

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 4 June 2024

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.hunt@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Howard Greenman (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Adrian Foster

Cllr Sarah Gibson

Cllr Carole King

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr James Sheppard

Cllr Elizabeth Threlfall

Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE

Cllr Richard Britton

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr George Jeans

Cllr Dr Nick Murry

Cllr Andrew Oliver

Cllr Stewart Palmen

Cllr Nic Puntis

Cllr Bridget Wayman

Cllr Stuart Wheeler

Cllr Graham Wright

Cllr Tamara Reay

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

Our privacy policy is found [here](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 62*)

To approve and sign as a correct record the minutes of the meeting held on 17 April 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Tuesday 28 May 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Thursday 30 May 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 63 - 64*)

To receive details of completed and pending appeals, and any other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **PL/2023/06976 - Land at Verbena Court, Melksham, SN12 7GG** (*Pages 65 - 106*)

Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.

8 **PL/2024/02330 - B4069, Lyneham Banks, Lyneham, Chippenham, SN15 4AA** (*Pages 107 - 122*)

Reinstatement of a stretch of approximately 140m of the B4069, the Lyneham Banks section, located 2km northwest of Lyneham, including associated engineering, land drainage works and demolition.

9 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

This page is intentionally left blank

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 17 APRIL 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Ernie Clark, Cllr Sarah Gibson, Cllr Carole King, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Stewart Palmen (Substitute)

Also Present:

Cllr Nick Holder, Cllr Charles McGrath and Cllr Mike Sankey

21 **Apologies**

Apologies were received from Cllrs Adrian Foster and Christopher Newbury.

Cllr Foster was substituted by Cllr Stewart Palmen.

22 **Minutes of the Previous Meeting**

The minutes of the meeting held on 6 March 2024 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

23 **Declarations of Interest**

There were no declarations of interest.

24 **Chairman's Announcements**

There were no Chairman's announcements.

25 **Public Participation**

The procedure for public participation was noted.

26 **Planning Appeals and Updates**

The planning appeals report detailed in the agenda pack was received and noted.

PL/2022/04875: Salisbury Retail Park, Salisbury ('Asda')Public Participation

Andrina Bradley had registered to speak against the application but was unable to attend the meeting – Cllr Ian McLennan read out her notes at the meeting. Adam Cundale spoke in support of the application.

Additional correspondence – the case officer summarised the further correspondence received since the report was published, including clarification of some points of the officer report.

Richard Hughes, Development Management Team Leader presented the report which recommended that planning permission be approved subject first to referral to Secretary of State (for possible call-in for his determination) and subject to conditions and a suitable S106 legal agreement for a commercial development comprising a Use Class E foodstore (including the sale of non-food goods) and 'drive thru' coffee shop unit (Class E); petrol filling station; provision of open space / landscaping including a new pedestrian and cycle link between London Road and Green Lane; access, parking, and associated infrastructure and development.

The background to the application was explained along with a description of the site, planning history, associated planning policy, details of the consultation and publicity responses, planning considerations, clarification about NPPF and CIL/S106 contributions. The officer concluded that, whilst the various concerns have been taken into account, it is considered that the proposal is acceptable, subject to suitable mitigation in the form of various restrictive conditions and a legal agreement. Therefore, the proposal is considered to be in line with national and local planning policies, as outlined in the report.

Members of the Committee then had the opportunity to ask technical questions of officers. Details were sought on the set of external steps to the western end of Green Lane, parking control companies and the height of the car park lighting columns.

Members of the Public then had the opportunity to address the Committee with their views, as detailed above.

Cllr Charles McGrath, Unitary Division Member for Salisbury Milford, then spoke in support to the application. Cllr McGrath felt that his views had been misrepresented by the press and he has no opposition to the application as it delivers much of what Salisbury needed. He welcomed the level of communication from the applicant, commented on the level of support from local residents and felt that the development would complement independent retailers in the city centre. However, he was disappointed that the Committee had not met in Salisbury to consider the application.

Cllr Ian McLennan, Unitary Division Member for Laverstock then spoke in support of the application. He commented on the history of the site and the importance of biodiversity and referred to detail in the report which indicated

that the applicant had worked with the Council's ecologist to produce a scheme which provides significant landscaping on the site which also provides a high quality biodiversity infrastructure. He commended the work undertaken by officers on the application, explained his concerns about a low railway bridge in the vicinity of the site, welcomed the electric vehicle charges points and that these could be increased dependant on demand, and mentioned the possibility of public art being installed on the roundabout at the site entrance to enhance the area.

In response to queries raised by local Division members, the Planning Officer explained that a bond was suggested for a previous application to support bridge works, however that application was no longer 'live' and the bond was deemed to be unworkable and current costs would exceed previous bond amounts. Highways advice is that the retail operator would manage their deliveries and routing to take into account restrictions such as weight and height limits. Car parking numbers remained the same as previous applications, proposals for public art would need to be discussed between the Council's arts officer and the retailer separately to the application.

The Committee then discussed and debated the application. They welcomed the work undertaken between the applicant and Council, supported the comments that the application would complement retail in the city centre, and noted that the opening and closing times for the coffee bar coincided with the opening and closing of the retail store and the drive through.

During the debate Cllr Elizabeth Threlfall moved a motion to approve the application, seconded by Cllr Jonathan Seed, and at the conclusion of debate, it was:

Resolved:

That the planning application be approved, subject to:

- i) referral to the secretary of state for his consideration as to Whether the application should be 'call-in' for his determination; And**
- ii) A s106 legal agreement being first entered into with respect to the provision of the following mitigation measures:**

A) Green lane improvements

A contribution of £172,393 (May 2018 price) index linked to the Salisbury Transport Strategy. The priority focus for this contribution will be for the delivery of green lane surfacing north of Pearce way in the first instance, with additional measures to maximise walking and cycling along the route thereafter.

B) Bus contributions

A contribution of £175k index linked towards improvements to the public transport provision on the London Road corridor.

C) Public art

A scheme for the provision of public art utilising the financial contribution previously provided to the council as part of reserved matters permission s/1998/0373.

D) Off site biodiversity mitigation

A scheme to secure the off site ecological mitigation/biodiversity land at the adjacent Riverdown Park/Castle Hill site identified in the submitted Off-site Biodiversity Net Gain report Version 2 and the Management and Maintenance Plan Version 2, reference 22714

E) Air quality mitigation

A financial contribution of £5200 towards the implementation of Air Quality Action Plan measures within the Salisbury City Centre, Wilton Road and London Road Air Quality Management Areas

AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall begin no later than three years from the date of this decision.

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

Approved details

2. Unless otherwise specified by the subsequent conditions, the development shall be carried out in accordance with the following approved plans and details:

Ref: 0000_01 Rev P8- Location Plan
Ref: 0000_02 Rev P8- Existing Site Plan
Ref: 0000_04 Rev P20 Proposed site layout
Ref: 0000_05 Rev P6- Asda Store- Ground Floor Layout
Ref: 0000_06 Rev P7- Asda Store- Proposed Roof Plan
Ref: 0000_07 Rev P4- Proposed Site Sections
Ref: 0000_08 Rev P7- Asda Store- Elevations
Ref: 0000_09 Rev P5- Asda Store- Elevation Callouts
Ref: 0000_10 Rev P4- Click and Collect structure
Ref: 0000_30 Rev P3- Petrol Filling Station floor Plan
Ref: 0000_31 Rev P2- Petrol Filling Station Elevations
Ref: 0000_32 Rev P2- Petrol Filling Station Roof Plan
Proposed Landscaping Scheme Drawing No. 04 Rev L

Biodiversity

Biodiversity Metric 3.1 V4

Biodiversity Net Gain Plan Rev F. 5th December 2023.

Highways Plans - Proposed modifications to site access and Pearce Way:

Drawing 001 Rev A (Site Plan showing all areas of works)
Drawing 002 Viewport 01 Drawing 003 Viewport 02
Drawing 004 Viewport 03 Drawing 005 Rev A Viewport 04

REASON: In order to ensure that the scheme is constructed in accordance with the details previous agreed.

Materials and landscaping

- 3. No external materials or external facade works shall take place/be applied until full details or samples of the materials for the external elevations of the buildings and walling, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

No landscaping works shall take place until a scheme detailing the hard and soft landscaping has been submitted to and approved by the LPA. This should include details of surface materials; shrub and tree planting including details of tree pits confirming that such pits will be adequate to allow the trees to flourish; and details of times of planting, species and size. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: In the interest of visual amenity of the site and surrounding area.

Restrictions on operation of use

- 4. The retail supermarket store shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: a maximum six-hour period between 0900hrs to 1700hrs**

REASON: In the interests of amenity.

- 5. The drive-through coffee shop shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: 0900hrs to 2000hrs**

REASON: In the interests of amenity.

- 6. Petrol filling station tanker deliveries will only take place between 0700hrs and 2100hrs Monday to Sunday. There shall be no tanker deliveries outside of these times.**

REASON: In the interests of amenity.

- 7. The jet wash, air, water and vacuum units associated with the petrol filling station shall only operate between 0900hrs and 1800hrs Monday to Sunday. They shall not be operational outside of these times.**

REASON: In the interests of amenity.

- 8. No deliveries shall be made to, or waste collections made from, the petrol filling station or coffee drive through hereby approved except between the hours of 0800hrs and 2100hrs Monday to Sunday.**

REASON: In the interests of amenity.

- 9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800hrs to 1800hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays.**

REASON: In the interests of the protection of amenity.

- 10. No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:**

- i. The movement/routing of construction vehicles;**
- ii. Construction staff parking**
- iii. The cutting or other processing of building materials on site;**
- iv. Wheel washing and vehicle wash down facilities;**
- v. The transportation and storage of waste and building materials;**
- vi. The recycling of waste materials (if any)**
- vii. The loading and unloading of equipment and materials**
- viii. The location and use of generators and temporary site accommodation**
- ix. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts**
- x. Details of the avoidance, mitigation and protective measures to be implemented beforehand during the construction phase, including but not necessarily limited to, the following:**
 - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. This is particularly pertinent to the hedgerow, trees and buffer area along the western edge of the site and the southern and eastern areas set aside for grassland creation and enhancement.**
 - b. Working method statements for protected/priority species, such as nesting birds and reptiles.**
 - c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for**

great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.

- d. Work schedules for activities with specific timing requirements in order 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.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The exact prescriptions of the CEMP should be drawn from the submitted Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23 and based on the Tree Survey Report and AIA Method Statement Rev B Dated 12/5/2022 By Encon.

The construction/demolition phase of the development will be carried out fully in accordance with the construction and environmental management plan at all times.

REASON: In the interests of the protection of amenity 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.

11. Prior to the installation of any air extraction system which discharges air that is likely to be odorous, including from food or drink preparation rooms, a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of the protection of amenity. In discharging this condition, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We also recommend the applicant consults EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems.

12. No building shall be occupied until an assessment of the acoustic impact arising from activities within the enclosed warehouse and any fixed plant associated with main supermarket, Petrol Filling

Station shop and the Coffee Drive Through is undertaken in accordance with BS 4142: 2014 +A1:2019, and that assessment has been submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall not exceed background and is protective of local amenity.

The assessment is to be based on the background levels (LA90T) recorded in the predevelopment noise survey, as provided in Table 1 of the submitted Acoustic Consultancy Partnership Ltd report ref 11679, dated 16th May 2022.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The assessment shall provide confirmation of the as installed details, with calculated noise levels updated as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Customer trolleys

13. Before the retail use hereby permitted first comes into operation, a scheme to restrict the removal of customer trolleys from the retail park site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

REASON: To limit the impact of the development on adjacent residential amenity

Landscape and Ecological Management Plan (LEMP)

14. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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.

Lighting

15. Notwithstanding the information and details within the submitted Lighting Statement by DDA dated 25th March 2022, prior to the installation of any lighting, a complete Lighting Strategy for the site, which contains lux contour plots demonstrating that light levels of 0.5 Lux or less can be achieved at the edges of key habitat features, together with location, type and model of all lighting units to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out in accordance with the agreed scheme.

REASON: In the interests of conserving biodiversity.

Contamination

16. In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed site investigation and risk assessment has been 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.

If the report submitted pursuant to above 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: Core policy 56, To reduce the risks associated with land contamination

Retail use restrictions

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail store shall be used solely for purposes within Class(es) E (a) retail and (b) food and drink, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in

any statutory instrument revoking or re-enacting that Order with or without modification).

There shall be no subdivision of the main retail unit (with the exception of the internal café/restaurant) hereby approved, or any additional internal floor space created (including any insertion of mezzanine floors) for the purposes of additional net retail sales area, not covered by this permission.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted for the purposes of the creation of additional net retail sales floor area.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

Highways and parking

19. The main retail unit and the drive through unit shall not be occupied (open for trading) until the vehicular access has been amended as outlined on drawing ref: 'Proposed Modifications to Site Access and Pearce Way Viewpoint 04' drawing number: 005 Rev A. This includes widening of the lane to provide a two-lane entry onto Hampton Park Roundabout, provision of a traffic calmed pedestrian/cycleway crossing of the access and alterations to street lighting.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

20. The main retail unit and the drive through unit shall not be occupied (open for trading) until the new shared use footway/cycleways on Pearce Way and London Road and the upgrade of the existing footways to shared use footway/cycleways on Pearce Way and London Road as outlined on drawing ref: 'Proposed Site Layout' rev P20, together with associated lining and signing, and street lighting alterations over the entire site frontage are provided.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety. Note the above details will need to be agreed as part of a separate S278 Agreement with the Council as Highway Authority.

- 21.** The main retail unit and the drive through unit shall not be occupied (open for trading) until details of the direct pedestrian/cycle links from Green Lane into the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until the links have been completed in accordance with the approved details.

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

- 22.** No part of the development of hereby permitted shall be first brought into use until the access, and turning areas, servicing area, internal pedestrian and cycle paths, parking spaces and cycle spaces have been completed in accordance with the details shown on the approved plans, including surfacing and demarcation of parking spaces. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and to ensure that satisfactory facilities for the parking of cycles are provided, and to encourage travel by means other than the private car.

