplementary Planning Document (adopted February 2020)

Art and Design in the Public Realm in Wiltshire (May 2024)

Saved policies of the West Wiltshire District Plan 1st Alteration 2004, with regard to: U1a Foul Water Disposal; I2 Arts; and I3 Access for Everyone

Wiltshire Local Transport Plan 2011-2026, including the Car Parking Strategy (adopted 2015)

Wiltshire Council's Waste Core Strategy (adopted July 2009)

Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document (adopted January 2017)

West Wiltshire Leisure and Recreation Development Plan Document (adopted in January 2009_, which was saved by the adopted Wiltshire Core Strategy in January 2015 relevant policies including: LP4 - Providing Recreation Facilities in New Developments; CR1 - Footpaths and Rights of Way; CR3 - Green Space Network; GM2 - Management and Maintenance of New or Enhanced Open Space; GM3 - Future Management Partnerships; and YP1 - Children's Play Areas

Wiltshire Council's Affordable Housing Supplementary Planning Document

Wiltshire Council's Open Space Provision in New Housing Developments: A Guide, Supplementary Planning Document (August 2004)

Wiltshire's Community Infrastructure Leevy – Planning Obligations Supplementary Planning Document
Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy – Funding list

LTN1/20 – Cycle Infrastructure Design

Wiltshire Active Travel Standards and Travel Parking Standards

Wiltshire Landscape Character Assessment

Wiltshire Climate Strategy – Adopted February 2022

Housing Land Supply Statement June 2024 (with baseline date of April 2023) – However it is important to note that the June 2024 HLS has been superseded by fresh calculations made following release of the revised NPPF in December 2024 and members should refer to the following:

Wiltshire Council Briefing Note No.24-20 (17 December 2024) which confirms that the Wiltshire HLS is 2.03 years supply (when tested against the required 5 years supply)

8. Summary of Consultation Responses

Westbury Town Council: Objects for the reasons set out below:

1. The application is submitted as an Outline Application with all matters reserved for later determination (red line outline application). This is unacceptable as it fails to address the important issues with the site, including access and highways, construction management, design, affordable housing and biodiversity, all of which were raised by residents during the consultation.

2. The Application is contrary to Policy DDH5 of the Emerging Westbury Neighbourhood Plan, as approved by Wiltshire Council on 5th June 2023, and currently just concluded Reg.16 pending Examination.

a. The density exceeds that in Policy DDH5 by over 33%.
b. It fails to comply with the provision "to demonstrate how vehicular access to the site can be achieved to a safe and adoptable standard without harm to existing residential amenity."
c. It does not address how it will deliver a biodiversity net gain of a minimum 10% which includes the retention and enhancement of existing features and bats.
d. The Archaeology Desktop Report completely ignores the established potential for the site to acknowledge the high likelihood that Bronze Age and Roman archaeology extends across the site from that found on the adjoining Mill Brook development.

3. The Application fails to address other Westbury Emerging Neighbourhood Plan policies:
- *a. Policy DDH3: High Quality, Locally Distinctive Design*
- *b. Policy TM2: Highways Impact & Improvements*
- *c. Policy TCE1: Working and Living in Westbury*
- *d. Policy HL1: Valued Landscape and Views*
- *e. Policy QL1: Natural Environment and Quality of Life*

4. The Application fails to address Wiltshire Council policies on cycling and walking through the Emerging Local Cycling and Walking Infrastructure Plans

5. The plan supplied with the application is incorrect and misleading as it wrongly identifies the access from the A350 as considerably wider, and with more manoeuvrable junctions, than exist on the ground.

6. Access to the site is shown as being via Freestone Grove. Freestone Grove is not sufficiently wide to access the site - only 5.0 metres in places. The consultation plan showed the development as being two cul de sacs served from opposite ends, which was more acceptable than a through route now indicated.

7. Details of construction management should have been provided to address the major concern at consultation, particularly over access for construction traffic. The development depends upon roads through the Mill Brook development that are not of sufficient dimension for construction traffic to use without major disruption to the residents. Those parts of Mill Brook closest to the site are served by a network of minor residential streets, which do not lend themselves to becoming through roads for the proposed development. The resulting additional traffic – both temporary construction traffic and the permanent traffic of future residents – would change the character of these suburbs and the dynamics of their communities, to the detriment of residential amenity and, potentially, highway safety."

Wiltshire Council Highways: No objection subject to conditions

Wiltshire Council Rights of Way: No objection subject to a s106 developer obligation securing a contribution to contribute to the upgrading and resurfacing of PROW WEST1 and PROW WEST1A and a financial contribution towards improving PROW WEST3.

Active Travel England: No comments provided.

Wiltshire Council Archaeology: Initially raised an objection given the archaeological potential of the site and requested a geophysical survey and trial trench evaluation to be conducted. On receipt of this information, no objections were raised subject to a pre-commencement condition being imposed relating to the further investigation of the areas of Middle to Late Bronze Age activity to the south-east of the site.

Wiltshire Council Conservation Team: No comments.

Wiltshire Council Drainage: Initially raised a holding objection requiring additional information which was provided in October 2023. On receipt of this information, no objections raised subject to a condition requiring a scheme of surface water drainage.

Environment Agency: No comments received.

Wiltshire Council Ecology: Initially raised an objection due to the lack of ecological information submitted with the original application. Additional information was received in February, August and October 2024. On receipt of this additional information, no objections were raised subject to conditions and in late November 2024, the HRA Appropriate assessment was completed and signed off concluding that the proposal would have no significant adverse effects on the Bath and Bradford on Avon Bats SAC, the Trowbridge Bat Mitigation Strategy or the Salisbury Plain Special Protection Area.

Natural England: No objections and provided a response to the Council's ecology consultation on the HRA and supported the Council's ecologist conclusions that the development would result in no material ecology harm that cannot be mitigated by conditions.

Wiltshire Council Arboricultural Officer: No objection subject to conditions

Wiltshire Council Climate Team: On receipt of the submitted Sustainable Energy Strategy, no objection was raised subject to conditions.

Wiltshire Council Education: No objection subject to a developer contribution being secured through a S106 agreement to fund early years and school education provision.

Wiltshire Council Housing Enabling Team: Affordable housing would need to be secured via a Sl06 Agreement, with 12 of the proposed 40 dwellings needing to be affordable (split between 7 units of affordable rent, 2 in shared ownership and 3 First Homes units) to comply with the 30% affordable housing provision required in CP43.

Wiltshire Council Landscape: No objection

Wiltshire Council Public Open Space: No comments received.

Wiltshire Council Public Protection: No objection in relation to noise but required additional information from the applicant in relation to air quality which was submitted in November 2024. On receipt of this, no objections were raised, subject to conditions.

Wiltshire Council Urban Design: No comments

Wiltshire Council Waste (Refuse and Management): No objection subject to a developer contribution being secured as part of a s106 to pay for all the associated waste and recycling containers that would be required for each new property in accordance with Core Policy 3 and WCS6.

9. Publicity:

A total of 70 third-party representations have been received, with 69 representations raising objections to the proposed development and 1 neutral comment requesting the inclusion of bird nest boxes/bricks and swift bricks into the development. The following summarised objections and concerns reflect the submitted representations:

- The outline application with all matters reserved is unacceptable.
- We do not need any more housing.
- The field should be left for public recreation.
- The proposed number of dwellings is greater than what was in the draft neighbourhood plan.
- The infrastructure in the town cannot support any more housing.
- It is difficult getting a doctor and dentist appointment already.
- The proposed access to the site through the existing estate roads is a concern as is the use of the estate for constructure traffic.
- The existing residential estate is already difficult to navigate due to traffic congestion and parked cars.

