

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	6 March 2024
Application Number	20/09659/FUL
Site Address	Land off Frome Road, Upper Studley, Trowbridge
Proposal	Erection of 50 dwellings and associated access and landscaping works
Applicant	Newland Homes Ltd
Town/Parish Council	SOUTHWICK; TROWBRIDGE
Electoral Division	TROWBRIDGE GROVE (Cllr David Vigar) SOUTHWICK (Cllr Horace Prickett)
Grid Reference	384365 156185
Type of Application	FULL
Case Officer	Ruaridh O'Donoghue

1. Purpose of Report

The purpose of the report is to update the committee on changes that have occurred following publication of the revised NPPF in December 2023 that may have a material impact on this planning application, and to consider the recommendation that the application still be granted planning permission subject to completion of the legal agreement.

2. Background

On 22 February 2023 the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (committee report attached as Annex 1). Work commenced on the legal agreement, although it has not yet been completed and so the planning permission has not been given. It is highly likely that the legal agreement will be ready for completion before the date of the committee meeting but not at the point this report was drafted. In making its decision to approve subject to the legal agreement the Committee took account of all matters relevant at the time. These included the development plan policies and national legislation/guidance.

In the broadest terms, planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a changed material consideration that must be taken into account in determining this planning application.

It is the opinion of officers that the changes to the NPPF do not materially affect the Committee's original decision for this particular application. However, as the Committee (and not officers) was the original 'decision maker', it is necessary for the Committee to consider the changes and then make the decision. For completeness, and so that the Committee has the full picture, the relevant NPPF changes are set out below. A detailed explanation as to why these changes do not affect the original decision follows on from this.

3. Housing land supply and delivery

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
- a) *their adopted plan is less than five years old; and*
 - b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*
77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. Previously, and at the time this application was being considered by the Committee a 5-year housing land supply was required to be demonstrated.

4. Consequences for the 'planning balance'

The Council's most recent Housing Land Supply Statement (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. In subsequent appeals this figure has been reassessed to be 4.59 years. These figures exceed the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is not 'tilted' by virtue of a lack of housing land supply.

That said, the tilted balance can still apply even with a sufficient housing land supply in situations where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (paragraph 11(d) NPPF). A recent appeal decision at Land off Pound Lane, Semington (ref: PL/2022/09397) considered this issue and concluded that the most important policies for determining that application (CP 1, 2 and the area-based policy for Melksham (CP 14)) were not out of date and as such the titled balance was not engaged by virtue of this point.

The same conclusions can be drawn for this site and therefore, in terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant i.e. it is a 'flat', or level, rather than titled, balance.

5. Consequences of the changes to the NPPF in relation to this application

As the site is allocated in the Wiltshire Housing Sites Allocation Plan under the reference H2.5, the changes within the NPPF should not affect or change the Committee's decision to approve this application for the following reasons.

- This remains an allocated site in the Council's adopted Wiltshire Housing Sites Allocation Plan, and the proposal is broadly compliant with the allocation in terms of the proposed quantum of development. In principle therefore, this proposal is supported by WCS Core Policies 1 and 2.
- There remain no technical objections to the scheme against any of the WCS policies when read as a whole and, therefore, the scheme is considered to be in compliance with the development plan.
- At the time the Committee considered its resolution to grant planning permission on this site, the committee report did not identify any 'other material considerations' (e.g. policies within the NPPF) that were relevant to the recommendation to approve the application that would now no longer be relevant in light of the changes.

As such, and for the above reasons, the issue of housing land supply was not a determinative factor for this case; or in other words, at the time of the Committee's decision in February 2023, the recommendation would have still been to approve regardless of whether the planning balance was flat or tilted. The Council's housing land supply position is therefore of lesser relevance to this application. Paragraph 11(c) of the NPPF applies; that is, to approve development proposals that accord with an up-to-date development plan without delay.

Although the planning balance is now flat, rather than titled, the conclusions contained within Chapter 10 of the original committee report (attached at Annex 1) remain valid. The scheme is considered to comply with the development plan when taken as a whole and would still be delivering the positive benefits that are identified in the original report – notably, in terms of delivering policy compliant market and affordable housing.