- 23.** Within 6 months of the development hereby approved opening for trading, a Full Travel Plan based on the submitted framework travel plan (ref GB01T21E36/002/V4 by Systra) shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) from the date of approval.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Drainage

- 24.** Notwithstanding the details shown on the Proposed Schematic Drainage Option 03 – Infiltration and SUDS dated September 2022 by MJM ref 7163-MJM-01-00- DR-C-15204 Rev P03, no development shall take place regards the drainage scheme/works for the site, until a scheme for the discharge of surface and foul water from the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall provide the following:

- **Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design.**
- **Demonstrate 20% betterment has been achieved on post-development discharge rates for both peak flow and volume on existing greenfield rates for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.**
- **Drawings which demonstrates mitigation of potential pollutants from the proposed petrol station, and calculations which demonstrate the drainage design provides a sufficient level of water treatment to prevent pollution of groundwater.**
- **Detailed cross and long section drawings of the proposed attenuation pond and its components.**
- **Detailed calculations for the attenuation pond, and demonstrate a freeboard has been applied.**

and the drainage scheme shall be carried out and retained in accordance with the approved details.

REASON: To limit the impact of the scheme on the drainage system and surrounding natural habitats.

Archaeology

25. No development shall take place within the application area until the applicant has secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:

- A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.**
- A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.**

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

Sustainable design

26. The main retail unit hereby permitted shall achieve a BREEAM (Building Research Establish Environment Assessment Method) rating of 'Excellent'. Unless otherwise agreed in writing with the Local Planning Authority, the retail unit shall not be occupied until the postconstruction state assessment and subsequent BREEAM Certificate certifying that 'excellent' status has been achieved has been submitted to and agreed in writing by Local Planning Authority.

REASON: In order to produce a scheme with a high level of sustainable design in accordance with adopted Wiltshire Core Strategy Policy CP41.

INFORMATIVES

S106

The development shall be carried out in accordance with the S106 dated ****

Highways

The applicant will be required to enter into a S278 Agreement with the Highway Authority before commencement of the works identified in conditions above.

Drainage

- If the applicant intends to offer SuDS features for adoption, their designs will need to be in accordance with Wessex Water's SuDS Adoption Guidance.**
- The site is likely to be underlain by chalk. In chalk, or any other fill material prone to instability, soakaways should be sited in accordance with the chalk density in accordance with CIRIA C574 "Engineering in Chalk"; this may result in min 10m clearances being required from any building, road or structure foundations.**
- The drainage strategy will need to consider the increased contamination risk to groundwater / surface waterbodies posed by the petrol forecourt and propose suitable pollutant mitigation for this area of the site.**
- The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption of infiltration drainage features.**
- The surface water disposal hierarchy is set out below (as per the Sewerage Sector Guidance, paragraph C.3.12):**
 - Surface water runoff is collected for use.**
 - Discharge into the ground via infiltration.**
 - Discharge to a watercourse or other surface water body.**
 - Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.**
 - Discharge to a combined sewer.**

28 **PL/2023/06725: Longleaze Lane, Melksham**

Public Participation

Andy Shepley agent on behalf of the applicant spoke in support of the application.

Gen Collins, Senior Conservation/Planning Officer presented the report which recommended that planning permission be approved subject to first completion of a planning obligation/Section 106 agreement covering the matters set out in the report, and subject to the planning conditions detailed in the report for the construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Longleaze Lane/Snowberry Lane junction.

The main issues detailed in the report were explained which included the principle of development, design and visual amenity, impact on the significance of heritage assets, residential amenity, ecology, highway matters – including road safety/parking, drainage and Section 106. The officer concluded that there were no adverse impacts arising from the proposal and listed the benefits. The proposals related well to the spatial form of Melksham and the eastern urban extension using existing road infrastructure and offer accessible walking and/or cycling routes into the town and its services and facilities.

Members of the Committee then had the opportunity to ask technical questions of officers which included concerns about the number of parking spaces, impact of parking restriction in the vicinity of the site, highway safety of access, details of the settlement boundary, details about ground water flooding, evidence for the demand of additional appropriate care home accommodation up to 2030, the proportion of beds required for specialist care, availability of staff to provide specialist care and concern about access onto Longleaze Lane.

Members of the Public then had the opportunity to address the Committee with their views, as detailed above.

Cllr Mike Sankey, Unitary Division Member for Melksham East, then spoke about his concerns of the scale of the development. He commented on existing local health care facilities supplying sufficient capacity, car parking arrangements, comments from the Town Council, Core Policy 15 and 46, and highway issues.

Cllr Nick Holder, Unitary Division Member for Bowerhill then spoke about his concerns relating to the lack of car parking on site, the uncontrolled pedestrian crossing, the number of staff on site at any one time, the HNS contribution of £37,062 towards the capital cost of delivering additional primary care floorspace required to serve residents of the new development, the design and character being inappropriate, and concern at the size and scale of the development.

In response to queries raised by local Division members, the Planning Officer (with input from the Council's Senior Highways Engineer and Adult Social Care

Commissioning Director) explained that the scale and type of development is in keeping with the surrounding area and appropriate to the nature of the settlement and will respect the character of that settlement, the proposal meets the future care home provision needs, the contribution from the NHS has been subject to extensive discussions and would not stand up as a refusal reason at appeal, the proposals are based on evidence, and the access and parking areas are designed for a 7 tonne box van to successfully manoeuvre in.

The Committee then discussed and debated the application. They considered the formula used for determining the maximum number of car parking spaces being 33 and asked if an additional condition could be added to increase the number of parking spaces from 25 to the maximum allowed under the formula. The Planning Officers reminded the Committee that they had to consider the application before them, and it was not possible to condition the additional car parking spaces.

During the debate Cllr Sarah Gibson moved a motion to approve the application, seconded by Cllr Stewart Palmen, and at the conclusion of debate, it was:

Resolved:

That the Head of Development Management be authorised to grant planning permission, subject to first completion of a planning obligation/Section 106 agreement covering the matters set out in this report, and subject also to the planning conditions listed below

Conditions:

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

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

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

Location Plan ref: ASP-CH-034-PL001A

Site Plan ref: ASP-CH-034-PL002C

Proposed Block Plan ref: ASP-CH-034-PL011B

Proposed First Floor Plan ref: ASP-CH-034-PL008B

Proposed Ground Floor Plan ref: ASP-CH-034-PL007B

Proposed Second Floor Plan ref: ASP-CH-034-PL009B

Proposed Roof Plan ref: ASP-CH-034-PL010B

Proposed North & West Elevations Plan 1 of 2 ref: ASP-CH-034-PL003C

Proposed South & East Elevations Plan 2 of 2 ref: ASP-CH-034-PL004C

Street Scene Plan 1 of 2 ref: ASP-CH-034-PL005A

Arboricultural Impact Assessment ref: DAA AIA 02B
Transport Statement ref: 2023-11-21 TS01 6804
Sustainability Statement Rev 5
Energy Statement Report 2315- Rev C
BREEAM Pre-Assessment
Travel Plan ref: 2023-11-21 TP02 6804
Ecological Assessment and Biodiversity Net Gain. July 2023.
Ecology Solutions;
Briefing Note: Biodiversity Net Gain Assessment. July 2023.
Ecology Solutions and;
Briefing Note: Ecology Response. December 2023. Ecology
Solutions Unlocked Metric V4
Archaeological Evaluation Report ref: 282202

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

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

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

- 4. The development hereby approved shall not commence 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:**
 - i. An introduction consisting of a 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. A named person for residents to contact;**
 - v. Detailed site logistics arrangements;**
 - vi. Details regarding parking, deliveries, and storage;**
 - vii. Details regarding noise and dust 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. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc**
 - x. Details of how surface water quantity and quality will be managed throughout construction;**

- xi. Details of the safeguarding measures to deal with the following pollution risks:**
- the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:**
- A Traffic Management Plan (including signage drawing(s))
 - Details of proposed temporary access improvements during the construction period
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:**
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - A tree protection plan, showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations in compliance with the approved Arboricultural Report and tree protection plan, prepared by David Archer associates and dated July 2023
 - Working method statements for protected/priority species, such as nesting birds and reptiles.
 - Mitigation strategies already agreed with the local planning authority prior to determination, such as for GCN; this should comprise the preconstruction/construction related elements of strategies only.

- **Work schedules for activities with specific timing requirements in order 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 in relation to species and/or habitats.**
- **Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- **Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence**

Development shall be carried out in strict accordance with the approved CEMP.

There shall be no burning undertaken on site at any time.

The construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and 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.

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

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

- 6. 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.

- 7. No development shall commence until the applicant has**
 - i. provided detailed calculations which demonstrates the post-development discharge rate achieves the required 20% betterment on greenfield rates for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. The applicant proposes to use a flow control device, these can limit the discharge rate to 1l/s with appropriate maintenance. The applicant must outline the locations of the three catchment areas as per table 6-3 within the FRA with detailed drawing and calculations for each catchment area.**
 - ii. provide detailed drawing and calculations of each proposed rain garden; and**
 - iii. confirmed the outfall point from the attenuation crate system and the proposed connection point into the surface water sewer to the Local Planning Authority and the Local planning Authority has approved the details in writing. The development shall be undertaken in accordance with these approved details.**

REASON: To ensure adequate drainage of the site.

- 8. The development hereby approved shall not be brought into first use until the access improvements, including the pedestrian crossing on Snowberry Lane, all as generally shown on RGP drawing 'Proposed Access Arrangements' 2022/6804/002 Rev P6, have been completed in accordance with the approved details.**

Reason: In the interests of highway safety.

- 9. No development shall commence until details of the number, design and locations of bird and bat boxes shall be submitted to the local authority for approval. These details should be clearly shown on a siteplan/elevations drawing. The approved details shall be implemented before occupation of the final works.**

REASON: In the interests of biodiversity on site

- 10. No part of the development hereby permitted shall be first brought into use until the turning area & parking spaces [27] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.**

Reason: In the interests of highway safety.

- 11. No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.**

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

- 12. No development shall commence above ground slab level until a scheme for the provision of at least one 'rapid charging' point in an accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The rapid charging point shall be installed and be ready for use prior to the first occupation of the approved development. The rapid charging point shall thereafter be retained and shall remain operational at all times (other than when under-going reasonable maintenance).**

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 13. Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone XX in the ILP document "Guidance Notes**

for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 in the ILP document “Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals. . The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

14. The development will be carried out in strict accordance with the following documents:

- Briefing Note: Ecology Response. December 2023. Ecology Solutions

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

15. No development shall commence above ground slab level until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP will include long term BNG objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The HMMP shall also include details of the legal and funding mechanism(s) by which longterm implementation of the plan will be secured. The HMMP 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.

INFORMATIVES:

The developer/applicant will be expected to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of

the highway/access works hereby approved. Submissions should be made to highwaysdevelopment@wiltshire.gov.uk with an anticipated approval time of 6-12 weeks.

GCN

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

Bats

There is a low risk that bats may be encountered at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year.

Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Batline through the internet.

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Public Participation

There was no public participation for this item.

Richard Hughes, Development Management Team Leader presented the report and provided an update on changes occurring following publication of the revised NPPF in December 2023 that may have a material impact on this planning application. The Committee were asked to consider the recommendation that the application still be granted planning permission subject to completion of the legal agreement.

Members of the Committee did not ask any technical questions of officers, there were no members of the public in attendance to address the Committee, and the Unitary Division Member for Trowbridge Central, Cllr Stewart Palmen moved a motion to continue to support the Committee's previous decision as detailed in the report. This was seconded by Cllr Ernie Clark, and it was then,

Resolved:

That the Head of Development Management continues to be authorised to grant planning permission and listed building consent, subject to first 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.

Planning Obligations

- **Securing a review of the viability of the scheme prior to occupation of the 200th dwelling**
- **Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.**
- **The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.**

Full and Outline Planning Conditions

1. **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or, where relevant, 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. With regard to those elements of the application in outline form, no development shall commence on those parts of the site until details of the following (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 in part 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan

- Dwg Ref: 1249.2.IMW.03 Inox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Inox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Inox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation

The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

5. Those elements of the application subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Innox Mills Design and Access Statement (August 2021)
Dwg Ref: 1249.P001 Illustrative Masterplan

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

6. The development hereby permitted shall make provision for the following:

- a. Up to 255 dwellings;
- b. Up to 4078 sqm of commercial space;
- c. Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001) and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and

approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

8. Prior to any phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.**

REASON To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.**

REASON To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11. Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.**

REASON To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12. No development shall commence until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.**

REASON It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 13. No development shall commence until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.**

REASON To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 14. No development approved by this permission shall be commenced until plans and cross-sections, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35%**

climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.

REASON To reduce the risk of flooding to people and property.

15. There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or reprofiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

16. No development approved by this permission shall be commenced until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

REASON To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year
- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on swx.sp@environment-agency.gov.uk to arrange contact.

17. The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

18. The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

19. As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

20. The development hereby approved shall not commence 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:

- i. An introduction consisting of a 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 to contact including telephone number;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust 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. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;**
- x. Details of how surface water quantity and quality will be managed throughout construction;**
- xi. Details of the safeguarding measures to deal with the following pollution risks:**
 - the use of plant and machinery**

- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

xii. Details of safeguarding measures to highway safety to include:

- A Traffic Management Plan (including signage drawing(s))
- Routing Plan and vehicle log and means to submit log to the Highway Authority upon request
- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/translocation along Firs Hill A361.
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
- Work schedules for activities with specific timing requirements in order 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.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and 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.

INFORMATIVE: PRE CONDITION SURVEY

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 21. Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.**

REASON: To protect the ecology on the site.

- 22. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. 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.

23. No external lighting shall be installed on 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 will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

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

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

24. Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

25. The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable:

- prior to occupation of the 50th dwelling for Innox Place
- prior to occupation of the 100th dwelling for the Brewery
- prior to occupation of the 150th dwelling for the Dye House
- prior to occupation of the 200th Dwelling for Innox Mills

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

- 26.** No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) above ground floor slab level until details and samples of the new materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 27.** No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 28.** No development shall commence on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

- 29.** No new signage or wayfinding shall be erected on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) until details have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

30. No development on each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf) along with 'Trees in the Townscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

31. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:

- a. the first occupation of the building(s) of a particular phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
- b. the completion of each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

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 for each phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that phase 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 in the interest of visual amenity and the character and appearance of the area.