- Coach Road should be explored for the means of access.
- There is a lack of on-site car parking.
- The roads on the adjoining estate are not yet adopted – some of which are narrow and would not be able to accommodate construction traffic.
- The resulting traffic generation would change the character of the area.
- The plans do not reflect the A350 accurately.
- The proposal would create a 'loop' through the estate.
- The plan submission fails to address cycle and walking routes.
- Land drainage concerns and flooding from stream.
- Concerns raised about dust, damage to property and noise from the construction phase.
- Concerns as children play in estate.
- Existing residents were not informed of the proposal at property purchase stage.
- The site has archaeological potential.
- Concerns over loss of biodiversity
- The proposal would not deliver 10% BNG.
- Concern about the impact on existing trees
- Concerns over the impacts on existing residents during the construction phase
- Loss of privacy

10. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including the relevant policies from the West Wiltshire District Plan that continue to be saved in the WCS, form the relevant development plan for the area.

10.1 Principle of Development:

In the WCS, Core Policy 1 identifies the settlements where sustainable development can take place, and this is within a hierarchy of Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages.

Core Policy 2 sets out how the Council will deliver on its minimum requirement to deliver 42,000 houses across the County over the lifetime of the plan. It outlines how this will be provided within the settlement hierarchy, allocating over half of the houses to the North and West Wiltshire Housing Market Area (HMA), which is one of the 3 HMAs in the County. It adds that there is a presumption in favour of sustainable development within the limits of development while, outside those limits, development will not usually be supported other than in the circumstances identified in paragraph 4.25 of the supporting text.

Beginning with the development plan (the WCS), the site is adjacent to but outside the limits of development of Westbury. As the site is located outside of the defined settlement, it is in 'open countryside' where under WCS Core Policies 1 and 2 new housing development is not normally permitted unless one of the following applies:

- the site is to be considered under one of the council's exceptions policies listed at paragraph 4.25 of the WCS.
- the site is being brought forward through a neighbourhood plan; or,

- the site is being brought forward through a site allocation development plan document.

The application proposal does not accord with the aforesaid exception policies and as such, it does not comply with the requirements of Core Policies 1, 2 and 32 of the WCS.

However, …

Housing Supply and Delivery

On 12 December 2024 the Government issued an update to the National Planning Policy Framework (NPPF). On the same date the Government also issued revisions to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need and the 2023 Housing Delivery Test results were also published on 12 December 2024.

These indicate that Wiltshire has delivered 135% against its housing requirement in the last three years which is the period over which housing delivery is assessed in the test. This results in a 5% buffer being applied to the five-year requirement for Wiltshire's housing land supply calculation.

The revisions that are pertinent to the housing land supply calculation and its implications are summarised as follows:

a) Local Planning Authorities are now required to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) in all circumstances. Under the previous NPPF, Wiltshire was only required to demonstrate a four-year housing land supply because its draft Local Plan had reached an advanced stage.

b) Local Planning Authorities are now required to add a buffer to the housing requirement in the five-year housing land supply calculation in all circumstances. The buffer to apply is driven by the council's latest Housing Delivery Test results, which for Wiltshire indicates a 5% buffer to be added. Under the previous NPPF a buffer was only required if the Council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement, which was not the case for Wiltshire.

c) The revisions to the PPG have set out a revised standard methodology for the Local Housing Need – this is the calculation that establishes the housing figure to be used in the housing land supply calculation. The revision has changed the method from being based on future household projections, to being based on the amount of existing housing stock in the local authority area. The revision has also changed the adjustment factor which is based on the affordability of housing in the local planning authority. The annualised housing supply requirement for Wiltshire has now changed and is set out below:

Number of homes per annum under previous Local Housing Need calculation[2].	Number of homes per annum under revised Local Housing Need calculation.	Percentage change
1,917	3,525	+84%

d) As a result of recent changes to the way housing need is calculated, introduced by government, the Council is unable to demonstrate a five-year supply of deliverable housing sites and as a consequence, there is a presumption in favour of sustainable development (often referred to as the 'tilted balance') applies. This is set out in paragraph 11d of the NPPF. In December 2024, the Government revised this NPPF paragraph has also been amended in two ways. Firstly, where there are exception policies that prevent the 'tilted balance' applying, these must be evidenced as being 'strong' reasons to base any refusal for housing, rather than a 'clear' reason for refusal, which was previously the case. Secondly, to ensure that when the planning balance is being carried out, regard must be given to certain key policies set out within the Framework related to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In summary, the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, plus a 5% buffer, and must apply the revised Local Housing Need for decision-taking immediately. As the table above shows, this results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply and currently equates to 2.03 years supply for Wiltshire, which is regarded as a very substantial shortfall.

As such the tilted balance in paragraph 11(d) of the NPPF is engaged for the assessment of this application.

In a recent appeal at Calne (PL/2023/10421 – on land South of Abberd Lane and East of Spitfire Road, Calne – dated 17th February 2025) the Inspector stated at paragraph 31 the following:

"***The Local Planning Authority cannot currently demonstrate a five-year supply of deliverable housing sites (2.03 years); there have been chronic problems with housing delivery at the first-tier settlements; and the Council has been unsuccessful in resisting a number of recent appeals at lower tier settlements including Large and Small Villages. The inevitable conclusion is that, although some representations claim that development is not necessary, new house building will be required on unallocated sites. Priority should be given to the more sustainable locations***"

Delivery Test Briefing Note No 22-09

The Council previously published a "5 Year Housing Land Supply and Housing Delivery Test Briefing Note No 22-09" (known as "the Briefing Note"), which sought to outline how the Council would work to restore its 5-year Housing Land Supply in the face of an acknowledged shortfall. In this regard, a 3-pronged strategy was outlined in paragraph 6.1 which included a commitment that the Council would:

Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.

Inspectors have given significant weight to this Briefing Note in several recent appeals, including the appeal site to the south of Melksham Road, when the Council could demonstrate a 4.59 year's supply. The briefing note still has material weight and even greater weight should be afforded to

supporting new housing outside of settlements on unallocated sites, as part of the NPPF para 11d weighting assessment.

The Council has processed many applications through the years whereby the 'tilted balance' has been engaged, and due regard must be given to the tilted balance in the determination of this outline application.

However, the changes introduced within the revised NPPF (December 2024) mean that the Council now has a very significant housing supply shortfall (being 2.03 years when tested against the 5-year requirement), and it is necessary to alter and elevate the weight to be given to housing supply as part of assessing applications for residential development.

This means balancing the strengthened need to boost housing supply against any adverse impacts of the proposal when considered against the adopted development plan and NPPF as a whole, and any material considerations on a case-by-case basis.

Officers recognise that this application proposal is contrary to the strategic policies of the Wiltshire Core Strategy and the made Westbury Neighbourhood Plan, however the proposal has the potential to provide a meaningful contribution towards the Council's housing land supply, at a time when the Council has a significant undersupply (created by a slowdown in developers not advancing schemes as quickly as first projected as well as taking into account the latest NPPF / Government planning regime changes).

Neighbourhood Plan

Regarding the relevance of the made Westbury NP, paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all the following apply:

a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made:
b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)

The made Westbury Neighbourhood Plan was confirmed in 2024 but since it does not include any housing allocations, the NPPF protections referenced by para 14 do not apply, and there is no material conflict with the made Neighbourhood Plan. Policy DDH3 of the made Neighbourhood Plan supports development proposals for new homes in Westbury subject to satisfying a number of criteria including providing a mix of tenure, design and layout, providing affordable housing and addressing local housing needs, which this application would achieve through the securing of a s106 legal agreement to bind any developer to the requisite level of affordable housing provision and quantum and through the subsequent REM(s) submissions, the Council will have full control over the design and layout.

Officers are satisfied that in supporting this development, it would not compromise the integrity of the made neighbourhood plan.

As mentioned previously, at draft stage, the Westbury neighbourhood group sought to progress the plan with the land south of Freestone Grove site allocated for 30 dwellings and the Council has reached Regulation 19 stage with the emerging Wiltshire Local Plan and seeks to allocate the land to the east as part of a 260 house allocation site to be accessed off Bratton Road (to which draft Policy 62 refers). The emerging Local Plan cannot at this stage be given significant weight, but having reached the stage where the Local Plan has been the subject to questions being raised by the two appointed examining inspectors, there are no substantive matters raised to date which would indicate that the Bartton Road allocation is unsound.