It should be noted that despite only needing to demonstrate 4-years' worth of housing land supply, this is still a matter that can be afforded significant positive weight (especially the delivery of affordable housing) – noting the Government's objective of significantly boosting the supply of homes. This is explained in paragraph 60 of the NPPF where it states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.”

6. Conclusion

With due regard to the changes set out in the December 2023 NPPF, it is recommended that the application continues to be supported for the aforementioned reasons. Notably, the fact this is an WHSAP allocated site and so a case where the titled planning balance was not a determinative factor in the original recommendation to the Committee to grant planning permission.

RECOMMENDATION:

That the Head of Development Management continues to be authorised to grant planning permission, subject to completion of the planning obligation / Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.

S106 matters –

- Affordable housing – 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.
- Education –
 - Early Years Contribution – 7 places totalling [£122,654] with timing of payment of contribution TBA [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
 - Primary Education Contribution – 14 places totalling [£262,612] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
 - Secondary Education Contribution – 10 places totalling [£229,400] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
 - All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.

- The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
 - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
 - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- Open space – A leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground.
- Biodiversity - Biodiversity Contribution towards Trowbridge Bat Mitigation Strategy – $£777.62 \times 50 = £38,881$.

Off-site biodiversity to include planting on local receptor site to deliver off-site biodiversity net gain. Details of scheme planting and subsequent maintenance regime to be agreed by the Council prior to first occupation of the development.
£232,537 BNG contribution.

- Highways -
 - A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
 - Bus stop shelter – White Row Park - £11,429
- Waste Collection Services- £5,050
- Public Art Provision - £15,000 based on £300/dwelling.

CONDITIONS –

- 1 The development hereby permitted shall be begun either 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 as amended by the Planning and Compulsory Purchase Act 2004.

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

Design and Planning:

- 721_B_Design and Access Statement_A3
- 721-01__Location Plan_A3
- 721-06_C_Planning Layout_A2
- 721-07_B_Building Height Key Plan_A2
- 721-08_B_Affordable Housing Key Plan_A2
- 721-09_A_Boundaries & Enclosures Key Plan_A2
- 721-10_B_External Material Finishes Key Plan_A2
- 721-11-01_B_Site Sections_A1
- 721-11-02_A_Site Sections_A1
- 721-12_B_Street Scene_A0

- 721-100_B_External Materials Schedule_A3

House Types/ Garages:

- 721-30-01__AT2 & CR3_A3
- 721-30-02__AT2 & CR3_A3
- 721-30-03__AT2 & CR3_A3
- 721-31-01__SP2_A3
- 721-31-02__SP2_A3
- 721-32-01__HN3_A3
- 721-32-02__HN3_A3
- 721-33-01__HO3_A3
- 721-33-02__HO3_A3
- 721-33-03__HO3 DA_A3
- 721-33-04__HO3 DA_A3
- 721-34-01__CR3_A3
- 721-34-02__CR3_A3
- 721-35-01__TH3_A3
- 721-35-02__TH3_A3
- 721-36-01__HA4_A3
- 721-36-02__HA4_A3
- 721-37-01__SH4_A3
- 721-37-02__SH4_A3
- 721-38-01__PB4_A3
- 721-38-02__PB4_A3
- 721-39-01_A_1B2P 50 & 2B3P 61 & 4B6P 108_A3
- 721-39-02_A_1B2P 50 & 2B3P 61 & 4B6P 108_A3
- 721-40-01_A_1B2P 50 & 2B3P 61_A3
- 721-40-02_A_1B2P 50 & 2B3P 61_A3
- 721-41-01_A_2B4P 68_A3
- 721-41-02_A_2B4P 68_A3
- 721-42-01__3B5P 83_A3
- 721-42-02__3B5P 83_A3
- 721-43-01_A_Garages_A3
- 721-43-02_A_Garages_A3

Engineering:

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)
- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1_500)

Supporting Information:

Landscape -

- 721__Landscape Visual Appraisal_A4
- 161-801_E Illustrative Landscape Plan
- 161-ID-G101_F Landscape Strategy
- 161-001_M Landscape Plan
- 161-201_G Planting Plan 1 of 3
- 161-202_G Planting Plan 1 of 3
- 161-203_G Planting Plan 1 of 3
- 161-401 Trees in soft under 20cm girth
- 721_B_Landscape Planting Schedules_A1
- 721_A Landscape Management Plan_A1
- 721__Landscape Cumulative Impact Assessment_A4
- 161-TECH NOTE-001_Landscape Cumulative_v2
- 161-804_C Coordinated Strategy Masterplan
- 161-805_C Coordinated Strategy Supporting Diagrams

Arboriculture -

- 721__AIA+AMS+TPP_A4 (Arboricultural Implications Assessment/ Arboricultural Method Statement/ Tree Protection Plan) (July 2022)

Urban Design -

- 721__Building for a Healthy Life Assesment_A4

Ecology -

- 721__Extended Phase 1 Ecological Survey Report_A4
- EMP (Ecological Mitigation Plan) (May 2022)
- CEMP_Biodiversity_Upper Studley_v6.0 (Construction Ecological Management Plan)
- EcIA_Upper Studley_v6.0 (Ecological Impact Assessment)
- LEMP_Upper Studley_v6.0 (Landscape Ecological Management Plan)
- Upper Studley_Defra Metric v2.0 (February 2022)
- Upper Studley_Defra Metric v2.0_No Offsite (February 2022)
- HRA_Upper Studley_v1.0

- Masterplan_Ecology_H2.4-H2.5-H2.6_v4.0 (May 2022)
 - 721-16__The Grove Illustrative Landscape Enhancements_A3
- Lighting -
- 721__Lighting Impact Assessment_A4 (February 2022)
 - 721__Street Lighting Calculation MF0.87
 - 721__Street Lighting Calculation MF1
 - 721__Street Lighting Strategy Summary MF0.87
 - 721__Street Lighting Strategy Summary MF1
- Drainage -
- SRT-BWB-EWE-XX-RP-EN-0001_S2_P2.0_FRA (Flood Risk Assessment)
 - SRT-BWB-EWE-XX-RP-EN-0002_HMSN_S2_P1.00 (Hydraulic Modelling Summary Note)
 - SRT-BWB-HDG-XX-RP-CD-0001_S2_P1.0_SDS (Sustainable Drainage Statement)
 - CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)
- Archaeology -
- Historic Environment Desk Based Assessment_A4
 - Heritage Cumulative Impact Assessment_A4
 - Written Scheme of Investigation_A4 (June 2022)
 - Archaeological Evaluation Summary
- Acoustic -
- M2201 Frome Road R01b - Noise Assessment
- Highways -
- 721__Transport Statement_A4 (February 2022)
- Planning -
- 721__Planning Statement_A4
 - 721__Application Form_A4
 - 721__CIL Form 1 - Additional Information_A4
 - 721__Notice Served_A4

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

- 3 No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries;
- pre-condition photo survey - Highway dilapidation survey
- Routing plan
- Traffic Management Plan (including signage drawing(s))
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

- Details of temporary/permanent Traffic Regulation Orders
- Phases plan

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 and in compliance with Core Strategy Policy 62.

- 4 Notwithstanding the submitted details, no development shall take place on-site until details of the estate roads, footways, footpaths (including surfacing of public footpaths), verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works, have been submitted to and approved by the Local Planning Authority. The development of a phase shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the site highway and transport infrastructure is constructed in a satisfactory manner.

- 5 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

- 6 The development shall be implemented in accordance with the foul drainage detailed design in accordance with the Drainage Strategy Rev D received on 17th June 2022 and associated list of drawings (below) received 2nd December 2022. No dwelling shall be first occupied until the associated approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2

- 721-142-3 Rev D Drainage and Levels - Sheet 3

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

- 7 The development shall be carried out in accordance with the submitted flood risk assessment, dated December 2017 (ref: SRT-BWB-EWE-XX-RP-EN-0001_FRA, version P2) and the mitigation measures it details, including ground floor finished floor are set at 41.03m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 8 The soft and hard landscaping for the development shall be implemented in accordance with Landscape Plan 161-001-M and Planting Plans 161-201-G & 161-202-G & 161-203-G received on 27th May 2022.