32. Prior to the commencement of development, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

33. No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

- 34.** With regards to those elements of the application in full form, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlaid onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

- 35.** With regards to the elements of the application proposed in full form, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

- 36.** Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XXDR-C-5050-P5), no development shall commence until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

- 37.** Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and

approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeq) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as a LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

38. Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ “Control of odour and noise from commercial kitchen exhaust systems” Guidance (Gibson, 2018).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at

least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

39. Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

40. Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

41. No development shall commence on site until an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential Development (May 2017 or later versions)) to achieve the following noise limits:

- a. bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{max,F} of 45dB
- b. living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c. external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as

detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE:

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

42. Notwithstanding the submitted details, no works shall commence on site until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

REASON: To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

43. Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

44. Prior to commencement of works a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

45. Notwithstanding the submitted detail, no works shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

46. Prior to commencement of development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

47. Prior to first occupation of the first residential dwelling, a Residential Travel Plan, in broad compliance with the Framework

Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 48. Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.**

REASON: In the interests of road safety and reducing vehicular traffic to the development.

Listed Building Consent Conditions

- 1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:**

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002
- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations
- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations
- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

30 **18/10035/OUT: Land South of Church Lane, Upper Studley, Trowbridge**

Richard Hughes, Development Management Team Leader presented the report and provided an update on changes occurring following publication of the revised NPPF in December 2023 that may have a material impact on this planning application. The Committee were asked to consider the recommendation that the application still be granted planning permission subject to completion of the legal agreement. The Committee were also informed of an additional letter of representation which raised issues about two listed buildings adjacent to the development site. The Development Management Team Leader explained that this issue had been dealt with previously with other representations.

The Chairman read a statement provided by Cllr David Vigar, Unitary Division Member for Trowbridge Grove, who was unable to attend the meeting.

Members of the Committee did not ask any technical questions of officers, there were no members of the public in attendance to address the Committee, Cllr Stewart Palmen moved a motion to continue to support the Committee's previous decision as detailed in the report. This was seconded by Cllr Carole King, and it was then,

Resolved:

That the Head of Development Management continues to be authorised to grant planning permission, subject to first 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 – at 30%**
- **Education – Requirement to be confirmed at reserved matters. Based upon up to 55 homes as follows:**

**£122,654 for early years,
£300,128 for primary and
£252,340 for secondary.**

- **The formulae for re-calculations at Reserved Matters are as per the Education S106 Methodology.**
- **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 – to be confirmed at Reserved Matters stage based upon:**
 - **1 dwelling = 34.93m² public open space and 1.77m² equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.**
 - **If, once calculated, the requirement does not meet the minimum for a LEAP (400m²) that Trim Trails are proposed instead of a LAP (100m²) if required.**
 - **A sports contribution calculated at £236.00 per dwelling is required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrook Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.**

- **Ecology**
 - **£777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.**
 - **Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.**
 - **Provision and management of off-site Biodiversity Provision into perpetuity.**

Off-site Biodiversity Provision must be described as Floodplain wetland mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.

- **Highways - £40,949 for sustainable transport as follows:**
 - **A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.**
 - **Bus stop shelter – Whiterow Park - £12,571**
 - **Church Lane works – pedestrian/cycle improvements - £10,000**
 - **Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)**
 - **Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to**

Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)

- Waste - £5,005
- Arts contribution is 55 x £300 = £16,500:

CONDITIONS

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

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

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

4. No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical phases for the entire development. Where relevant these phases shall form the basis for the reserved matters applications. Each phase shall include within it defined areas and quantities of housing and infrastructure relevant to the phase. No

more than 50% of the houses (or no more than a meaningful percentage of houses to be first agreed in writing by the local planning authority) to be built in any particular phase shall be first occupied until the infrastructure relevant to the phase has been completed.

The development shall be carried out strictly in accordance with the approved Phasing Plan.

REASON: To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the development has made necessary, in accordance with the overall proposal and good planning in general.

5. The development hereby permitted shall make provision for the following –

- i. Up to 55 dwellings
- ii. At least 3.12 ha of public open space, including the Ecology Corridor and the Lambrok Stream Ecology Corridor

The ‘layout of the development’ (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the ‘Concept Masterplan’ (JPW1108-004 Rev C) dated Mar 2022, the ‘Parameter Plan’ (JPW1108-003 Rev K) dated Jan 2022, the ‘Parameter Plan Notes’ (JPW1108-003 Rev I 210930), the ‘Habitat Creation and Management Plan’ (JPW1108-005) dated Jan 2022, the ‘Conceptual Drainage Strategy’ (DO1 Rev A) dated 29/09/2021, the ‘Pond Cross Sections’ (DO2 Rev A) dated 29/09/2021, and the Design and Access Statement dated 17/10/2018.

REASON: To clarify the terms of the planning permission and to ensure the creation of a sustainable development, in accordance with the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan.

6. The ‘means of access’ to the site shall be provided in accordance with the details shown in drawing no. JNY9623-01 Rev B (‘Proposed Access from Frome Road Visibility Splays’) dated 01/08/2018.

REASON: To clarify the terms of the planning permission.

7. Prior to the commencement of development details of a Surface Water Mitigation Scheme in accordance with the principles set out in the Flood Risk Assessment (RPS for Parry-Land off Church Lane, Upper Studley, Trowbridge, BA14 0HS, October 2018, Ref: RCEF65635-002R and RPS, RE: EA’S response to FRA supporting planning application Land South of Church Lane, Upper Studley, Trowbridge, Ref:RCEF65635-0035L, 4 July 2019) shall be submitted to and approved in writing by the local planning authority. The

Scheme shall include the location and size of the proposed attenuation pond, with allowable discharge rate set at 4.9 l/s. Any requirements for compensatory storage must also be specified. The development shall be carried out in accordance with the Flood Risk Assessment and the approved Surface Water Mitigation Scheme, and in addition there shall be –

- no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change; and**
- The mitigation measures specified in the FRA and the Surface Water Mitigation Scheme shall be fully implemented prior to any first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the Surface Water Mitigation Scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

REASON: to ensure that the development does not increase flood risk.

- 8. Prior to the commencement of development details of a groundwater levels allowing for seasonal variations and groundwater assessment must be submitted to the Local Planning Authority for agreement in writing. The agreed details shall then be used to inform the Surface Water Mitigation Scheme referred to in condition 7.**

REASON: to ensure that the development does not increase flood risk.

- 9. The development hereby approved shall not commence 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:**

- i. An introduction consisting of a 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 to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust 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. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
 - the use of plant and machinery
 - wheel washing and vehicle wash-down and disposal of resultant dirty water
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
 - A Traffic Management Plan (including signage drawing(s))
 - Routing Plan
 - Details of temporary/permanent Traffic Regulation Orders
 - pre-condition photo survey - Highway dilapidation survey
 - Number (daily/weekly) and size of delivery vehicles.
 - Number of staff vehicle movements
- xiii. In addition, the Plan shall provide details of the ecological avoidance mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
 - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
 - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.

- Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
- Work schedules for activities with specific timing requirements in order 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.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and 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.

10. No development shall commence on site until a Construction Management Plan for Drainage (CMPfD) detailing drainage arrangements during the construction stage has been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be constructed in strict accordance with the approved CMPfD.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others during construction works.

11. 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 shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

INFORMATIVE

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

12. Prior to commencement of development a foul drainage strategy/programme shall be submitted to the local planning authority for approval in writing setting out any capacity works to be provided by the sewerage undertaker. The development shall be carried out in accordance with the approved strategy/programme.

REASON: To ensure adequate foul drainage systems are available for the development.

13. The detailed designs of the houses shall make provision for a minimum of 55 integrated swift nest bricks in north, west and/or east elevations.

REASON: Provision of integrated swift bricks in the development will contribute towards demonstrating compliance with government policies and guidance as the new dwellings can themselves be an important biodiversity enhancer by providing a new habitat in a 'Built Environment' that previously did not exist.

14. No part of the development hereby permitted shall be first occupied until full details, including relating to phasing/timescales for provision, of the pedestrian and cycle links to be provided between the site and Acorn Meadow, Church Lane and Southwick Country Park, have been submitted to and approved in writing by the LPA. The said links shall thereafter be provided in accordance with the approved details/timescales and maintained in perpetuity thereafter.

REASON: To ensure that adequate pedestrian/cycle links are provided to the site.

15. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting,

Semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- **A phasing plan demonstrating the timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.**
- **A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided.**
- **A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**
- **Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.**

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.

16. In accordance with condition no. 2, no development within any Phase of the development hereby approved shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- **location and current canopy spread of all existing trees and hedgerows on the land;**
- **full details of any to be retained, together with measures for their protection in the course of development;**
- **a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- **finished levels and contours;**
- **means of enclosure;**
- **minor artefacts and structures (e.g. signs, etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).**

The scheme shall be informed by the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

All soft landscaping comprised in the approved details of landscaping for any particular Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or the completion of the Phase 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 and in the interests of wildlife.

17. No external lighting shall be installed on 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 will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

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.

31 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 2.30 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services,
e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email
communications@wiltshire.gov.uk

This page is intentionally left blank

**Wiltshire Council
Strategic Planning Committee
4th June 2024**

Planning Appeals Received between 05/04/2024 and 21/05/2024 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/05221	Clackhill Yard, Bradenstoke, Wiltshire, SN14 4ES	Lyneham and Bradenstoke	Change of use of land to private Gypsy / Traveller site and associated works	SPC	Hearing	Approve with Conditions	09//04/2024	Yes

There are no Planning Appeals Decided between 05/04/2024 and 21/05/2024 relating to Decisions made at Strategic Committee.

This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	4 June 2024
Application Number	PL/2023/06976
Site Address	Land at Verbena Court, Melksham, SN12 7GG
Proposal	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.
Applicant	Frontier Estates (San) Ltd
Town/Parish Council	Melksham CP
Electoral Division	Melksham (Cllr Sankey)
Grid Ref	392150, 163692
Type of application	Full Planning
Case Officer	Gen Collins

Reason for the application being considered by Committee.

The application is brought before the Strategic Planning Committee at the request of Councillor Sankey on the basis of the scale of development and that Melksham and Bradford on Avon Primary Care Network voicing concern over a drain on their resources.

1. Purpose of Report

The purpose of the 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 be approved.

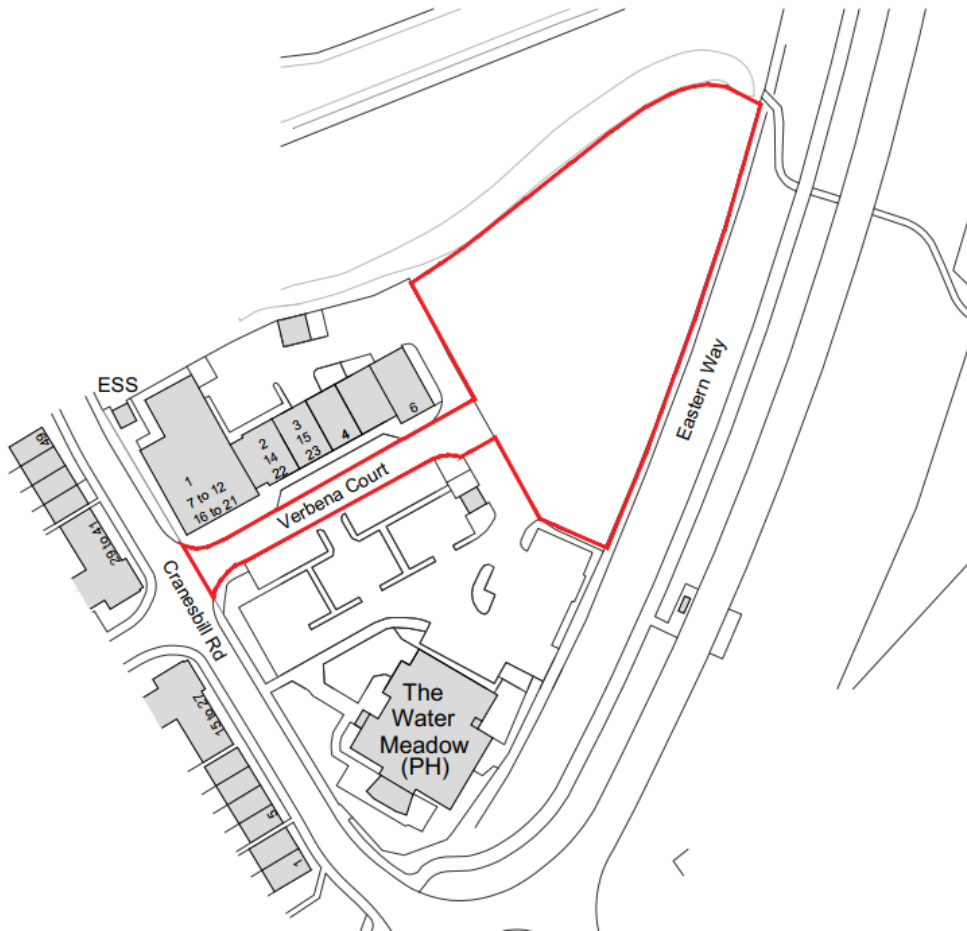
2. Report Summary

The main issues to be considered are:

- Principle of development
- Design and Visual Amenity
- Residential Amenity
- Ecology
- Highway Matters – including road safety / parking provision.
- Drainage
- S.106

The application has generated an objection from Melksham Town Parish Council within whose area the application site sits and Melksham Without Parish Council whose boundary abuts the site. In addition, 4 representations objecting to the proposal have been received from third parties.

3. Site Description



The application site is approximately 0.4 ha in area and comprises a triangular area of vacant grassland outside the defined settlement limits for Melksham.

The land parcel however forms a part of an urban extension to Melksham to which outline application 04/01895/OUTES refers for the comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road. The above application was followed up by an approved reserved matters application W/09/03109/REM – which has largely been built out.

Latterly, application PL/2023/03797 was approved by the Council to modify a redundant obligation set out within the original s106 for the above outline application pursuant to removing a requirement (contained with Clauses 8.1.1-8.1.5) to provide a Primary Healthcare facility and a recycling facility on the site.