There are still further reviews and engagement to be completed with the appointed local Plan Inspectors, however officers do not expect the status of Westbury as a major settlement that can accommodate more housing to materially change and nor is it expected that the emerging 260-house allocation will materially affect the assessment of this application. Westbury is being identified as a sustainable location for future housing growth on its eastern periphery, alongside the site that is the subject of this application.

In addition, the emerging Local Plan sets out within paragraph 4.313 the following:

Westbury is not significantly constrained in environmental terms and has a strong concentration of employment. The settlement lies under the north-western scarp of the Salisbury Plain. Housing growth in recent years has been to the south of the railway and east of the town. Further growth needs to be balanced with additional investment in infrastructure and services for the local community and a stronger town centre. Recreational pressures from future growth at the town will need to be mitigated to ensure no harm to the colonies of bats relating to the Bath and Bradford on Avon Bats SAC in Green Lane and Biss Woods.

The emerging Local Plan also sets out how this Council plans to deliver new housing growth up to 2038 for the new Trowbridge Housing Market Area, which will include Westbury, and these figures reveal a residual housing need for Westbury that needs planning for, which this speculative application being reported to committee would help realise:

Table 4.14 Distribution of housing growth for the Trowbridge area

Settlement	Housing growth (2020-2038) (dwellings)	Completions and commitments (1 April 2020 - 31 March 2022)*	Residual at 1 April 2022**
Trowbridge	4,420	3,581	840
Bradford on Avon	140	59	80
Warminster	1,780	1,738	40
Westbury	1,400	833	570
Rural Area	910	532	380

*Includes major permissions post 1 April 2022, up to 31 May 2023

**Residual rounded to the nearest 10 dwellings

Officers consider that supporting this application would deliver additional housing that would contribute towards addressing the current housing land supply deficit while providing some additional affordable housing, and this must be weighed in the planning balance.

Principle Conclusion

The application is contrary to CP1, CP2 and CP32 of the adopted WCS. However, full weight cannot be afforded to these policies by virtue of what the Government has dictated to all LPAs in England as referenced within the NPPF whereby a 5-year housing land supply cannot be demonstrated when assessed against the tests and rules set by Government. Consequently, the Wiltshire Core Strategy is not considered up to date being more than 10 years old. The made Westbury Neighbourhood Plan is less than 5 years old, but it does not allocate any land for housing and as such, the protections afforded by NPPF para 14 do not apply.

In conclusion, when making a recommendation on this application paragraph 11(d) of the NPPF comes into play which states:

For decision taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The Delivery Test Briefing Note No 22-09 must also be taken into consideration when determining this application which is duly referenced later in this report.

The remainder of this report will review the technical and material planning considerations which merit being part of the planning balance.

10.2 Layout, Density, Design and Visual Impacts:

Core Policy 45 of the adopted WCS requires *"new housing, both market and affordable, must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities*".

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

Core Policy 57 of the adopted WCS requires a "*high standard of design*" for all new developments. This policy requires developments to "*create a strong sense of place through drawing on the local context and being complementary to the locality*" with applications being accompanied by appropriate information to demonstrate how the proposal would "*make a positive contribution to the character of Wiltshire*" and sets out a list of criteria that proposals for new development must comply with. Within the list of 14 criteria, the following requirements are included:

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.

ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.

The made Westbury neighbourhood plan also includes a policy in terms of delivering high-quality design (DDH2), stating that development shall be supported where proposals:

"*protect, conserve and enhance the built and natural environment of Westbury and deliver healthy, sustainable and locally distinct places where people can live well*".

Policy DDH3 of the neighbourhood plan also requires proposals to meet local need, with support given to proposals for community-led developments and/or facilities.

The latest iteration of the NPPF requires well designed places and sets out within paragraph 131 that the: -

"creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve".

Paragraph 135 moreover sets out a series of six criteria to ensure development is of high quality over the lifetime of the development, is visually attractive and sympathetic to the local character and history and creates a strong sense of place.

It is important to mention that this is an outline application with all matters reserved for up to 40 dwellings. Therefore, matters relating to access, appearance, landscaping, layout and the scale of the development are matters reserved for a decision at a later date (called the reserved matters application), and therefore the submitted details with this outline submission are indicative only.

This outline application has been accompanied by an illustrative masterplan (drawing no. 361.P.3.1 Rev I) which demonstrates how the site may be developed should outline permission be granted with an illustrative highway access route, a future connection to the existing right of way to the south and the siting of an attenuation basin to the north. This plan is purely indicative, and members should note that it would not be approved as part of the suite of plans and documents for this outline submission. It is submitted to assist the decision makers in appreciating the site's potential. A Design and Access Statement (DAS) dated June 2023 (produced by Robert Hitchins, Rev C) has also been submitted with the suite of documents which sets out the design principles of the development.

Within section 5 of the DAS on page 43), the 40-house quantum identified for this outline would equate to an average net density of 38 dwellings per hectare (dph) with the applicant committed to providing a range of dwelling sizes and tenures across the site. It would be for the subsequent reserved matters applications to confirm the exact mix of housing as this level of detail is not required at outline stage, but the commitment and potential to deliver a sustainable mixed housing scheme would need to conform with CP45 and the affordable housing need requirements can be secured by way of a s106 agreement.

The subject site is not covered by any special landscape or historic designations. A Landscape and Visual Appraisal (LVA) has however been produced by MHP Design Ltd (and dated April 2023, Issue 2) which acknowledges that there would be some temporary adverse landscape and visual impact arising from the proposed development during the construction phase of the development. The LVA reports that the existing grassland across the application site is of low landscape value, with existing boundary treatments comprising of hedgerows and trees to be retained wherever possible and be supplemented by additional planting as part of a landscape mitigation planting scheme, which would deliver benefits, especially in terms of biodiversity and ecology.

The application has come forward in advance of the emerging Wiltshire Local Plan, which inter alia seeks to adopt the land to the immediate east for up to 270 dwellings on the other side of Coach Lane, resulting in a significant change to the character and appearance of the immediate area. This proposal would not compromise the delivery of the emerging Plan site and consider that this proposed outline development can deliver a high-quality development that would assimilate with the existing rural landscape and relate well with any housing to be planned for the land to the east (under separate future applications).

It is fully appreciated that views across the site would be gained from the public right away located to the south and from Coach Lane to the east, but officers are satisfied that this proposal is an acceptable form of development on the edge of the settlement of Westbury and that it would be viewed in the context of the recently built housing estate and there is no substantive landscape/design reason to base a refusal.

The Council's landscape officer has commented that whilst "*the Special Landscape Area of Salisbury Plain sits 400m to the south of the proposed development it is unlikely due to intervening vegetation and development, that this development would have a noticeable impact on the landscape character of the SLA*".

The landscape officer notes that the neighbourhood plan includes an assessment of views of the town from the neighbouring Special Landscape Area and Site of Special Scientific Interest, with Policy HL1 requiring all development to protect and where possible enhance the SLA. The Council's landscape officer advises that "*whilst the site would be seen from view 1 as noted in the WNP due*

to its size and scale against the backdrop of the urban edge of Westbury…it would not be out of character and be of sufficient harm to the important views along the top of the Salisbury Plain escarpment to warrant a landscape objection in this regard".

Furthermore, view 5 of the WNP deals with views southeast of Coach Road towards the White Horse and Salisbury escarpment and the landscape officer advises that "*the site is set to the west of Coach Road [and] it would not impinge on the views to the escarpment and White Horse from Coach Road*", and concludes by arguing the following:

"*in my judgement the scheme design and scale put forward does not impinge on the character of the settlement of Westbury in this location and its landscape setting, or impinge significantly enough on the transition between the urban and rural landscapes, significant local views or the setting of local landscape features (Bratton camp/White horse) to warrant a landscape objection in principle*".