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

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

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

- 10 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protection measures outlined in Appendix 2 of the Arboricultural Implications Assessment and Tree Protection Method Statement by Tree Maintenance Limited and dated August 2020 have been erected in accordance with the approved details.

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and

particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

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

- 11 Natural play areas for the development shall be implemented in accordance with Landscape Plan 161-001-M and 161-ID-G101_F Landscape Strategy received on 27th May 2022.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 12 Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: to demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

- 13 The development will be carried out in strict accordance with the following documents:

- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).
- Lighting Impact Assessment. (Illume Design, 22/02/2022).
- Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
- Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).
- Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).

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

- 14 The development shall be implemented in accordance with the site-specific CEMP_Biodiversity_Upper Studley_v6.0 (Construction Environmental Management Plan) received on 27th May 2022. All approved features noted on the plan at Pages 29 & 30 shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. An ECoW will be appointed.

REASON: to protect protected species and existing retained habitat for the duration of the construction process and to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

- 15 The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) 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.

- 16 The development shall be implemented in accordance with the external lighting details contained within 721__Lighting Impact Assessment_A4 received 17th March 2022 and 721__Street Lighting Strategy MF0.87 & 721__Street Lighting Strategy MF1 received 30th October 2020. 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, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 17 On completion of the required remedial works specified in Chapter 7.6 of the Geo-Environmental Report submitted as part of the application, the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

- 18 Prior to first occupation all works shall be completed in accordance with approved drawing 18048-GA03. Illustrated visibility splays serving each access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

- 19 Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall

be submitted to and approved by the Local Planning Authority. The details shall include footway/cycleway infrastructure that maximises the width of appropriate surfacing available within Highway extents, with an absolute minimum of 2m and wherever possible complying with LTN 1/20. Where an absolute minimum of 2m width cannot be achieved a scheme of mitigation shall be provided that may include pedestrian crossing facilities of Frome Road and or carriageway narrowing or realignment. Prior to first occupation of the development, the footway and associated works shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To provide safe and convenient access to surrounding settlement in the interests of highway safety and Core Strategy Policy 61 and 62.

- 20 The footpath and cycle provisions shall be implemented in accordance with drawings 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2, and 721-141-3 Rev E External Works Layout - Sheet 3 all received on 2nd December 2022. The approved details shall be maintained as such in perpetuity.

REASON: In pursuit of sustainable transport objectives.

- 21 No dwelling shall be occupied until the parking space(s) together with the access thereto (including from the Frome Road), have been provided in accordance with the approved plans. They shall be maintained as such in perpetuity.

REASON: In the interests of highway safety and the amenity of future occupants.

- 22 Prior to occupation, each dwelling shall have their boundary details implemented in accordance with 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2 & 721-141-3 Rev E External Works Layout - Sheet 3 received on 2nd December 2022 and 721-151 Rev A - External Works Details - Walls, Fences and Railings received 27th May 2022. The approved boundary conditions shall be retained and maintained as such at all times thereafter.

REASON: To prevent loss of privacy to new properties and overlooking from existing properties on Spring Meadows, which are elevated above the site.

- 23 Prior to occupation, each dwelling shall have their waste collection details implemented in accordance with the list of drawings (below) received 2nd December 2022. The approved details shall be maintained as such in perpetuity.

List of drawings;

- 721-141-1 Rev E External Works Layout - Sheet 1
- 721-141-2 Rev E External Works Layout - Sheet 2
- 721-141-3 Rev E External Works Layout - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

REASON: To ensure that waste collections will function in accordance with the requirements of policies CP3 and WCS6.

- 24 No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

Annex A: 22/02/2023 Committee report

APPENDIX 1

REPORT TO COMMITTEE (22nd February 2023)