In full recognition that the modification application was subject to significant local interest, it is worth recording here that the modification was approved on the following basis:

A formal written Statement was received from the Melksham and Bradford on Avon Primary Care Network confirming that there is no need for a Primary Healthcare facility on

this site, and this is the projected position within the next five years. The evidence indicates that the Spa and Gifford surgeries already make provision, and it has been argued that any future new primary healthcare facilities would be better provided on the other side of town.

The LPA has had no sight of any evidence to substantively contradict this position and there is nothing to suggest that this evidence cannot and should not be taken in good faith, therefore in the absence of any evidence to the contrary, it is considered reasonable to conclude that a Primary Healthcare facility is no longer required on this site.

The matter is no longer open for Council determination, and it would be Ultra Vires and unreasonable to apply any material weight to the former s106 obligation and an on-site primary healthcare facility pursuant to this current planning proposal.



As clearly illustrated on the previous inserts and those that follow, the site is sandwiched between existing forms of development to the west of the Eastern Way bypass/Relied Road that was constructed as part of the 2008 consented outline application.

The following insert reveals the site location in relation to the bypass and existing development. In plan terms it sits outside the settlement framework, however it is not an isolated site in relation to the recent expansion of the town.



Melksham Town Centre is located 1.7km to the west and is defined as a Market Town for the purposes of CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy.

Members are also advised that officers within the planning team have held discussions about the site having a strong case to be considered for future inclusion within the settlement development limits through the next settlement boundary review.



To the west of the site is the Cranesbill Road Local Centre (Verbena Court). This comprises retail units with residential dwellings above and The Water Meadow public house. There is also a single storey substation and car parking.

To the north is an area of public open space which serves the wider residential area and an existing brook. Beyond this is established residential housing along Snarlton Lane.

As notated above, the Forest and Sandridge Primary School is located to the northwest resulting in the application site being surrounded by housing, shops, a public house, a school and highway infrastructure.

The site is predominantly located within Flood Zone 1 with flood zones 2 and 3 to the north of the site. The Council's Strategic Flood Risk Assessment shows evidence of surface water and ground water flood risk on the northern boundary of the site.

Vehicular access would be provided off Cranesbill Road through Verbena Court which serves the local centre and would lead to a car park of 24 spaces incorporating 1 electric vehicle charging space, 2 accessible spaces and 1 emergency bay.

There are no public rights of way through the application site – with the land having low agricultural land / soil quality. There are no sensitive landscape or ecological designations on the site; and there are no heritage assets on, or within close proximity of the site.



The views from Cranesbill Road along Verbena Court. The site is beyond the carpark and shops



The view from the roundabout on Eastern Way with the pub and application site.



The site viewed from eastern Way from the southern corner.



The site viewed from the east on Eastern Way



The view of the northern corner from Eastern Way with the pub and Local Centre in the background.

4. Planning History

There is a lot of planning history for the site with numerous permissions granted for the major residential extension of Melksham. The key applications are set out below:

Reference	Description	Decision
04/01895/OUTES	Outline application for mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities including a local centre, primary school, recreation facilities and a distributor road.	Approved with conditions
W/10/01964/OUT	Outline application for 307 dwellings with all matters reserved	Approved with conditions
W/13/00489/REM	Construction of a new dual-use two form entry primary school with associated access and landscaping.	Approved with conditions
PL/2023/03797	Modification of planning obligations within the S106 agreement for 04/01895/OUTES relating to the local centre	Approved with conditions

Following the reserved matters approval for the school in 2013, a modification to the original s.106 removed the requirement for the local centre to provide a community facility at the local centre because it was agreed that the school as a dual use school could provide community facilities on the school site.

The 2023 referenced application is of particular interest to note because following consultations with the Primary Care Network and the Council's Waste and Recycling Team, the 2008 imposed obligations binding the urban extension housing scheme for the local centre to provide a healthcare facility and recycling centre were removed on the grounds that there was no longer a substantive need.

It is also worthwhile referencing a recently allowed appeal in Melksham on land at Western Way as cited below.

Reference	Description	Decision
PL/2022/08504	Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70-bed care home (Class C2) with associated access, landscaping and open space	Approved at appeal with conditions 27.04.23

The following application on land at Long Leaze Lane is also a material consideration because the officer recommendation to grant permission subject to a s106 was endorsed by members of the Strategic Planning Committee at the meeting of 17 April 2024.

Reference	Description	Decision
PL/2023/06725	Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Long Leaze Lane/Snowberry Lane junction.	Approved by Committee; pending s.106

5. The Proposal

This is an application seeking full planning permission for the construction of a 71-bed care home for mixed levels of care (comprising residential, nursing and specialist dementia) and associated infrastructure with vehicular access being gained off Snowberry Lane with associated on-site parking, landscaping and drainage provision.

The proposed site plan, elevations, context plan and landscaping plans are shown below.



10/17



North-West Elevation



North-East Elevation



South-West Elevation



South-East Elevation





6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP15– Melksham Community Area
- CP41- Sustainable Construction Techniques and Low Carbon.
- CP43- Providing Affordable Homes.
- CP45 – Meeting Wiltshire’s Housing Needs
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people.
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport

- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy WCS6 (Waste Audit)

Joint Melksham Neighbourhood Plan 2020 -2026 Made July 2021

Emerging Melksham Neighbourhood Plan 2 2020 -2038 (Draft)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

Other WC Policy and guidance

The Wiltshire Waste Core Strategy (adopted 2009) Policy WCS6 - Waste Reduction and Auditing
The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy

National Policy and Guidance

National Planning Policy Framework (NPPF) & Planning Practice Guidance (PPG)

In particular:

Chapter 8 – promoting healthy and safe communities.

Chapter 11- making effective use of land.

Chapter 12- achieving well-designed places.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021) and the Wiltshire Design Guide

Manual for Streets 2

7. Summary of consultation responses

Melksham Parish Council – Objects as follows:

The Town Council had concerns over the size and scale of the build compared to the size of the site, parking, access and transport links. The committee also noted the lack of comment on planting and the lack of green space. The committee felt that the issue of scale and size would negate any benefit of planting in any event. The committee acknowledged the need for care places but felt this was not an appropriate site.

Policy 6: Housing in Defined Settlements of our reviewed Draft Neighbourhood Plan (NHP#2), states as follows:

Proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport.

Melksham Without Parish Council – Objection

Principle objection – Lack of genuine need for 3 care homes in Melksham

Not enough information has been provided on net zero climate provision for the site.

This site has been previously earmarked for a community centre which is the parish council's preferred use of this land.

Concerns raised about Highway safety and parking, design and overdevelopment of the site, lack of amenity space for residents, impact on healthcare facilities.

Referred to Policy 6 Housing in Defined Settlements in Emerging Joint Melksham Neighbourhood Plan 2020-2038 which requires proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport. having to be in sustainable locations.

Wiltshire Council Adult Social Care - No objection on the basis that the applicant's data could not be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different. There is a growing and definite need for residential and nursing care for people living with dementia. This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.

Wiltshire Assistant County Archaeologist – no objection based on previous surveys.

Dorset & Wiltshire Fire and Rescue Service – no objection subject to building regulations

Climate Team – happy to see some inclusion of renewable energy technology and sustainable practice however would like to see more sustainability. A Sustainability Statement was produced following these comments and additional low carbon technology and sustainable features were included as part of the design evolution process.

Urban Design - no objection but would request further soft landscaping details of a more cottage garden style and would like bifold doors on day room not fixed glazing to prevent overheating.

WC Lead Local Flood Authority – support the application, subject to conditions requiring finished floor levels to be set, modelling of the ditch and calculations and over exceedance routes to be provided.

Wiltshire Council Affordable Housing – no objection and no requirement for AH because the proposal falls under C2 use and, from the information submitted by the applicant, that bedrooms with en-suites are being proposed rather than self-contained/independent apartments.

Wiltshire Council Highways – no objection, subject to conditions for visibility splay details prior to works commencing and motor vehicle and cycle parking spaces including an EV point to be provided prior to occupation.

Wiltshire Council Landscape Officer - No objection subject to a planting plan and maintenance plan be secured by condition prior to commencement of works.

Wiltshire Council Arboricultural Officer - No objection subject to condition requiring compliance with submitted documents.

Wiltshire Council Public Protection – no objection, subject to condition requiring CEMP, lighting plan and AQA prior to commencement.

Wiltshire Council Ecology – no objection, subject to conditions.

On review of all the relevant documentation, no ecological objections to the scheme subject to:

- conditions to cover the following:
- no external lighting without prior approval
- Submission of a Construction and Environmental Management Plan (CEMP)
- Submission of a Landscape and Ecology Management Plan (LEMP)
- Details of the number, design and locations of bird and bat boxes

The full response to all the matters considered by the WC Ecologist is available to view on the on-line application file.

NHS – No objection subject to contribution of £32,090 towards the capital cost of delivering additional primary care floorspace required to serve residents of the new development.

Salisbury & Wilton Swifts – No objection but request bird nesting bricks to be included.

Wessex Water – no objection

Waste and Recycling – Non-residential premises will require suitable storage space for waste containers that is accessible to an RCV. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Any tracking provided should show that the RCV can access the storage point or a designated collection point.

The information in Table 5 & 6 of paragraph 6 in the guidance should allow developers to design adequate storage for waste containment; paragraph 5.7 covers care accommodation.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press. There have been a series of amendments to the application which were advertised by way of neighbour notification letters and the application has been fully reconsulted on.

4 representations objecting to the proposal have been received from third parties over the course of both consultations. The concerns raised are summarised below –

- A community centre is needed not a care home when there are already plans for another one.
- Resident agreed to the original plans for a community space and doctors' surgery and is dismayed to hear of this removal. We need community spaces that can be used any time of day by all residents.
- The school is not a suitable alternative to a community centre.

- There is good access and car parking.
- Lack of parking leading to highway safety issues.
- The proposal at three storeys in height would impact on privacy of Snarlton Lane residents by overlooking private gardens, intervisibility and resulting in an overbearing impact.
- Noise and disturbance of people and vehicles coming and going.
- Everybody living on the East side of Melksham should be made aware that the plan for the community centre is being scrapped to make way for a care home.

9. Planning Considerations & Assessment

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.

9.1 Principle of Development

Wiltshire Core Strategy 'Spatial Strategy'

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). The WCS sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. Following the relatively recent changes to the NPPF on 20 December 2023, Wiltshire Council considers that it can now demonstrate a sufficient 4-year housing land supply, and as a result the development plan is considered robust with the main delivery and settlement strategy policies carrying substantial weight.

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Westbury is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development.

Melksham and Bowerhill, where this site is located, is defined in Core Policies 1 and 15 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 15 sets out the Council's sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Melksham Community Area. Paragraph 5.82 of the supporting text to policy CP15 of the WCS outlines that the strategy for Melksham will be to ensure an appropriate and balanced mix of housing and employment growth is managed to provide contributions to the town centre improvement and delivery of enhanced services in the town and service provision, along with residential development as part of sustainable growth.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Melksham

– and further states that housing should not be permitted outside the limits except in the few circumstances explained at supporting paragraph 4.25.

Paragraph 4.25 confirms that one of these exception policies is specialist accommodation provision to meet the needs of Wiltshire’s vulnerable and older people to be assessed under Core Policy 46.

Core Policy 46 of the WCS specifically seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of specialist accommodation, including residential, nursing and extra-care accommodation and facilities.

Whilst it is fully recognised that the application site is located outside the currently established settlement limits, the site is surrounded by various forms of development and in no way appears as an open countryside location. The Eastern Way bypass/relief road serves as a very clear eastern edge to the expanded town and the site is considered a sustainable site for this type of development as a consequence. The determination of the application should be based on the established context, which deserves significant weight.

Notwithstanding the above, WCS Core Policy 46 supports the provision of new accommodation to meet the needs of Wiltshire’s older people outside, but adjacent to, Market Towns, in exceptional circumstances, subject to certain criteria being met.

These criteria include:

- a genuine, and evidenced, need is justified
- environmental and landscape considerations will not be compromised
- facilities and services are accessible from the site
- its scale and type are appropriate to the nature of the settlement and will respect the character and setting of that settlement.

CP46 criteria 1. that a genuine and evidenced need is justified

WCS CP15 does not identify requirements or priorities for the provision for accommodation for the elderly or those in need of care in this respect. Furthermore, the Melksham Neighbourhood Plan contains no evidence for / or details assessing local identified need for C2 care homes.

Detailed needs assessments have been provided in support of the application both at submission stage and in a more recent update dated December 2023 produced by Christie & Co. These contain data assessing the current need for a new care home. The catchment area for the assessment was set at 5km from Melksham and considers all endorsed/consented planning applications/appeals proposing other care homes within the same catchment area.

The submitted Addendum to the Desktop Market Analysis provides an updated care need position following the approval of the Land to the South of Western Way scheme at appeal in November 2023. Whilst this is an update, the original Desktop Market Analysis prepared by Christie & Co and dated June 2023 as previously submitted with this planning application remains relevant.

This Addendum indicates that there is sufficient need for the following schemes which would result in a total of 227 EMC (Effective Market Capacity) / market standard care beds being added to the supply within the 5km catchment area:

- Land at Verbena Court (pending determination) – 71 bedrooms.
- Land at Long Leaze Lane (pending determination) – 86 bedrooms.
- Land to the South of Western Way (allowed at appeal) – 70 bedrooms.

The needs assessment addendum states that there would continue to be a residual shortfall in the short to mid-term. Even if the above cited two other care homes are implemented, they may take several years to be ready for occupation, or they may not be implemented at all - noting here that an endorsement to approve or the grant of permission does not manifest as delivered accommodation.

The needs assessment indicates that with the full delivery of the three above listed care home schemes, there would be substantive future proofing of the care home market for the Melksham area going forward. Looking beyond 2026 and up to 2033 the supply figure as reported below reveals that supply is predicted to “remain below the optimum 50-bed mark either side of the bed demand figure”.

The table below is taken from Christie & Co’s December 2023 addendum report on market analysis which provides a breakdown of the care home bed demand and the balance of care home provision up to 2033 for the 5km catchment area for Melksham. The analysis shows that there is a current shortfall of EMC/Market Standard beds which will change to a market level/equilibrium level of supply by 2026 if/when this scheme is approved and built out (in the next year or so) along with the delivery of the two other care home schemes cited on the previous page.