It is noted that within the applicants 'built form' section of the DAS on page 45, there is a commitment for buildings to be no more than 2 storeys high to safeguard wider views of the White Horse from the nearby estate, with there also being the opportunity for one-storey bungalows within the future REM scheme.

The application is also accompanied by a Tree Survey Report (produced by MHP Arboricultural Consultants, V2 dated November 2022) which includes a Tree Survey and Constraints Plan (drawing no. 22253.501). The Council's tree officer has confirmed in their written response to this application that they have no objection to the proposal in principle but has stated that the existing hedgerow and trees should be retained and that suitable protective fencing would be required during the construction phase of the development, with additional information to be required at reserved matters stage to ensure that the site is landscaped satisfactorily and that all new planting is provided in the right location. These matters can be addressed through suitably worded planning conditions.

In terms of the design and appearance of the proposed dwellings and the overall layout of the site these are matters for a future reserved matters submission(s) to appraise. However, it is noted that the submitted Design and Access Statement does include a commitment to provide landscaped buffers along the site boundaries, the retention of existing hedgerows, a treelined main access road, to provide a LAP and pedestrian links within the future REM scheme, and to orientate dwellings based on local vernacular to face the roads to provide active street frontage.

On the basis of the above, officers are satisfied that this site can deliver a high-quality housing development at a time when the significant housing land supply deficit requires redressing in a sustainable manner.

10.3 Impact on Nearby Designated Heritage Assets:

The applicants Built Heritage Statement (produced by RPS Group, V1.1 dated December 2022) confirms that within a 1km search area of the subject site there are over 80 designated heritage assets, however the application site is not located within a conservation area, and there are no designated heritage assets within a 50-metre radius of the subject site. On this basis, when tested against the NPPF, the proposal is not considered to harm or result in the loss of any designated heritage assets.

Where applicable, the NPPF requires that 'great weight' be given to the conservation of heritage assets and advises a balanced approach with the public benefits which may result from proposals being weighed against any harm caused. Paragraph 207 advises that "*where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".

Core Policy 57 of the adopted WCS not only requires a "*high standard of design"* criterion iv requires new development to be *"sympathetic to and conserve[e] historic buildings and historic landscapes"*. CP58 of the adopted WCS similarly sets that the new development *"should protect, conserve and where possible enhance the historic environment"* and that designated heritage assets and their settings should be *"conserved, and where appropriate enhanced in a manner appropriate to their significance"*.

The Council's Archaeologist was consulted on this outline proposal, and after the applicant submitted an Archaeological Evaluation document (produced by Worcestershire Archaeology, dated October 2023) and a Geophysical Survey (Sumo Survey, dated September 2023), the Council archaeology raised no objection.

The evaluation report revealed archaeological features indicative of middle to late Bronze Age settlement activity on the site, including those related to possible domestic occupation and or paddocks for the management of livestock, as well as features associated with low-intensity agrarian and potentially pastoral land use dating from at least the medieval period. The Council's Archaeologist has advised that "*areas of Middle to Late Bronze Age activity (which appear to be concentrated in the south east quarter of the site) will need to be investigated further via open area excavations. The extent of these excavations will need to be agreed between Wiltshire Council Archaeology Service (WCAS), the applicant and their archaeological consultant. This work is to be secured via a condition to be attached to any planning permission that may be granted".*

Given that the archaeological evaluation report considers on page 12 that the archaeological features "*may be regarded as of local significance,*" it is considered necessary and reasonable to impose a planning condition at this outline stage to set out the need for the applicant to complete further archaeological investigation prior to any house building commencing.

10.4 Impact on Neighbouring Amenity and Living Conditions for Future Occupiers:

Policy CP57 criteria vii requires new developments to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*.

Criterion f) of paragraph 135 of the Framework meanwhile requires the creation of *"places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.

As this application is outline with all matters reserved, the layout, scale and appearance of the proposed development are not matters for determination at this stage but would be material to any future reserved matter submissions. Whilst this outline has been submitted with an indicative layout, this is purely for illustrative purposes only to demonstrate how the site could be layout out and to

identify the site constraints and opportunities.

The illustrative masterplan reveals that up to 40 dwellings with design guide complaint private amenity space/gardens and open space can all be accommodated within the site and also provide a landscape buffer around the site boundary, and from what officers have assessed, a 40-house development can be brought forward for this site without detrimentally affecting the amenities of existing residents to the north, west and south of the site.

The Council's adopted Design Guide sets out a series of design requirements that any subsequent REM application would need to be informed by. This includes planning for a minimum back-to-back separation distance of 21m between dwellings and as a minimum, having garden areas for all dwellings being at least equal to the size of the house footprint or 50sqm (whichever is greater). Paragraph 9.2.2 stipulates the following garden depths, which should be encouraged as part of a future layout:

- *In general, a north facing garden for a typical 2 storey house should be minimum of 12m long or up to 15m long for a typical 3 storey house.*
- *In general, a south, east or west facing garden should be a minimum of 10m deep.*

The Council's public protection department were consulted on this application and raised no objections in terms of noise, subject to a planning condition to restrict the hours of construction and to ensure that no materials or waste is burnt on the site, which is considered reasonable.

In terms of air quality, the Council's public protection team raised some initial concerns given the proximity of the site to an existing Air Quality Management Area (AQMA) and the A350. In response, the applicant provided more commentary and confirmed that when tested against the Council's emerging Air Quality Supplementary Planning Document, the 40-house development would not significantly increase traffic levels.

The Council's public protection team confirmed that the proposal would be acceptable subject to electric vehicle charging points being provided and the submission of a Construction and Environmental Management Plan (CEMP), which can be conditioned on any consent granted.

Officers fully appreciate that access to this site would be through the existing housing estate to the north and west, with two identified points of vehicular access illustrated on the indicative master plan. Officers explored alternative options to access the site from other locations, but there were no more appropriate routes available due to land ownership.

Officers fully acknowledge the third-party concerns raised about the construction traffic creating localised disruption. However, neither the Council's public protection team nor the local highways authority report substantive reasons to refuse the application on this matter.

The Council's highways department considers the existing carriageways within the housing estate to be sufficient to accommodate construction traffic, and a detailed Construction Traffic Management Plan (CTMP) can be conditioned to establish a construction vehicle routing plan and delivery programme as well as include mitigation measures.

Whilst it cannot be ignored that there would be some disruption to existing residents during the construction phase of the development, such impacts would be limited to the construction phase of the development and the requirement to provide both a CEMP and CTMP through planning

conditions would detail the necessary methods and measures to minimise disturbance to local residents.

Officers are satisfied that with planning conditions, the proposed scheme would not have a demonstrable impact on the overall living conditions of existing occupiers of homes within the estate that would justify a refusal reason for this application.

10.5 Highway Safety and Impact on the Public Right of Way:

It is noted that this application seeks outline planning permission only, with all matters being reserved except the principle of development, including access to form part of a subsequent reserved matters application.

That said, the application has been submitted with details of how the application site would be connected to the wider road network, with proposed accesses being created onto Cheviot Road to the west and Freestone Grove to the north.

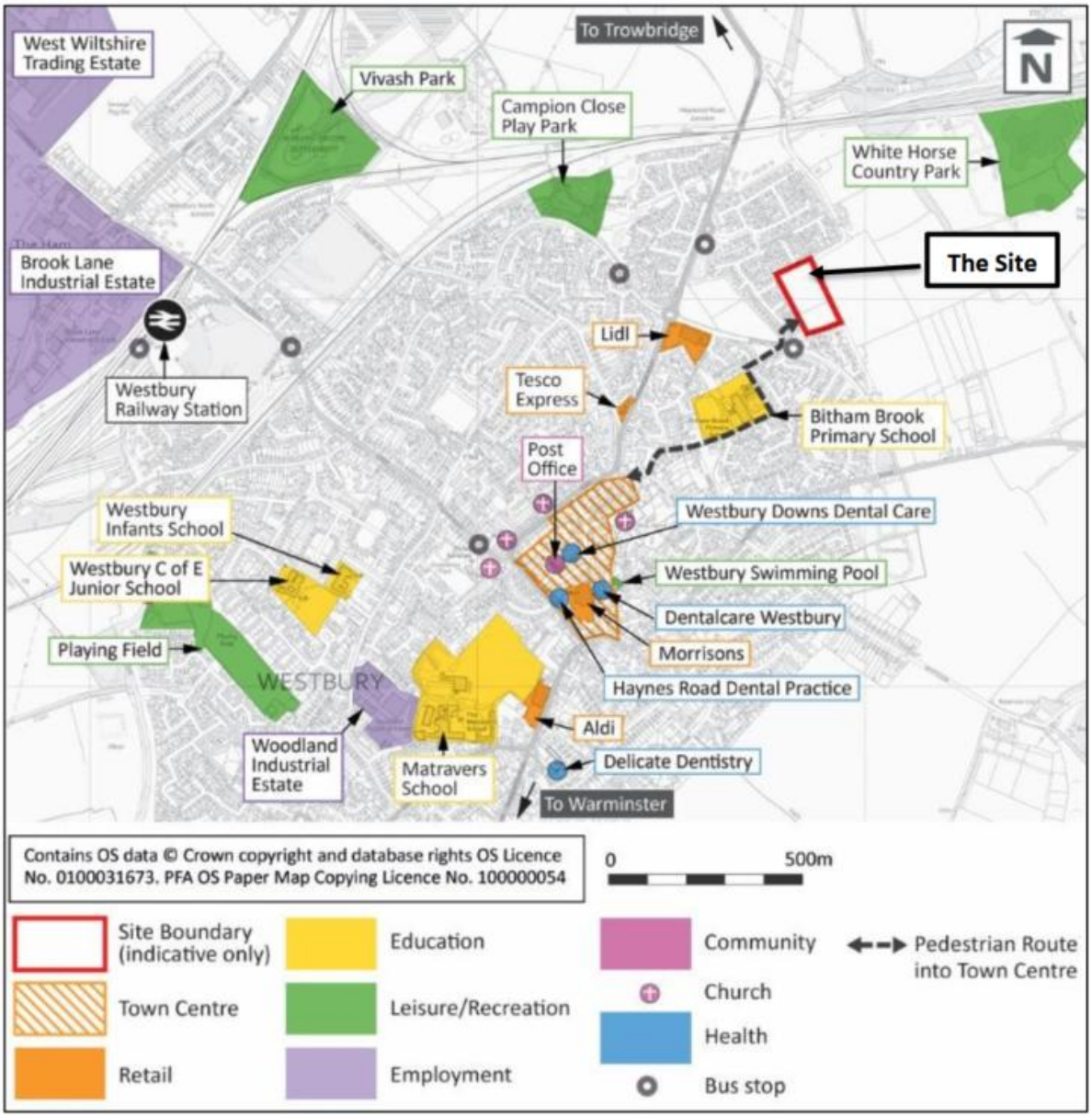
Whilst only indicative at this stage, the submitted illustrative master plan demonstrates how the site may be accessed utilising two access points connecting to the existing residential development to the west and north of the site, forming a loop arrangement.



Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development) which requires development to be *"located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives"*. CP61 also sets out within criterion ii that proposals should be *"capable of being served by safe access to the highway network"*. In addition, CP64 requires new development to residential parking standards.

In addition paragraph 116 of the NPPF states that development *"should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios"*.

This outline application has been accompanied by a Transport Statement and a Residential Travel Plan (both produced by PFA Consulting, dated June 2023), which confirms that the subject site is located about 1km from the town centre and 2.5km from the railway station, with access to local bus services being within a 400m walk of the site.



The extract on the previous page, as taken from the submitted transport document, illustrates where the application site is located within the context of the town and identifies where the local facilities are in relation to the site. The Lidl store would be a 5-minute journey by foot, the Morrisons supermarket (located along Edward Street in the town centre) would be approximately a 19-minute walk away, and ALDI (located along Warminster Road) just over 20 minutes' walk - with all calculations taken from a central point of the application site. Indeed, it is noteworthy to mention that the proposed site would be located closer to the town centre compared to the northern part of the recently built housing development to the north.

The Council's highways department was consulted on this application and have confirmed that the new roundabout on the A350, that was built as part of the Mill Brook development, is fully adopted and provides safe and convenient access for the Mill Brook estate.

To access the site, most journeys would either be made via Freestone Grove or Cheviot Road, with the applicant indicatively suggesting that a looped highway connection can be provided through the site to allow for future residents to connect with these two existing roads. Full details would however form part of a future reserved matters application, but the Council's highways officer has visited the site and the local roads and routes and has concluded that the existing residential development has a "*traditional layout with 2m wide footways and minimum carriageway widths of 5-5.5m*".

It has been noted within the submitted third-party representations that the road widths do vary in places through the estate, and the Council's highway officer has confirmed that "*all roads leading up to the site do appear to be at least 5m in width and these roads are thus considered sufficient in width and form to accommodate the traffic associated with the proposed development. The submitted TA* [Transport Statement] *has also demonstrated that the existing A350 roundabout has sufficient capacity to accommodate the development related traffic*".

The concerns and objections raised within the submitted representations by local residents regarding the construction phase of the development are duly noted and officers duly acknowledge that there would be some disruption to residents, but a Construction Traffic Management Plan (CTMP) can be conditioned to secure a definitive construction plan programme and to identify all necessary mitigation and safety issues, and demonstrate that the proposed construction route is feasible and safe. As such, no objections have been raised by the Council's highways officer on this matter, subject to a CTMP being submitted and approved prior to any development commencing.

The applicant has provided an indicative plan to show how construction traffic could access the site via the existing highway network. The plan is however submitted for illustrative purposes only and would not form part of any approval at this stage, and it is not included by officers in the recommended list of plans to be approved by this outline submission. Having said that, planning officers have secured firm assurances from the Council's highways team that the existing roads that would serve as the means of access for this site can suitably accommodate construction vehicles based on road widths, existing street parking, access geometry and forward visibility. An extract of this plan has been provided on the following page:



The Council's highways officer has confirmed that from a highway safety aspect, the application site can be accessed by construction traffic and thereafter, vehicles owned and run by future residents without highway safety harm and the applicant's indicative routing (shown in the following insert) is considered acceptable in highway terms subject to a fully detailed, thought-out, traffic movement plan that would need the formal sign off by this Council as part of a CTMP, which shall establish all the necessary mitigation measures.

In section 4.12 of the submitted Transport Statement, there is a commitment for the car and cycle parking standards to be adhered to for the reserved matters application(s), but this should also include unallocated visitor car parking provided on a ratio of 1 space per 5 units and therefore the applicant would need to factor this into the detailed site layout in addition to the provision of adequate cycle parking facilities, in accordance with Wiltshire's Cycle Parking Standards of 1 space per bedroom for 1-3 bedroom units, 3 spaces for 4 bedroom units and 4 spaces for 5 bedroom units.

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

Extract taken from the Council's adopted Car Parking Strategy

It is also important to stress that paragraph 116 of the NPPF clearly states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and in this case, the highways officer has not raised an objection and considers the indicative access points to serve the proposed development to be acceptable when tested against the NPPF and local plan policy and highway standards, subject to planning conditions and further details being submitted at reserved matters stage.

It terms of active travel and the provision of pedestrian and cycle routes from the site, the public footpath WEST1 runs to the south of the site and connects to Coach Road in the south-east corner of the site and to The Knoll via WEST1a to the south. The indicative masterplan drawing includes the future pedestrian and cycle connections to these routes which officers support.