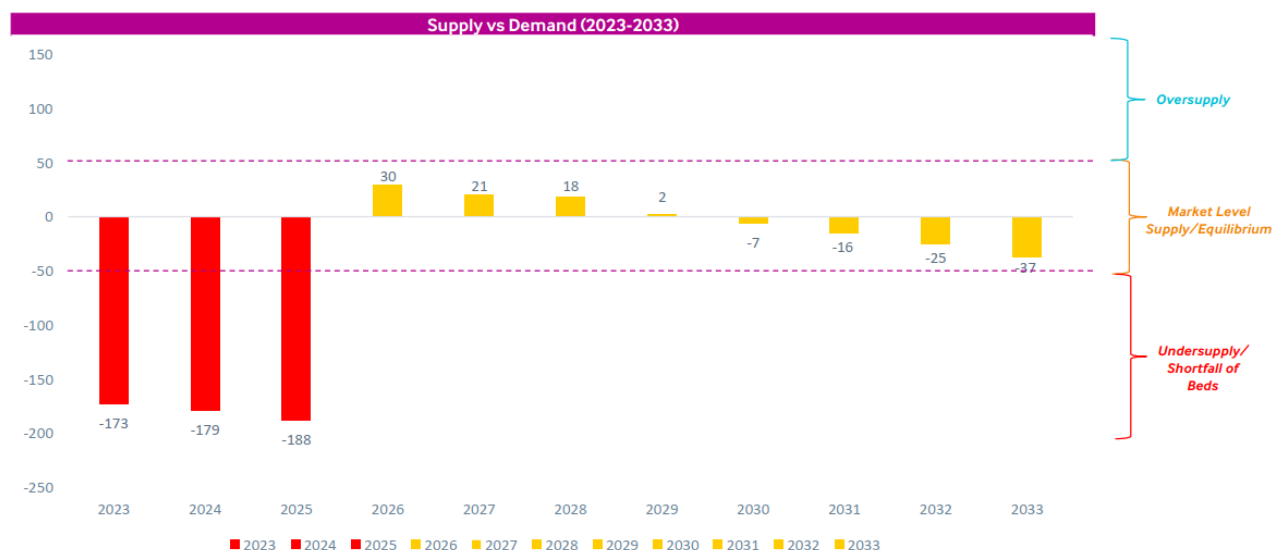
Year	Bed Demand	Existing EMC/Market Standard Beds	Incoming Supply	EMC/Market Standard Beds	
2023	258	85		-173	Oversupply
2024	264	85		-179	
2025	273	85		-188	
2026	282	312	227	30	Market Level/Equilibrium
2027	291	312		21	
2028	294	312		18	Undersupply
2029	310	312		2	
2030	319	312		-7	
2031	328	312		-16	
2032	337	312		-25	
2033	349	312		-37	

Incoming Supply*	
Development Name	Proposed Beds
Frontier Estates Development	71
Aspire Development	86
Hallam Land Development	70
Total Beds	227

*Accounted for from 2026

Supply vs Demand

Our analysis shows that accounting for three new developments in 2026, there will be an equilibrium of market standard beds within the catchment area, whereby there will be sufficient future proof care home beds to meet demand going forward



The Assessment indicates that there is a quantifiable need for a new high quality care home at this location.

The supply figures are accepted and are reasonably easy to check. The demand assessment has been based on the most recent Census data available and includes details regarding the basis and methodology of population growth estimates including where possible, information relating to in and out-migration.

It is accepted that the population in the surrounding area in the elderly age range is growing with more frequent dementia diagnoses, and there is clearly a limited amount of existing care home supply that meets the required needs for caring for elderly people with specialist care needs.

The needs assessment states that reaching the market level / equilibrium does not mean that there would be an oversupply, but instead that the market would be considered stable and that the care homes would be more comfortable to being able to satisfy demand. However given the sensitivities of providing the necessary care facilities, it is considered prudent to plan for the projected increased demand, adopt a forward planning approach to future proofing the local care home market and to plan now for the projected demand as well as being mindful that these establishments must satisfy the 2014 Care Act, to meet the needs and aspirations of our communities.

Based on the data available this proposal would not likely result in an oversupply, and indeed, as commercial operators, the applicants are very confident that there is a local need and if they were not convinced of the ability to fill such beds, they would not still be seeking planning permission.

The Councils Adult Social Care team were consulted on this application, and they have confirmed they agree with the data source and consider the assessments to be reliable and accurate. Indeed, it is worthwhile reporting that the data source used by the applicant's is the same as the Council.

The Adult Social Care team have furthermore confirmed that the Council's data shows:

“Our 65+ population currently represents just over a fifth of Wiltshire’s population, but by 2040 this age group will make up nearly a third of the total population. The increases expected to be seen in Wiltshire in both the 65+ and 85+ age groups are higher than the expected increases in the South-West and England.

By 2040 in Wiltshire the 65+ population is expected to have increased by 43%. The 85+ population is expected to have increased by 87%. The ageing population in Wiltshire and particularly the 87% increase by 2040 in the size of the 85+ population will bring opportunities and challenges for the delivery of services in the county.”

These figures are based on Wiltshire Council's own data in relation to OS Census figures. As such it is clear to see that the requirement for care home beds across Wiltshire is not going to reduce but is likely to increase quite significantly over the next 15 years.

As a result, Adult Social Care are robust in arguing that:

“...the applicant’s data cannot be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different... There is a growing and definite need for residential and nursing care for people living with dementia.

This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.”

Officers therefore argue that the existing endorsed/permitted care homes in Melksham alone would not provide sufficient care home accommodation in the short-mid-term for both the local Melksham area and the wider County.

Accordingly, in the absence of any substantiated evidence to the contrary, it is accepted that the professional independent third-party data evidence provided by the applicant identifies a genuine need for the proposed care home and the Council’s own Adult Social Care team fully support this position.

CP46 criteria 2. The environment and landscape will not be compromised.

In terms of the above policy test, the Council’s landscape officer and ecology officers were consulted, and both raise no objection to the scheme. The detailed landscape and ecology assessments are set out within later parts of this report, but in terms of CP46, the above CP46 policy test has been fulfilled.

CP46 criteria 3. The facilities and services will be accessible.

The site's location is considered very sustainable from a planning perspective. The proximity to the Verbena Court Local Centre, to Eastern Way and the highway network and public transport options and to Melksham’s town centre with all its shopping options, services and amenities result in officers arguing the identified site and proposal fulfils the above CP46 test. The following insert reveals distances to various facilities.

Amenity	Name	Walking Distance (Metres)
ATM	Co-op Food	60m
Supermarket/Food Store	Co-op Food	60m
	Co-op Food	1600m
Restaurant/Café/Public House	Ocean's Traditional Fish and Chip	25m
	Water Meadow	120m
	Noble House Chinese Takeaway	30m
	The Pig and Whistle	2000m
Hospital	Melksham Community Hospital	1800m
Pharmacy	Gompels	1500m
Doctor's Surgery	St Damians	1900m
Place of Worship	St Andrew's Church	1800m

Above: Local facilities in the vicinity of the site

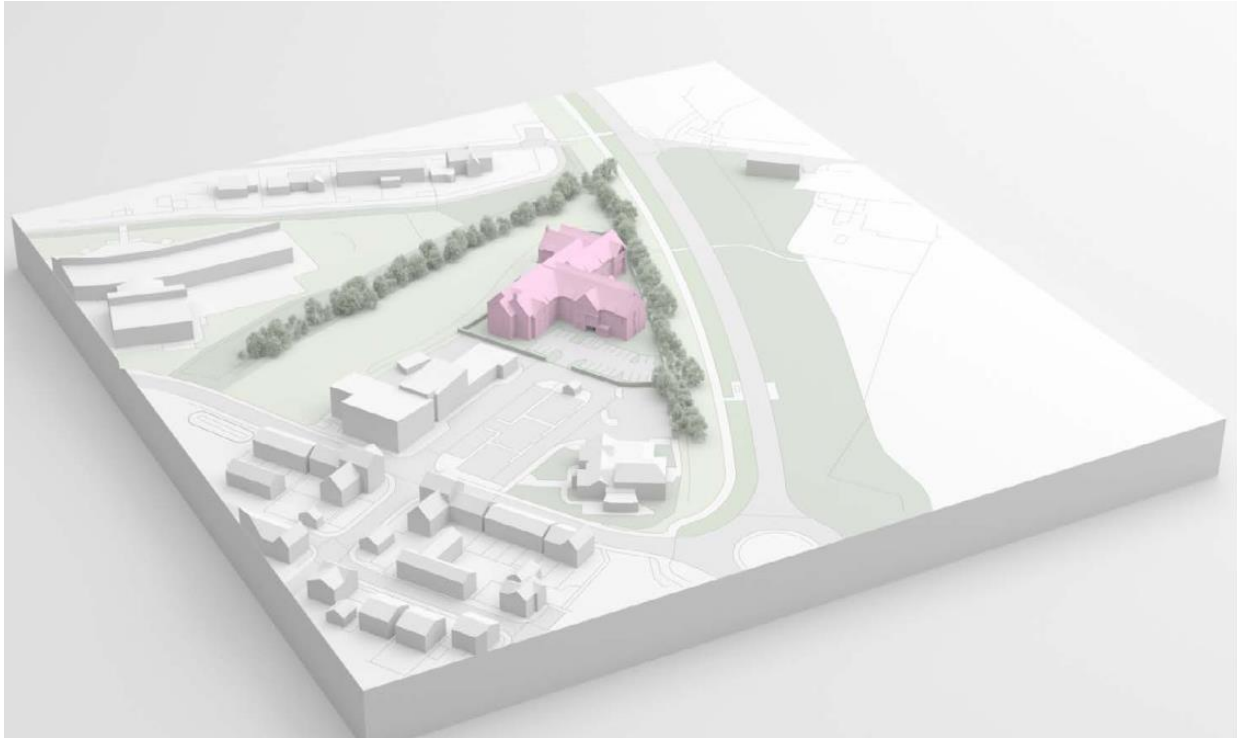
Bus Number	Operator	Bus Stop	Destination	First Bus (Weekday)	Last Bus (Weekday)	Weekday Peak Frequency	Saturday Frequency	Sunday Frequency
14	Frome Bus	Eastern Way (Cranesbill Road)	Melksham Asda	13:56	17:51	1 in PM Peak	1-2 per hour between 13:00 and 17:00	N/A
		Snowberry Lane	Melksham Asda	09:56	17:51	1 in PM Peak	0-2 per hour	N/A
15	Frome Bus	Eastern Way (Cranesbill Road)	Melksham Asda	10:19	12:19	2 per day	2 per day	N/A

Above: Public transport services in the vicinity of the site

Officers are also mindful that certain facilities and services would be provided on site, and it is important to appreciate that the Council's highways team raises no objection and considers the location to sustainable. Additional commentary on the highway considerations is set out later within this report.

CP46 criteria 4. The scale and type are appropriate to the nature of the settlement and will respect the character of that settlement.

The application site is located within an urban environment with various forms of development and building blocks with large footprints within relatively close proximity – namely the school, the local centre and public house. The local centre is 3 storeys, and the proposed development would be commensurate with the prevailing urban character. The following model was included within the applicant's Design and Access Statement, which is considered useful in terms of providing the local context and how the proposed development would assimilate well with its immediate surroundings in terms of massing and scale.



The proposal has been subject to negotiated amendments recommended by officers, and the finalised scheme is supported by officers in terms of the principle and the key tests set out within CP46. The development proposal still requires to be subject to a detailed assessment of the following technical considerations.

9.2 Landscape and Design

Landscape

Core Policy 51 of the adopted Wiltshire Core Strategy states “great weight will be afforded to conserving and enhancing landscapes and scenic beauty”.

The site is in an area of established urban form with no specific landscape sensitivities or designations. This proposal would be visible from the immediate locality but would be read in the context of the existing local centre, public house and the school. It would be set back from the main road and in the context of the major urban residential development locally, the proposal would have limited impact on the rural landscape. The Council’s landscape officer raises no concern to the scheme, who also concluded that the development would not result in landscape harm.



The proposal would not remove any trees and the application is supported by a tree survey and landscaping proposals with additional tree planting being part of the submitted scheme as illustrated above – which would deliver enhanced biodiversity gains for the site, with the verdant boundary being maintained along Eastern Way.

There are features that would benefit the residential care home occupants. In particular a small, raised bed area compatible with wheelchairs and fruit tree planting would provide outdoor interest to future residents along with a wheelchair accessible greenhouse, activity table and timber arches with sensory planting. Outdoor seating is also proposed for the patio areas and pergolas.

Detailed features as to the hard and soft landscaping can be addressed by way of condition prior to commencement of works above ground slab level and such a condition is recommended.

Design

Core Policy 57 requires 'a high standard of design in all new developments. Of particular relevance is paragraph (iii) which requires development to respond 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'.

The NPPF states at 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 states Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

WCS Core Policy 41 seeks to ensure that sustainable construction techniques and renewable energy are employed to enhance energy efficiencies and represent low carbon use in line with, and where possible, exceeding Building Regulations requirements.

Since the original submission the site plan and proposed plans have gone through various design iterations to address concerns regarding energy efficiency, sufficient parking, design and landscaping. The proposal would be 3-storeys with materials consisting of brick, render and grey concrete roof tiles.

The building is well articulated with a varied roof line. The position and good elevational design of the proposed building will have no unacceptable adverse impacts. The height of the building is considered to acceptable having regard to its context – as illustrated earlier on in this report.

The proposed building would sit comfortably within the plot with generous separation being maintained to the neighbouring dwellings with sufficient landscaped outdoor space.

The proposed care home would be set across 3-storeys internally with a 'T' shaped footprint. The proposed scale would accord with the scale of neighbouring 3-storey buildings within the local centre. Accommodation at second floor level is proposed partially within the roof space with dormer windows.

It would have an uncomplicated ridge with the roofscape articulated through the use of pitched

roof elements, dormer windows, gable features and projecting bays. The design avoids blank elevations, and an interesting and varied palette of materials is proposed including multi brickwork, white brickwork, grey cladding and natural slate reflecting the architectural proportions and materials of the immediate locality. The proposed care home is set on a masonry base with lighter render above. Gables comprise brick and render and vertical timber bays are proposed at the entrance providing visual interest.

The design approach is considered to respond to the residential character of the wider urban extension and would integrate well into the locality and townscape of the location.