The Council's Rights of Way officer has requested that WEST1 be upgraded to a width of 3m and be constructed to an adoptable standard and linked to WEST1A to provide a continuous surfaced route. This can be secured as a developer financial contribution, which is also justified in terms of improving WEST3 (Section 11 of this report provides more details).

It is important to mention that this outline application does not seek determination on how the site will be designed or laid out or even what the internal site road layout will be, as these are matters to be addressed at the reserved matters stage. Taking all the above into account, and being mindful of what the Government requires of Councils when making planning decisions on highway matters; and specifically states within NPPF paragraph 116 that applications should not be refused on highways grounds unless the proposal would result in an unacceptable highway impact on highway safety or there would there be severe residual cumulative road network impacts (following mitigation). Such evidence has not been submitted, and officers respectfully invite members to be guided by the expert technical advice before reaching a decision.

10.6 Ecology and Impact**:**

CP50 of the adopted WCS requires development proposals to *"demonstrate how they protect features of nature conservation and geological value as part of the design rationale"* and requires all proposals to *"incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development"*.

Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8c of the NPPF for achieving sustainable development. The NPPF also requires net gains for biodiversity to be provided including by *"establishing coherent ecological networks that are more*

resilient to current and future pressures" as set out within paragraph 187d.

This outline application has been submitted with a BNG Briefing Note (produced by Ecology Solutions, reference 10993, June 2023); an Ecological Technical Note (produced by Ecology Solutions, reference 10993, dated January 2024); an Ecological Parameters Plan (PLAN ECO16, Rev C); a BNG Metric 4.0 Calculation Tool; and an Update of Ecological Surveys (produced by Ecology Solutions, ref 10993, dated January 2024).

The updated Ecological Surveys note confirmed that the site is not of high importance to either Greater Horseshoe bats or Myotis species, and that the proposed mitigation and enhancement measures set out within the supporting ecology submissions would be sufficient to prevent harm to bat species using the site. These measures include providing a bat corridor along the eastern site boundary and creating areas of species-rich grassland within the site to ensure foraging and commuting opportunities for bats are protected and enhanced.

The submitted Ecological Parameters Plan (dated January 2025) shows a 10m wide buffer along the eastern site boundary to provide a landscaped bat corridor, where lighting shall be restricted to ensure the proposed development does not adversely impact light-sensitive species.



Extract of the submitted ecological parameters plan

The Council's ecologist has noted that the indicative masterplan indicates some dwellings facing the bat corridor buffer, and securing a 0.5 lux restriction would be difficult. This would be a matter for the applicant to resolve at REM preparation stage. Adherence to the parameter plan and the relevant paragraphs of the Ecological Technical Note can be conditioned to ensure the bat habitat is protected.

With regards to BNG, this became a mandatory requirement in February 2024, but this application was submitted before the date when Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) came into force, which requires developers to provide 10% BNG, and therefore this requirement does not need to be provided for this application.

However, CP50 of the adopted WCS does require major development to include measures to "*deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services*". In this instance, the proposal seeks to enhance on-site grassland, provide native species and/or species of wildlife value and log piles for invertebrates and introduce bat and bird boxes, and this has the support of planning and ecology officers. It is therefore considered that the proposal complies with CP50.

The application site is located within a consultation zone for bats associated with the Bath and Bradford on Avon Bats SAC and therefore has the potential to result in a significant adverse impact on the special features of that site. Therefore, a Habitats Regulation Assessment (HRA) was required for this proposal. In terms of the HRA the Council's ecologist has offered the following conclusions:

Bath & Bradford on Avon Bats Special Area of Conservation (SAC)
The application site is located within a 4 km 'core area' for greater horseshoe around a core roost at Westbury Leigh. This roost is functionally linked to the Bath & Bradford on Avon Bats SAC and therefore has potential to result in significant adverse impact on the special features of that site. As required by the Conservation of Habitats and Species Regulations 2017 (as amended) an Appropriate Assessment has been completed by the LPA with a favourable conclusion. The AA has been sent to Natural England (15/11/2024) and the application must not be determined until they have agreed with the LPAs conclusion.

Trowbridge Bat Mitigation Strategy (TBMS) Grey Zone
The application site is located with the 'grey hatched' recreational zone of the TBMS. This area pertains to the zone of influence within which new residential development is likely to result in increased recreational use of the woodland bat sites. New residential development proposals within this zone will be expected to contribute towards the delivery of mitigation to address strategic recreational pressure. Such mitigation will be paid for through Community Infrastructure Levy (CIL). Developers will not pay directly for strategic recreational mitigation. Funding will instead be calculated annually from the number of housing completions and taken from the CIL receipts at the following rate: For residential development, £641.48 per dwelling.

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

The Council's HRA concludes that this proposal would result in no likely negative impacts to the SAC, subject to suitable mitigation measures being implemented, which can be conditioned. Natural England were consulted on the HRA and welcomed the inclusion of a dark corridor along the eastern

edge of the development and the need for a detailed lighting plan to be provided at the reserved matters stage to include lux levels along this boundary. Natural England also requested a post-construction lighting survey to be undertaken to ensure the proposal is in accordance with the agreed lighting strategy.

It is noted that Natural England have acknowledged that no botanical survey has been undertaken to assess the value of the site for foraging; however, the applicant's Update of Ecological Surveys document confirms that species-rich grassland would be provided on the site, which is considered acceptable as this would provide habitat of bat prey species, reptiles and amphibians. Furthermore, the applicant's appointed ecologist does not consider the grassland to be an important foraging resource for SAC bats with the site not being a priority grassland habitat. It is considered that the provision of a protected bat corridor along the eastern boundary of the site would be appropriate mitigation.

In light of the above, it is considered that subject to the requisite ecology safeguards being imposed by way of planning conditions to ensure the bat habitat is preserved and enhanced, no ecology-based objection is raised.

10.7 Drainage and Flood Risk:

Adopted WCS CP67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SuDs). Whilst paragraph 181 of the NPPF requires local planning authorities when determining planning applications to ensure that "*that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*".

The site is located within Flood Zone 1 for fluvial and coastal flood risk and is in an area considered to have a 'very low' risk of surface water and groundwater flooding with reference to the government's long term flood risk website (with the most up to date mapping being available at: Check the long term flood risk for an area in England - GOV.UK).

The Council's drainage officer (representing the Lead Local Flood Authority (LLFA)) initially issued a holding objection, requiring further information to be submitted on how the proposal complies with the Council's betterment policy and for the masterplan to the revised to show where the additional SuDS features could be sited to when there is sufficient space on site for their inclusion.

The applicant replied to the LLFA's consultation request, confirming that the scheme would deliver a reduction of the discharge rate for the 1 in 1 year event with a 20% betterment against existing greenfield runoff for an equivalent event. The drainage strategy, FRA and Micro Drainage Calculations were updated accordingly to reflect this change, and the Council's drainage officer subsequently confirmed having no objection.

The applicant's submitted drainage strategy states that surface water would be managed through SuDs and permeable paving. The Council's drainage officer supports these elements and has asked for consideration to be given to green roofs, rain gardens and water butts where possible, and this should form part of a detailed drainage strategy at reserved matters stage.

Turning to foul drainage matters, the new sewer connections to the existing foul network would require the prior approval of the relevant statutory undertaker. It is noted that there are existing residential properties bordering the site on three sides, and the applicant shared a response from

Wessex Water on 10 October 2023 which confirms that Wessex Water has no objection in principle to a connection for foul drainage from the existing development to the north of the subject site.

In light of the above assessment, subject to planning conditions being imposed, the Council's drainage officer has raised no objections to the proposed scheme.

10.8 Climate Change:

Policy CP41 of the adopted WCS requires new development to incorporate design measures to reduce energy demand and for major planning applications to be supported by a Sustainable Energy Strategy.

This application was not originally submitted with a Sustainable Energy Strategy, but the applicant was invited to submit this prior to determination, which was latterly submitted and was subject to a fresh consultation.