In terms of functional design, the building has been designed specifically with dementia patients in mind following a dementia friendly approach so it will allow for easy navigation both inside and outside ensuring a safe environment.



① South-West Elevation
1:100



② South-East Elevation
1:100



Indicative CGI of how the proposal would look

The proposal would, through careful use of materials and architectural proportions, reflect the character of the locality and remain of a scale consistent with its use, function and location. It would integrate well into the locality and streetscene.

The Councils Urban Design Officer supports the proposal and raises no objection. A planning condition requiring details of high-quality materials prior to commencement of works for the care home extending beyond ground slab level is recommended.

Following discussions with the Councils climate team the application is now supported by a sustainability statement which confirms that the proposal has considered sustainability including:

- Solar Panels
- Air Source heat pumps
- Provision of cycle storage
- EV charging (1 provided with the ability to install up to 20 more if required in the future)
- Water efficiency
- Specific recycling and waste provision
- Travel Plan

Use of Passivhaus style design measures and low carbon renewable energy systems are now proposed, and the building has been designed to exceed Building Regulations requirements for energy efficient and preventing overheating.

Conditions requiring the provision of the solar panels, EV point, air source heat pump and cycle storage prior to first occupation are recommended.

On the basis of the above and subject to conditions, the proposed development is considered acceptable in terms of CP41 and CP57 of the WCS as well as provisions of the NPPF.

Heritage Impacts:

Chapter 16 of the NPPF titled 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 titled 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.*"

The site is not in a conservation area and has no heritage assets on site or in close proximity. In terms of archaeology, this site formed part of a larger area that was first investigated via a geophysical survey and an archaeological trial trench evaluation in 2004, which identified some areas of post-medieval industrial activity, areas that were further investigated via a series of open area excavations in 2010.

In recognition of the previous archaeology assessment, officers are satisfied that the scheme can advance without any further archaeological analysis, and in terms of heritage impacts, the proposed development satisfies CP58 of the WCS and the NPPF.

Residential Amenity

WCS Core Policy 57 states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having 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).

Having regard to neighbour amenity, matters relating to overlooking, privacy, light and overbearing have been carefully considered. Generous separation distances would be maintained which coupled with retained landscaping to the site boundaries would ensure that there would be no unacceptable loss of amenity to other residents.

The closest residential dwellings to the application site would be located above the retail units within the local centre to the west of the application site. No windows however face the proposed application site and there would be no loss of privacy, overlooking or overbearing impact on these occupiers.

Save for these flats, the nearest residential dwelling (394a Snarlton Lane) is located 63m away and sited at an oblique angle. As such it is considered at this distance and with the site context, there would be little to no inter-visibility or harmful overlooking /loss of amenity issues.

The proposal would be three storeys and would be some 13m to ridge level. The Council have reviewed the site using the online sun calculation and shadowing application which is a useful tool to test the path of the sun and the likely sun cast shadowing affects at different days and times of the year.

This indicates that at this height in the winter months, there would be some shadow cast over the school playing pitch in the early morning and that some shadows would be cast briefly over the local centre in the early morning in the summer months. This sun cast shadowing effects would

however be brief and limited to approximately an hour period early to mid-morning – which would manifest as a limited temporary affect that would not be substantive reason to refuse the application.

The checks carried out by officers also indicate that there would be no overshadowing of any residential dwelling on Snarlton Lane, and it is considered that given the separation distance between the proposal and the properties on Snarlton Lane, there would be no overbearing impacts.

Whilst the local concerns of residents from Snarlton Lane are acknowledged, from the analysis undertaken by officers, the proposal would not result in significant material harm or detrimental impacts on the existing levels of residential amenity to warrant the refusal of the application.

The proposal provides generous internal living accommodation for the future occupants of the care home and provides ample outdoor amenity space.

The Councils public protection team were consulted, and their main concern related to construction noise / dust and its impact on the residences in the vicinity. A noise assessment, prepared by Hawkins Environmental was undertaken and submitted – which was found to be acceptable by the public protection team.

The study demonstrates that based on the surrounding environment, the site is considered a 'low risk' site under the Planning and Noise Professional Practice Guidance. The report concludes that suitable noise levels can be achieved in gardens meaning that all residents would have access to quiet external amenity space.

Furthermore, the recommended maximum internal noise levels for each room can be achieved through the provision of suitable glazing and ventilation and conditions requiring these details are recommended to be secured via a planning condition.

In terms of ventilation and air quality, alongside details of the ventilation equipment, given the location adjacent to the busy road of Eastern Way, it is considered necessary to condition an Air Quality Assessment prior to any occupation to demonstrate that the proposed ventilation equipment would provide a sufficient level of air quality for the future residents.

Additionally, a Construction Management Plan is recommended to be conditioned and to include a commitment to standard hours of construction. The location of noisy plant on the site during the development is also an issue of concern, especially generators. The LPA would seek to control site deliveries to hours through a CEMP such as not to impact on local amenity.

A lighting plan is also required to be conditioned to ensure that no obtrusive lighting is installed on site.

Subject to these conditions, the proposed development is considered not to result in loss of light, loss of privacy or an overbearing impact on existing neighbouring and future occupiers. It would not result in significant harm to or a detrimental impact on the existing levels of residential amenity currently afforded to adjacent occupiers and would meet requirements of CP57 of the WCS.

Highways / Rights of Way

Paragraph 114 (b) of the NPPF requires that *in assessing... specific applications for development, it should be ensured that...safe and suitable access to the site can be achieved for all users.*

Paragraph 115 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 would be severe’.

Paragraph 116 (c) of the NPPF also states that *...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.... and respond to local character and design standards.*

CP57 (ix) of the WCS requires new development to ensure *"that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible..."* and CP57 (xiv) requires development to meet *"the requirements of CP61 (Transport and New Development)"*.

CP61(ii) of the Wiltshire Core Strategy requires new development to be *"capable of being served by safe access to the highway network"* and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway *"that is safe for all road users"*.

CP62 of the Wiltshire Core Strategy states that *'Outside of built-up areas, proposals that involve a new direct access onto the national primary route network will not be permitted in order to assist with traffic flow and reduce risk'*.

CP64 requires sufficient parking to be provided in new development in line with residential parking standards and requires a reduction in reliance on the use of the private car where possible.

A Transport Statement was submitted in support of the planning application with vehicular access being afforded via Verbena Court. An existing access is in place in the form of a dropped kerb, and the proposed care home would be accessed via a 5.5m wide carriageway and this is considered suitable subject to sufficient visibility splays being conditioned.



It is anticipated that the care home would employ 70 members of staff once fully operational, equivalent to 53 full time positions. However, as these will operate on shift patterns, it is expected that about 24 members of staff would be required on site at any one time except for changeovers when the numbers are likely to be slightly more.

Based on the anticipated trip rates, the maximum car parking demand would be between 13:00 and 14:00 where 15 spaces would be occupied. This represents 65% of the car parking capacity and allows for a buffer to accommodate staff changeover.

The site also benefits from good access to public transport services which could be used by staff and visitors alike.

24 car parking spaces are proposed on the site incorporating 1 electric vehicle charging space, 2 accessible spaces and 1 emergency bay in addition to 10 cycle parking spaces.

A parking accumulation assessment was undertaken that confirms that the proposed number of spaces are sufficient to meet the needs of the proposed care home. This would be a slight under provision when compared to the 30 spaces required by Wiltshire's Car Parking Standards, however, officers are satisfied that it would be adequate for the proposed use and that no overspill parking would occur along the public highway. The parking provision and layout is thus accepted.

Deliveries and servicing would take place on site. The accompanying Transport Statement includes swept path analysis to show that this is feasible. A refuse store is provided on site in a position that is easily accessible to refuse collection vehicles from the refuse collection area. It is anticipated that there would be no more than 1 service delivery vehicle arrival and 1 departure occurring during any hour of a typical day and these are not considered to have a material impact on the highway network.

It is anticipated that the proposed care home will generate 11 two-way trips in the AM peak travel period and 5 two-way trips in the PM peak travel period. This equates to 1 vehicle movement on average approximately every 5 to 12 minutes during the AM and PM peak hours. Over the course of a 12-hour day, a two-way total of 119 vehicle movements to / from the site are predicted, incorporating 57 arrivals and 62 departures. These represent an acceptable number of trips which are not considered to give rise to harm the local highway network. A Travel Plan has been submitted and it is recommended that this be conditioned.

Subject to conditions requiring details of visibility splays to be agreed, the provision of parking and access and the implementation of the travel plan, officers are satisfied that the overall proposal is unlikely to cause unacceptable harm in highway safety terms, and so the proposal cannot be considered to have a severe impact in terms of the NPPF. No objections are raised by the Council's highway team, subject to the conditions set out above.

The proposal is therefore considered to meet requirements of CP60, CP61 and CP64 of the WCS and provisions of the NPPF.

Flood Risk and Drainage

WCS Policy CP67 (Flood Risk) states that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The application is supported by an FRA and a detailed Drainage Strategy. The majority of the site is located within Flood Zone 1. Along the North-West edge of the site there is an area of elevated

surface water flood risk which in some places crosses the site boundary line. Based on site visit analysis and the current site levels, the mapped areas at risk are in dispute. It is noted that since the flood map was drawn up, additional drainage works have been completed as part of the wider urban extension housing scheme with attenuation basins being provided as part of the housing delivery and school development.

On site infiltration testing has also been undertaken which indicates that the underlying soils are unsuitable for infiltration. The discharge of surface water via an infiltration-based SuDS would therefore not be feasible. As a result, surface water would be temporarily stored on site using geocellular tanks and permeable paving. A planning condition requiring detailed surface water drainage details is necessary to be conditioned.

In terms of foul drainage, Wessex Water have confirmed that they can accommodate the associated foul flows within the public foul sewer with connections made on a size for size basis, The developer would fund the cost of connecting to the nearest 'size for size' sewer. Capacity is available to accommodate domestic type foul flows from the proposed development. The point of connection to the public network is by application and agreement with Wessex Water. An informative should be included on any grant of permission advising the applicant to contact Wessex Water independently to secure the relevant license.

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information supports the application and recommends a number of planning conditions relating to finished floor levels to be set, the modelling of the ditch and calculations and over exceedance routes to be provided.

The additional technical supporting information requested by the LLFA is considered reasonable and necessary to make the development acceptable in planning terms i.e., to ensure the scheme does not lead to increased flood risks elsewhere during both the construction and occupation phases of the development, and planning conditions are recommended as a consequence.

Accordingly, the proposed development, subject to conditions, would accord with CP67 of the WCS and the NPPF.

Ecological Impact

WCS Policy CP50 (Biodiversity and Geodiversity) states that development proposals must demonstrate how they protect the features of nature conservation and geological value as part of the design rationale. These features are expected to be retained and managed favourably in order to sustain their ecological value, connectivity and functionality long-term.

A full Ecological Impact Assessment (EclA) has been submitted as part of the application and extensive detailed discussions with the Council's senior ecologist have been undertaken.

Ecological surveys of the site were carried out by The Landscape Partnership at a suitable time of year and following industry guidelines. Officers consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. Officers are therefore satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The ecological survey found that the habitats within the site are of generally low importance for conservation, although the boundary woodland and hedges outside of the site do contribute to primary connectivity within the wider landscape area for a range of wildlife species including common and widespread bat species, other small mammals and nesting birds. The ecology report

makes a series of recommendations in Section 5 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works. These include measures to protect trees and shrubs, reptiles, terrestrial mammals and bats. This is recommended to be conditioned.

Biodiversity Net Gain

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity.

The submitted Biodiversity Metric 4.0 and supporting report Calculation of Biodiversity Net Gain using Defra Metric 4.0 0 (The Landscape Partnership, August 2023) indicate that the proposals will result in a loss of 0.23 habitat units and an increase of 0.64 hedgerow units. The habitats identified during the survey with the highest ecological value comprised hedgerow, wooded belt and a ditch, all located outside of the site. All site boundary features will be retained and protected. Habitats within the site which are due to be lost are considered to be of lower value.

The provision of new native hedgerows and other native planting would contribute to the ecological value and functionality of the site and immediate area, and it is therefore accepted that the proposals secure the integrity of the local ecological networks and are therefore compliant with Core Policy 50.

The production of a Landscape and Ecology Management Plan is recommended to be secured via condition to ensure the long-term management of landscape and ecological features retained and created by the development. This document should be proportional to the size and scale of the development.

The ecology report makes recommendations in Section 6 for the provision of alternative features and habitat areas to ensure that wildlife continues to be accommodated within the development.

These recommendations comprise:

- Habitat enhancements to include native wildflower planting, native trees and shrubs, infilling of boundary vegetation with native species of known value to wildlife, management of hedgerows for wildlife, planting designed to enhance connectivity of the landscape.
- Four built-in bat boxes
- Two built-in sparrow terraces
- Two built-in swift boxes
- One habitat pile
- Three bee hotels
- Provision of hedgehog highways in close board fencing, if proposed.

The Landscape Proposals (Drawing no: 101A) show the incorporation of native trees and hedgerow into the design, as well as one hibernaculum and three bee hotels, this is welcomed and recommended to be conditioned.

Accordingly, the proposed development is considered acceptable in terms of CP50 of the WCS and provisions of the NPPF and is acceptable subject to the conditions set out above.

10. CIL and S106 contributions

CIL

The proposed development as a care home would be liable for CIL and as it is within Charging

Zone 2 would be liable to pay £55persqm (plus indexation). The applicant is advised to contact the CIL officer for further information.

S.106

Core Policy 3 states that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

Contributions towards NHS facilities

Concern has been raised in the representations and by local ward member Councillor Sankey that there is significant pressure on the local GP and health services and as such, contributions towards these facilities should be requested and provided for by the developer.

National policy and guidance set an expectation for development proposals that impact on local infrastructure to mitigate their impact to be considered sustainable.

Residential developments often have very significant impacts in terms of the need for additional healthcare provision for future residents, meaning that a planning obligation requiring that the development contributes to, or delivers, a new healthcare facility is often necessary.

Policy 3: Infrastructure Requirements of the Wiltshire Core Strategy states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Healthcare facilities are identified as essential infrastructure, and as such afforded the highest priority. The cost of providing necessary infrastructure will be met through the appropriate use of planning obligations.