The applicant's sustainability strategy confirms that passive design principles shall inform the proposed layout of the development, which would be confirmed as part of a reserved matters submission. Furthermore, the proposed dwellings would be built to comply with Part L f the Building Regulations that came into force in 2022. The strategy also states that a 'fabric first' approach to design and detailing would be adopted to ensure the proposed development is thermal efficient. Renewable energy features such as solar panels and ground/air source heat pumps shall also be investigated and confirmed at REM submission stage.

The Council's climate officer has confirmed that the proposal accords with CP41 subject to planning conditions being imposed requiring the submission of a final Sustainable Energy Strategy to detail what measures/technologies are proposed as part of the development.

On this basis, no objections are raised by the Council's climate team and no conflict with CP41 has been identified.

11 Developer Obligations and Recommendation:

Core Policy 3 of the adopted WCS states that all new development would be required *"to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal"* which would be delivered directly by the developer and/or through a financial contribution.

The infrastructure items listed below are those that are relevant to the application site and are required to mitigate the impact of the proposed scheme, in line with the tests set under Paragraph 58 of the NPPF. These are:

a) necessary to make the development acceptable in planning terms.
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.
The following s106 contributions have been identified by internal consultees and are reasonable, necessary and directly related to the development:

Affordable Housing: Section 5 of the NPPF sets out the policies for delivering a sufficient supply of home and includes in paragraph 63 the need "*of establishing need, the size, type and tenure of housing needed for different groups in the community*" including affordable housing. WCS Core

Policy 43 sets out a requirement for 30% on-site Affordable Housing provision, based on the scheme of 40 residential units the on-site affordable housing requirement equates to 12 homes, with the current local needs meriting 7 affordable rented unit, 2 shared ownership units and 3 First Homes units. These dwellings would need to be transferred to a Registered Provider at nil subsidy.

It is important for the applicant to contact the Council's Housing Team to secure the most up to date requirements prior to the submission of a reserved matters application.

Ecology: The application site is located with the 'grey hatched' recreational zone of the TBMS. This area pertains to the zone of influence within which new residential development is likely to result in increased recreational use of the woodland bat sites. New residential development proposals within this zone are expected to contribute towards the delivery of mitigation to address strategic recreational pressure. Such mitigation shall be paid for through the Community Infrastructure Levy (CIL). Developers will not pay directly for strategic recreational mitigation. Funding is instead calculated annually from the number of housing completions and taken from the CIL receipts at the following rate: For residential development, the current figure is £641.48 per dwelling.

Education: The Council's education department has confirmed that there are 7 preschools and nurseries and 1 child minder within a two-mile safe walking route of this proposed development, and these are operating at full capacity. The Council has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006 and therefore the proposed population increase from this development means a contribution towards childcare provision is required.

At a calculation of = 0.04 per dwelling for 0-2-year-olds (4 per 100 dwellings) and 0.09 per dwelling for 3-4-year-olds (9 per 100 dwellings). Current Early Year cost multiplier = £17,522 per place, this would result in a total of **£70,088** towards the development of Early Years provision in the area.

There is no requirement to provide a financial contribution towards primary and secondary school places.

Right of Way: Policy CP52 of the adopted WCS states that development "*shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD and the Local Cycling and Walking Infrastructure Plan, which is nearing adoption. Paragraph 105 of the NPPF also requires planning decisions to "*protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users*".

Requires a contribution of **£20,000** to improve WEST3 (a bridleway) to the south of the application site, which connects Coach Road to WEST4 (a footpath) that leads to Newtown and the town centre.

Waste: Under Policy CP3 of the adopted WCS and WCS6 of the Waste Core Strategy, contributions towards the provision of waste and recycling containers for each residential unit (at £101 per dwelling) are required, totalling **£4040** for 40 dwellings would be required.

Management Company: The s106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the areas of public open space and other shared areas are managed and looked after in perpetuity. The Management Company would also be responsible for maintaining the biodiversity habitat within the application site for the lifetime of the development.

The management company could be the Town Council or an independent company and the s106 Legal Agreement should be drafted in consultation with Westbury Town Council should they express a commitment to take on the play space or other communal areas within the scheme pursuant to their long-term maintenance and management.

S106 Monitoring Fee: A s106 monitoring fee would be required to be included within the s106 Legal Agreement, which would be 1% of the total financial contributions, capped at £10,000.00.

11 PLANNING BALANCE & CONCLUSION

NPPF Paragraph 11 (d) and footnote 8 state that when a Council cannot demonstrate a five-year housing land supply then, for applications including housing provision, the policies which are most important for determining the application should be considered 'out-of-date'.

As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

In this case, there are no protection policies that would prevent the tilted balance being engaged and there are no technical objections to the application.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits should be refused.

However the made Westbury Neighbourhood Plan does not allocate land for housing and as such, despite the NP being less than 5 years old ('made' in March 2024) the protections that exist with paragraph 14 do not apply to this application, and the Council must consider and determine the application on NPPF paragraph 11d, where there is a presumption in favour of supporting new housing and only refuse such applications where the adverse impacts of allowing the development "*would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole*".

Furthermore, **material weight** is given to the site bordering existing residential development to the north, south and west of the application site, and with the land to the east (beyond Coach Road) being advanced by the Council for up to 270 dwellings as part of the emerging Wiltshire Local Plan, the site is not considered unsustainable in terms of its location and capability of accommodating up to 40 dwellings in an area that is being promoted for housing growth by this Council.

The application proposal for up to 40 additional homes would deliver multiple benefits through the provision of 28 open market properties and 12 affordable homes which is a key part of national and local planning policy and has recently been re-enforced by the Written Ministerial Statement and would contribute towards addressing the Councils housing shortfall and meeting affordable housing needs, which merits being afforded **very significant weight**.

The site is an accessible location with good access to public transport links which the aforesaid planning inspector considered to be good for a rural area. This merits **significant weight** in the planning balance.

The site would also generate short term economic benefits and support jobs during construction and long-term economic benefits from the expenditure on local goods and services by the future residents alongside CIL which also deserves **significant weight**.

The developers s106 and CIL burdens merits **moderate weight.**

The provision of public open space, play area, creation of bat habitat and public rights of way improvements would provide some benefit to existing residents in the area and merits being afforded **moderate weight.**

The housing development of the field on an unallocated site does not accord with the development plan and this plan departure acts as a negative as would the loss of the open field character and landscape change when read as a whole. However, officers have reached the conclusions that the harm that can be attributed to the plan policy conflict, the disruption construction traffic would cause to local residents, the loss of the agricultural land and the associated landscape harm (through the development of a greenfield site) would not significantly and demonstrably outweigh the benefits of delivering up to 40 homes at this site, and only **limited weight** can be afforded to the stated harms.

The site is in the open countryside and fails to comply with adopted Wiltshire Core Strategy CP1, CP2 and CP32. The Westbury NP is less than five years old however there are no protections afforded to the Neighbourhood Plan by the NPPF through the failure to allocate land for housing at a time when there is a very significant housing supply deficit.

At the time of reporting this application to the members of the Strategic Planning Committee, as a result of recent changes to the way housing need is calculated, introduced by government, the council is unable to demonstrate a five-year supply of deliverable housing sites, and as demonstrated through this report, the adverse impacts of allowing the residential development would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework when taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development which represents a very significant material consideration that steers the decision maker towards granting outline planning permission subject to a s106 and planning conditions.

RECOMMENDATION: To Defer and delegate to the Director of Planning to grant outline planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 11 of this report, and subject to the following planning conditions set out below –

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. Application(s) for the approval of all reserved matters specified in Condition 3 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.

3. 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.
e) The means of access to 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.

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

361.P.1 Rev C, Location Plan, as received on 4 July 2023.
PLAN ECO16 Rev C, Ecological Parameters Plan, as received on 3 February 2025.