The Joint Melksham Neighbourhood Plan Policy 8 sets out similar provisions. The Wiltshire Infrastructure Delivery Plan 3/Appendix 1: Melksham Community Area notes that local primary healthcare facilities are already undersized for the number of current patients.

Existing Primary Care Capacity in the Local Area

The proposed development is located on the eastern edge of Melksham. The ICB has identified that Bradford on Avon and Melksham Primary Care Network (PCN) Spa Medical Centre and Giffords Surgery are the most likely to be impacted by the proposed development.

Given that the practices currently operate with an overall deficit, to properly mitigate the impact of the proposed development a planning obligation is necessary to support the increased demand on the local primary care service.

It is noted that the site was under the original outline, identified to accommodate a healthcare facility. Whilst the obligation as found to be no longer necessary, the associated infrastructural demands this new proposal would have on local GP practices, a developer contribution is

necessary.

The NHS has responded to a formal consultation on this application and have set out the case for the developer to pay the sum of £32,090 towards the capital cost of delivering the additional primary care floorspace required to serve residents from the new development. A detailed cost breakdown is set out in the public NHS consultation response.

Whilst the Primary Care Network and NHS have no plans or apparent need to deliver an entirely new healthcare premises (as the previous outline envisaged), this application proposal when tested against WCS CP3 requires a developer contribution to enhance the existing service provision and to support the additional medical care needs for the future residents.

To this end, the developer has agreed to pay this sum of £32,090 which would require the developer to enter into a s.106 legal agreement.

Subject to this s.106 being agreed the proposal is considered acceptable.

Conclusion (The Planning Balance)

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay.

Whilst the proposed development lies outside of Melksham's settlement boundary it is to all intents and purposes part of the new urban extension and is read as such. It does not have the character of open countryside. Notwithstanding this despite the location being outside the settlement boundary in terms of the adopted WCS, the site is adjacent to the settlement boundary and the application meets all the required criteria set out within policy CP46 as an exception to the restriction of development outside settlements as set out within CP1 and CP2.

This report shows that there would be no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include the provision of proper care for the elderly in the community, the provision of short term and long-term local jobs, the releasing of family homes to boost housing supply, the inclusion of additional tree planting and make contributions to off-site infrastructure through S106 contributions and CIL.

The proposal would relate well to the spatial form of Melksham and the Eastern urban extension using existing road infrastructure and would offer accessible walking and/or cycling routes into the town and its services and facilities. The application site would also make s106 contributions to the local healthcare services and CIL payments.

RECOMMENDATION:

That the Head of Development Management be authorised to grant planning permission, subject to the first completion of a planning obligation/Section 106 legal agreement covering the matters set out in this report, and subject to the planning conditions listed below.

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from

the date of this permission.

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

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

Site Location Plan ref: 2782-HIA-01-ZZ-DR-A-0100 rev. P3
Proposed Ground Floor Plan ref: 2782-HIA-01-00-DR-A-0201 rev. P3
Proposed First Floor Plan ref: 2782-HIA-01-01-DR-A-0211 rev. P3
Proposed Second Floor Plan ref: 2782-HIA-01-02-DR-A-0221 rev. P3
Proposed Refuse and Cycle Enclosure Elevations and Plan ref: 2782-HIA-01-00-DR-A-9010 rev.-P2
Transport Statement ref: PC5019-RHD-ZZ-XX- RP-R-0001
Travel Plan ref: PC5019-RHD-ZZ-XX- RP-R-0002
Noise Assessment H3917 – NV - v2
Ground Condition Assessment ref. 5017068-RDG-XX-ST-DOC-C-00-GCA01-B

All received by the Council 31 August 2023

Proposed Southwest and South East Elevations ref. 2782-HIA-01- 00-DR-A-0301 rev. P4.
Proposed Northwest and North East Elevations ref. 2782-HIA-01-00-DR-A-0302 rev. P3.
Proposed Roof Plan ref. 2782-HIA-01-ZZ-DR-A-2701 rev. P3.
Proposed Site Plan ref. 2782-HIA-01-XX-DR-A-0101 rev. P9.
Proposed Wider Site Plan ref. 2782 HIA 01 XX DR A 0104 rev. P1.
Landscape Proposals ref. 101B.
Sustainable Energy Strategy
Ecological Impact Assessment. The Landscape Partnership. September 2023.
Biodiversity Net Gain Report. The Landscape Partnership. August 2023.
Biodiversity Metric 4.0 – Calculation Tool
Landscape Proposals. Drawing no: 101B A. The Landscape Partnership. June December 2023
Tree Survey and Arboricultural Impact Assessment. The Landscape Partnership. June July 2023

All received 22 December 2023

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

- 3 No development shall commence 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:

- i. An introduction consisting of a 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 to contact.
- v. Detailed Site logistics arrangements.
- vi. Details regarding parking, deliveries, and storage.
- vii. Details regarding noise and dust 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 including a construction lighting plan and details.

ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

x. Details of how surface water quantity and quality will be managed throughout construction.

xi. Details of the safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

xii. Details of safeguarding measures to highway safety to include:

- A Traffic Management Plan (including signage drawing(s))
- Routing Plan
- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Working method statements and mitigation strategies for protected/priority species, such as nesting birds, reptiles, bats and other small mammals.
- Work schedules for activities with specific timing requirements in order 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 in relation to species and/or habitats.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and 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 No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The

LEMP will include:

- a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (The Landscape Partnership, August 2023).
- b) Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Ecological Impact Assessment (The Landscape Partnership, September 2023) and the Landscape Proposals (Drawing no: 101B).
- c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- d) A procedure for review and necessary adaptive management in order to attain targets.
- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

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.

- 5 No development shall commence beyond ground floor slab level until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 6 No external lighting shall be installed until details of the proposed new lighting have been submitted to and agreed in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations agreed with the local planning authority, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In the interests of conserving biodiversity, protecting residential amenity and highway safety

- 7 No development shall commence pursuant to the construction of the care home, including vegetation removal, until details of the number, design and locations of features for bats and birds in accordance with the Ecological Impact Assessment (The Landscape Partnership, September 2023) has been submitted to the local authority for approval and agreed in writing by the LPA. The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

- 8 No development shall commence above ground slab level on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning

Authority, the details of which shall include: -

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

- 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 development shall commence pursuant to the construction of the care home until the applicant has demonstrated that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels.

REASON: To ensure that there is no risk to persons or properties during extreme events.

- 11 No development shall commence pursuant to the construction of the care home until a surface water drainage strategy has been submitted and agreed in writing with the LPA. The surface water drainage strategy shall include:

- i) if the proposed surface water drainage strategy is to discharge surface water into the ditch, details of hydraulic modelling into the ditch and culvert have been undertaken to demonstrate that they both have capacity to take existing flows and flows from the development. This modelling should inform any changes to flood extents around the ditch due to the development.
- ii) 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. To demonstrate compliance, the applicant must

provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100-year, 6-hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards.

- iii) overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 years plus climate change (40%) rainfall event.
- iv) evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- v) cross-section and long-section drawings through the proposed attenuation features.

The development shall be undertaken in accordance with the approved details and shall be implemented prior to first occupation of the development and shall remain as such for the lifetime of the development.

REASON: To ensure that there is no risk to persons or properties during extreme events and that the development can be adequately drained with no runoff on to the highway or increase flooding elsewhere. Wiltshire Council requires post development discharges to provide 20% betterment over predevelopment (greenfield) discharges for both peak flow and volume.

- 12 No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

- 13 No development shall commence above ground slab level until a scheme for the provision of at least one electric vehicle charging point in an accessible parking area or bay shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed and be ready for use prior to the first occupation of the approved development. The electric vehicle charging point shall thereafter be retained and shall always remain operational (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 14 No development shall commence above ground slab level until an Air Quality Assessment of the proposed development has been undertaken and details of the proposed extraction and ventilation equipment to be used in the scheme hereby approved has been submitted to and approved in writing by the LPA.

REASON: In the interests of the amenity of the future occupiers of the development

- 15 No development shall commence on site until scaled plans showing the visibility splays out the entrance to the proposed care home access have been submitted to the LPA and have been agreed in writing. These details shall show the visibility splays between the edge of

the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres in both directions from the centre of the proposed care home access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 17 No part of the development hereby permitted shall be first brought into use until the turning area & 24 parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

- 18 The development hereby permitted shall not be first brought into use until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. 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 Travel Plan Coordinator 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 development.

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

INFORMATIVES:

Highway works

The developer/applicant may be required to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of the highway/access works hereby approved. Submissions should be made to highwaysdevelopment@wiltshire.gov.uk with an anticipated approval time of 6-12 weeks.

SW Drain

It is noted that the proposed surface water management would discharge to a private surface water drain – the applicant would need to confirm this is within their ownership or provide evidence of the written permission from the respective landowner(s).

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any

structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August, but some species are known to breed outside these limits.



Contains OS data © Crown copyright and database rights 2023

1:1,250



392120E 163668N m

© Crown Copyright and Database Rights 2024 Ordnance Survey Licence No 100049050

This page is intentionally left blank

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	04 June 2024
Application Number	PL/2024/02330
Site Address	B4069, Lyneham Banks, Lyneham
Proposal	Reinstatement of a stretch of approximately 140m of the B4069, the Lyneham Banks section, located 2km northwest of Lyneham, including associated engineering, land drainage works and demolition.
Applicant	Wiltshire Council
Town/Parish Council	Dauntsey/Lyneham & Bradenstoke
Division	Brinkworth & Lyneham
Grid Ref	OS X:400821 Y:179779
Type of application	Full Planning, Major
Case Officer	Callan Powers

Reason for the application being considered by Committee

This application is made by or on behalf of Wiltshire Council (a 'Regulation 3') application, and an objection has been received. According to the Council's Scheme of Delegation the application is therefore not to be determined under delegated powers but instead by the Strategic Planning Committee.

1. Purpose of Report

The purpose of this report is to assess the merits of the application proposal against the policies of the development plan and other material considerations and to consider the Officer's recommendation that planning permission be granted subject to conditions.

2. Report Summary

The application seeks planning permission for engineering works intended to restore a section of road outside Lyneham following significant damage necessitating its closure. The key planning matters to be considered are:

- The principle of development;
- The landscape impact;
- Highways matters; and
- The ecological impact.

The application has been the subject of three representations made by members of the public; one of these is in objection to the proposal. No objections are outstanding from internal or statutory consultees.

3. Site Description

The application site is an area of land on the hillside below the village of Lyneham and above Dauntsey Lock. The main feature of the site is the course of the B4069, a single carriageway route leading between the respective villages. The hillside suffered a major landslide in February 2022, causing significant damage to the road and putting it out of use since that time. Other incidents have necessitated remediation, perhaps most significantly in 1981, since which time the road is also known to have required repeated piecemeal repairs over time prior to this more significant event. It is this affected stretch of the road that forms the focal part of the application site; land to either side of the road is also included within the site.

The escarpment on which the site sits slopes downwards from the south, while the road passes in a diagonal direction relative to this orientation. There is a change in elevation of around 30 metres across the site, with still much of the hill sited further below the site.

Land within the site to the north of the road is in agricultural use. The parcel of land above the road is the location of a site on which a dwelling was previously situated, and on which planning permission was granted in 2019 for a replacement dwelling.

4. Planning History

No planning history has direct bearing on the consideration of this application. Part of the site contains land on which planning permission was granted in 2019 under Application No. 19/00670/FUL for a replacement dwelling.

5. The Proposal

This application proposes the restoration of access along the B4069 route for vehicular traffic. The road itself is to be repaired, whilst engineering works are also proposed with a view to preventing recurrence of land stability problems affecting this section of road.

The engineering works, beyond the structure of the road itself shown in the supplied section, include works above and below the road intended to respond to the pressures to which the road has been subject in the long term. These proposals result from engineering reports and in particular a ground investigation report.

On the slope above the road the land is to be regraded, with a pattern of herringbone and counterfort drains to be installed, intended to assist the drainage of the land so that the water table will not so readily affect ground stability. The buildings in this site, including that partially completed, are to be demolished and fill removed from the site, as it is understood to be likely that the additional weight on this part of the site contributed to the magnitude of the most recent landslide event. It is intended that no buildings will remain on this land.

North of the road further land drainage measures are proposed to divert water from the site towards drainage ditches including via a culvert towards a new drainage ditch to the west. There is to be a new retaining wall to reinforce the lower edge of the road.

6. Planning Policy

Wiltshire Core Strategy

Core Policy 48 – Supporting Rural Life

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape

Core Policy 52 – Green Infrastructure

Core Policy 56 – Contaminated Land
Core Policy 57 – Ensuring High Quality Design and Place Shaping
Core Policy 60 – Sustainable Transport

North Wiltshire Local Plan (saved policies) adopted June 2006

None relevant

Wiltshire Housing Site Allocations DPD adopted February 2020

None relevant

National Planning Policy Framework (NPPF) adopted December 2023

2, 4, 10, 11, 38, 47

7. Consultations

Ecology

No objection subject to conditions:

“Thank you for consulting me on the above application. I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.

The application site does not lie within or immediately adjacent to any statutory or non-statutory designated sites for conservation, or any notably sensitive areas for protected species.

Comprehensive survey of the site has been undertaken by ecologists from Atkins Realis, which gives sufficient detail to be able to assess the potential impacts likely to result from this project, on local wildlife populations.

The nature of the works is such that temporary disturbance of habitats is likely, on a relatively small scale, with negligible residual effects. There is scope for habitat enhancement that will increase functionality of the habitats within the site for wildlife in the longer term. The surveys by Atkins Realis confirm that if construction works employ precautionary measures, there will be no direct impacts on local populations of wildlife species.

Recommendations are given within the ecology reports and the DAS for precautionary working methods to ensure that sensitive habitats and species within the site area are given due regard and protected from harm during the works. These recommendations should be incorporated into the overarching Construction Ecological Management Plan to ensure their implementation.

Since the nature of the works is to restore the highway to safe and practical usage, will restore adjacent habitats and since the footprint is almost entirely within the highway corridor, I do not consider that this proposal will result in loss of habitat to development, therefore the requirement for Biodiversity Net Gain is not triggered.