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

5. The development hereby permitted shall be carried out in strict accordance with the following documents:

- Update of Ecological Surveys, produced by Ecology Solutions, dated January 2024, reference 10993.EcoUpdate. vf
- Ecological Technical Note, produced by Ecology Solutions, dated January 2024, reference 10993.EcoUpdate.dv3.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

6. A detailed housing mix strategy, including the number and size of dwelling units shall be submitted with each reserved matters application to provide details of the proposed dwellings. The development shall be carried out in accordance with the approved housing mix.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner and to ensure that the proposed development provides a diverse and balanced range of housing types and sizes, contributing to the creation of a sustainable and inclusive community, in accordance with local planning policies and housing needs.

7. A revised Sustainable Energy Strategy shall be submitted with each reserved matters application to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, electric vehicle charging points, cycle parking, and sustainable transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved detail.

REASON: In order that the development is undertaken in an acceptable manner and in response to climate change.

8. No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

REASON: In order that the development is undertaken in an acceptable manner, to ensure the retention and protection of existing trees and hedges in the interests of visual amenity and ecology.

9. No development shall commence on site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
b) The approved programme of archaeological work has been carried out in accordance with the approved detail.

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

NOTE: The excavations are to be undertaken by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

10. 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 land contamination arising from previous uses (including asbestos) has been carried out and all 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 and any adjacent sites for at least the last 100 years and a description of the current condition of the sites regarding any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, 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 must be 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 reduce and manage the risks associated with land contamination.

11. No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.

- Providing drainage calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.

- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.

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

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

NOTE: It is advised that the applicant ensures that water butts are provided to suitable properties as stated on the Drainage Strategy (ref. PJS22-072-DR-001, Rev C) provided as part of this outline application and consideration given to the provision of green roofs or rain gardens if appropriate.

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

a) The parking of vehicles of site operatives and visitors.
b) Routing plan.
c) Traffic Management Plan (including signage drawing(s)).
d) Number of (daily/weekly) and size of delivery vehicles.
e) Number of staff vehicle movements.
f) Details of temporary/permanent Traffic Regulation Orders.
g) Phases plan.
h) Loading and unloading of plant and materials.
i) Storage of plant and materials used in constructing the development.
j) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
k) Wheel washing facilities.
l) Measures to control the emission of dust and dirt during construction.
m) A scheme for recycling/disposing of waste resulting from demolition and construction works.

n) Measures for the protection of the natural environment.
o) Hours of construction, including deliveries; and
p) Pre-condition photo survey (any damage related to the development will be put right (to the satisfaction of the Local Highways Authority within 6 months of the development completion) has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

13. No development shall not commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures, and the development shall be carried out in strict accordance with the approved CEMP:

i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location.
ii. A description of management responsibilities.
iii. A description of the construction programme.
iv. Site working hours and a named person for residents/the Council to contact including key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
v. Detailed site logistics arrangements.
vi. Details regarding parking, deliveries, and storage.
vii. Details regarding dust and noise mitigation.
viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network.
ix. Work schedules for activities with specific timing requirements to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
x. Communication procedures with the local planning authority and local community regarding key construction issues – newsletters, fliers etc.
xi. No burning undertaken on site at any time.
xii. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
xiii. Working method statements for protected/priority species, such as nesting birds and badger.
xiv. No nighttime working or artificial lighting at night.
xv. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Reason: To ensure appropriate levels of amenity are achievable and to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed

and competent professional ecological consultant where applicable.

14. No site clearance or development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

a) long term objectives and targets, this must include identification of the habitats to be management specifically for the benefit of biodiversity e.g., foraging bats.
b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme.
c) The mechanism for monitoring success of the management prescriptions.
d) A procedure for review and necessary adaptive management to attain targets.
e) Details of the mechanism(s) by which long-term implementation of the plan will be secured.
f) An Ecological Enhancement Plan which identifies the number, type and location of new features for biodiversity. This must include bat boxes, bird nest boxes and log piles for invertebrates.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

15. No development shall commence on site until a detailed lighting assessment has been submitted and approved by the Local Planning Authority, and then submitted with the reserved matters application(s), to include details of the existing light levels and confirm the lux levels from the proposed development along the eastern boundary, which should not exceed 0.5 lux, as detailed on the Ecological Parameters Plan (drawing no. ECO16 Rev C).

A post-construction lighting survey shall be undertaken prior to the first occupation of the dwellings to ensure the light levels comply with the agreed lighting assessment.

REASON: To prevent light spill and encroachment on sensitive bat habitat features and to provide a dark corridor for bat species.

NOTE: Section 8.3 of the adopted Trowbridge Bat Mitigation Strategy provides guidance on this matter and lighting design solutions/mitigation measures.

16. No lighting shall be used throughout the construction phase of the development hereby approved and no development (including any demolition or ground works) shall take place outside daylight hours.

REASON: The introduction of artificial light/noise disturbance is likely to mean such species are disturbed and/or discouraged from using established flyways or foraging areas.

17. No external lighting fixture or fitting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, ‘Guidance Note 1 for the reduction of obtrusive light 2021’

(ILP, 2021), and Guidance Note GN08-23 ‘Bats and artificial lighting in the UK’, produced by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

18. No development shall commence beyond slab level until full details of the proposed footpath connections to WEST1/ WEST1a and the surfacing material are submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details thereafter and prior to any dwelling being occupied and remain free from obstruction thereafter.

REASON: In the interests of promoting sustainable travel.

19. No development shall commence beyond slab level until full details of the design and locations of bat roosts and nesting opportunities for birds are submitted to and approved in writing by the Local Planning Authority. These details should be clearly shown on the elevation drawings submitted with future reserved matters application(s). The approved details shall be implemented before the occupation any dwelling. These features shall continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

20. No development shall commence beyond slab level until full details of a 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 all existing trees and hedging to be retained, together with measures for their protection during development.
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities.
- all means of enclosure.
- car park layouts.
- refuse/recycling collection points.
- bin storage areas.
- other vehicle and pedestrian access and circulation areas.
- all hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

21. 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 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.

22. The development shall be carried out in accordance with the Residential Travel Plan (produced by PFA Consulting, dated June 2023) and those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the last residential unit.

REASON: In the interests of reducing the amount of private car movements to and from the development.

INFORMATIVES TO APPLICANT:

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT TO BE ADDED ONCE S106 IS SEALED AT LATER DATE].

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

3. Any proposals should be designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753) and should include/demonstrate the following:

Drainage Strategy

• Evidence that SuDS have been selected, wherever possible, to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.

• Evidence that SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the

development is not reliant upon large attenuation features close to the points of discharge.
• The drainage strategy does not increase flood risk, as a result of catchment transfer.
• A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
• Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.
• Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.
• The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.
• Measures to prevent pollution of the receiving groundwater and/or surface waters.
• A clearly labelled drainage layout plan showing the full pipe network (including how runoff from the roofs drain to the attenuation pond. The plan should show any pipe node numbers referred to within the drainage calculations.

Detailed Drainage calculations
• Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year plus climate change rainfall event.
• Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
• Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.
• Hydraulic Models should set the MADD factor / additional storage volume factor to 0m3 / ha to prevent an overestimation of storage capacity in the proposed drainage network.

Design Drawings
• A plan showing the cross sections and design of any attenuation pond and its components.
• Drawings showing conveyance routes for flows exceeding the 1 in 100 years plus climate change rainfall event that minimise the risk to people and property.

Ownership and Management
• Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

Construction
• Adequate measures during construction to control pollution to existing watercourses and groundwater.
• A construction management plan.

4. Any new connections to Wessex Water's infrastructure would require their prior consent and therefore the applicant is advised to contact the respective water undertaker directly regarding this matter and proposal.

5. The applicant will be required to enter into a Section 278 Agreement to work within the highway and deliver the proposed access arrangements.

6. The housing mix strategy shall demonstrate how the proposed development will meet the latest up to date local housing needs and provide a balanced mix of dwellings, with consideration given to the requirements of the local housing market and any relevant housing policies.