I am therefore happy to support the application, with the following conditions imposed:

Conditions:

1. Compliance with agreed plans and drawings

Recommendations made in the Preliminary Ecological Appraisal Report. Atkin Realis. September 2022

Recommendations made in the Protected Species Report. Atkins Realis, February 2024.
Proposed Site Plans - LYN-ATK-GEN-XX-DR-CH-000006_C01 and LYN-ATK-GEN-XX-DR-CH-000007_C01

2. Construction Environment Management Plan (CEMP)

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order 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.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

REASON: 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.

3. Landscape and Ecological Management Plan (LEMP)

Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall be implemented in full and for a minimum period of 5 years, to ensure establishment and development of suitable natural features within the site.

REASON: To ensure the successful establishment 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.”

Climate Team

No objection, following receipt of additional information:

“I have met with the developer to discuss the project and reviewed their additional submission from 16 April 2024. The submission provides information to demonstrate compliance with CP41 of the development plan because it adequately demonstrates a low-carbon strategy for the proposal. Furthermore, it provides information to indicate that the

developer has in the design choices considered issues of climate change adaptation and resilience, alongside decarbonisation. They have also indicated that these are factors that are being considered as the project evolves and approaches construction.

Information has now been provided to show that a balance is being struck between minimising embodied carbon emissions and making the scheme more resilient to the impacts of climate change. This is positive. Furthermore, re-instating this infrastructure should reduce elevated carbon emissions from diverted vehicle movements. This is also positive environmentally. This is a route that contributes positively in social and economic terms and information has been provided to demonstrate that it should continue to do so for many decades while surface transport decarbonisation occurs.”

Drainage

No objection:

“I have reviewed the application on behalf of the councils drainage team.

The LDC application has been reviewed separately and recommended for approval.

Based on the submitted documents, it is understood that the proposals will help to reduce future landslide issues to the B4069, and will replace highways drainage on a like for like basis in the impacted area.

Based on the FRA, the site is not at significant risk of flooding from any source, and would be sequentially appropriate in line with the NPPF with its classification as Essential Infrastructure.

The proposed solutions provide the required 20% betterment in discharge rates in line with Wiltshire Council's betterment policies, and therefore do not increase flood risk elsewhere.

Submitted hydraulic modelling demonstrates that the drainage will be designed for no flooding within the 1 in 30yr RP event as per Wiltshire Council requirements.

The drainage team therefore have no objection to the proposed works as per the submitted plans.”

Archaeology

No objection:

“The archaeological desk-based assessment submitted in support of this application has sufficiently characterised the archaeological potential of the application area. I am therefore satisfied that no further form of archaeological mitigation is necessary.”

Tockenham Parish Council

“... Strongly support this application.”

Lyneham and Bradenstoke Parish Council

No objection.

Dauntsey Parish Council

No objection:

“The Council has no objection to the proposals and trusts that the application can be determined in the shortest possible timeframe as the road closure has had a significant detrimental impact on local lives.”

Public Protection

No objection:

“We have been consulted re: PL/2024/02330 -B4069, Lyneham Banks, Lyneham.

Having read through the contaminated land report, we would agree that an asbestos watching brief should be adopted during road development for the safety of construction workers.”

Landscape

Comments as follows:

“I note the further submission of the requested cross section of the road at 1:20 Scale, this is helpful and better illustrates that green road verges will be reinstated, it shows the relationship of the retaining wall with adjoining fields to the north of the road, and illustrates the location of the required highway safety barrier. I note that there will be no replacement tree planting, either north or south side of the repaired section to compensate for tree removals or within the reinstated hedgerow to provide hedgerow trees. This is likely to be due to future conflict of tree roots with the cut off and roadside drainage infrastructure, which I accept etc.

It would have been preferable if the proposed square section timber road side post and rail fence was located to the rear of the replanted hedge, along the field boundary which also corresponds with the Highway Boundary on the submitted plans and section drawing, so that the hedge eventually screens this fence.

Otherwise no further comments, and I accept there will be no need for any landscape pre-commencement conditions.”

Highways

Comments as follows:

“Further to my initial highway comments made on 12th April 2024, I have received additional information in response to queries raised. As noted in my original response, whilst Highways are fully supportive of measures that will bring the failed section of the B4069 at Lyneham Banks back into use, some points of clarification were requested. These in summary were as follows:

- Based on the information supplied, a query on the intended depth of the piled wall sections.
- The means of ensuring adequate maintenance of the land drainage measures was unclear, and information sought on who would take responsibility for this/need for easements.
- Whether any monitoring undertaken here since the surveys in 2022 made any case for extending works to include remedials in the adjacent lengths known to exhibit past issues with slope movement.

Responses have now been received from the project sponsor in the form of an email and supporting plan. These are shown below with my follow-up comments.

Depth of Piled wall section: RESPONSE

- Retaining wall - General Arrangement supplied - Drawing LYN-ATK-SRW-XX-DR-CB-000001
- The piles will be installed to a depth of 12m.
- There will also be micro-piles installed at a 45-degree angle from the capping beam back into the slope, these will be 14m in length.

COMMENT: This is all now clear and shows that the proposed pile depth of 10.57m and capping beam of 1.5m (12.0m overall) will be sufficient to cut-across the identified potential plane of future slip failure.

Maintenance of land drainage: RESPONSE

- We are in advanced talks with both landowners on the delivery of this scheme.
- The intention is to acquire the plot on the southern side of the road, becoming WC land and responsibility for all maintenance.
- On the northern side of the road, we have draft easements and land purchases in place to ensure we have ongoing access for maintenance.
- The majority of land drainage features have been installed with minimal maintenance requirements.
- Where the need is there, suitable easements will be put in place.

COMMENT: I am satisfied that, on this basis, there will be sufficient provision in place to facilitate future WC maintenance of the land drainage asset installed to the north and south of the proposed retaining wall line. It seems to me that the north or down-slope side of the wall may be of greater importance, as any movement here could cause tilting and movement of the wall should the slip plane be close to the bottom of the pile depth. However, this seems unlikely in view of the driven depth.

Further damage to B4069: RESPONSE

- We have been undertaking extensive surveying to the west of the main landslip.
- There is a further package of work that has been developed and will be delivered by the appointed contractor on site.
- We have a number of borehole 'observation points' all the way along this stretch of road which continue to be monitored, and will do so following the completion of the works.
- We will be undertaking works to the west of the main landslip to address current instability issues. These will however be limited to drainage and surface treatments due to the limited budget available.
- The intention is to continue monitoring post reinstatement to make a case for further funding if required.

COMMENT: All noted. It is accepted that budget constraints will affect what can be done in one 'scheme' of construction, and that highway comments are only sought now on what is proposed. I only sought to ascertain as to whether there would be overall 'economy' in addressing some of the movement issues in the adjacent lengths at the same time. However, it is accepted monitoring is ongoing and, dependent on results, the best method of remediation in these adjacent sections (as needed) may not be fully known at this time.

Conclusion

In summary, I would reiterate the point that Highways remain fully supportive of measures that will bring the failed section of the B4069 at Lyneham Banks back into use and that, as far as possible, will ensure long term slope stability in a location where historical ground

movements have been reported over time. Further to my comments made on 12th April, I have now been provided with additional information from the project sponsor which deals adequately with all my points of clarification raised.

I therefore offer no objection to the remediation proposals as presented. Furthermore, I foresee no need for any bespoke highway conditions other than the prior submission and approval of a Construction Management Plan.”

8. Publicity

The application has been the subject of public consultation with letters sent to nearby neighbours and an advert placed in the Wiltshire Gazette and Herald; the application has been available to view and for members of the public to comment on the Wiltshire Council website.

Three representations were received from members of the public.

One representation was in objection to the proposal, as follows:

“As long term residents in this area and having personally experienced the continuous subsidence of the B4069 from the Peterborough Arms all the way up to the Antiques depot for the last 25 years, we must raise our objections to the council wasting millions of pounds of council tax payers money on this project. The council need to grasp the fact that whilst these repairs may stabilise the road, at this point of the road in the area which is rebuilt, they will do nothing to prevent, and may even exacerbate, movement in the rest of the road. This land is historically unstable and instead of throwing more money after bad, the council should be thinking wider and looking for an alternative route on more stable ground.

If these repairs do go ahead, what steps are the council planning to control the weight limits and volume of traffic on this road as these repairs can not be considered a long term solution.”

The remaining two made comments, as follows:

“As a long term resident of The Banks, a road which has had numerous accidents and some spectacular near misses over the years I am writing to the Council to ask if they would consider adding speed restrictions to the planning application for the following reasons:

- 1. Safety of horses and riders which regularly use the road.*
- 2. Safety of pedestrians crossing the road from the footpath above the garage and by the Bradenstoke junction.*
- 3. Enable residents to pull out onto the road without any fear of meeting a speeding car hurtling towards them.*
- 4. Reduction in noise*
- 5. Stop the cars and motorbikes coming to The Banks purely to race up and down it. This happened regularly and could go on for several hours at a time.*

The rebuilt road will be of benefit to the whole of the community. It will be a busy road and it's in all our interests to make it as safe as possible for the people that use it and live along side.”

and

“We are situated 100m on the left past the Bradenstoke turning travelling towards Chippenham. Prior to the road closing traffic regularly exceeded the 40mph speed limit, including hgvs. There is no pavement between the houses down our lane to reach the

current footpath at the Bradenstoke junction or the public footpath used by many Bradenstoke dog walkers. During construction of the new road we ask that you include a footpath linking The Banks to the rest of Lyneham and either reduce the speed limit or put in traffic calming measures.”

9. Planning Considerations

Principle of development

This proposal is to reinstate a long-standing road that has not been abandoned but has been unavailable for use due to a single damaging event. Core Policy 48 of the Wiltshire Core Strategy allows for proposals which improve accessibility between towns and villages, such as transport and infrastructure improvements, where they are not to the detriment of the local environment or local residents.

The loss of the road since the landslip has had a significant impact on the way of life for many villagers in affected settlements, including in Lyneham, Bradenstoke and Dauntsey. Due to the closure of this road, which has necessitated a one-way restriction on Clack Hill nearby, access to many services from the smaller villages has been reliant on more lengthy, unsustainable journeys. The restoration of this road is therefore considered to deliver significant benefits for local residents. Efforts to improve road stability for the long term are welcomed.

Environmental impact on ecological features can be adequately addressed through use of planning conditions. There are no other environmental concerns and the development, by virtue of its support under Core Policy 48, is acceptable in principle.

Landscape impact

The application site is not in an area subject to specific landscape protections. Nevertheless all developments should protect conserve and where possible enhance landscape character according to Core Policy 51 of the Wiltshire Core Strategy. Paragraph 180 of the NPPF requires that planning policies and decisions recognise the intrinsic character and beauty of the countryside.

The works involved in reinstating this road involve a greater degree of intervention than was seen as necessary in building the original road. The retaining wall in particular, alongside the fence running along the road, will be visible evidence of the development overall. Nevertheless these elements, which are essential to the long-term success of the scheme, have been approached in a sensitive manner and are not considered to result in unacceptable landscape harm. Indeed, the totality of the development has been considered by the Council's Senior Landscape Officer and, following clarifications provided by the project team, no objection has been raised in terms of landscape impact.

Highways matters

The Council's Strategic Highway Specialist has indicated in his comments in respect of this application that the foundation on which the engineering reports have been generated is sound and, in turn, the use of land drainage measures to enhance ground stability is supported in an effort to restore the road to use.

Questions have been raised as to the extent and size of piling and foundation necessary to provide for the long-term retention of the reinstated road; these are specialised engineering matters. The project team have engaged in dialogue with the Highways Development Control Engineers to provide adequate reassurance in respect of the level of work required.

The project team have indicated that there is an intention to monitor the landslip area following the development to evaluate whether there is a case for further works to maintain stability once achieved. It is understood that data are still being gathered in areas of the road west of the main landslip.

Given these findings and the overall support for re-opening the road, the development is supported in highways terms.

Ecology

The site is not in an area with known significant presence of protected species, and the proposed works do not give cause for concern with respect to habitat loss. The Council's Senior Ecologist proposes that there is limited risk to features of biodiversity other than in the construction phase, and therefore proposes that this risk can be adequately addressed through a condition securing a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP). These would need to be secured and approved prior to commencing work on the development. As a result it is concluded that the ecological impact of the development can be made acceptable through use of conditions and this would not form a reason to refuse planning permission.

Archaeology

The application has been supported by archaeological investigation. The report provided is a desk based assessment and explores the likelihood of valuable archaeological features. The report, based on the available information, concludes that no impact to below ground archaeology is expected. The findings of the report have been accepted by the Assistant County Archaeologist and there is no objection from this perspective.

Loss of a dwelling

The proposal will entail the removal of development above the road, on which lawfully a dwelling has historically been sited. The replacement of this dwelling was underway at the time of the landslip and it is the intention to demolish and remove the partially built replacement. The development would ultimately therefore result in the removal of a dwelling unit from Wiltshire's housing stock. This is a material consideration of modest weight weighing negatively against this application. In reality, the ground stability issues associated with the site and the issues with access render it likely to be impracticable to resume the construction of this dwelling in any event, and the weight given to this material consideration is minimised indeed. As a result this issue is not considered to outweigh the significant benefits of restoring the road.

Other matters

The cost of the development has been raised by a member of the public as being of concern. Whilst this may be a matter of public interest, this is not a matter that is material to the consideration of a planning application, which is confined to the performance of the development against planning policy and other material considerations. Whilst material considerations may include 'local finance considerations', section 70 (4) of the Act (as amended) defines such considerations as confined to grants or other financial assistance from the Crown, or sums payable in respect of the Community Infrastructure Levy, which is not understood to be payable in this instance. It is furthermore not for the local planning authority to determine the spending priorities of the Council and highway authority.

Concern has been raised about the speed limit along The Banks, with it being suggested that a 40 mph limit is excessive. This is not a matter for the local planning authority to

consider in this application. It has also been suggested that a footway should be included alongside the road. Whilst it is certainly preferable to widen access via sustainable modes of transport, this application seeks to reinstate an existing route and there is no basis on which to refuse planning permission due to continued lack of a footway.

The submission initially drew objection from the Council's Climate Team due to concerns over the sustainability of returning the road to use given recent and historic stability issues. Additional information has since been provided indicating that the highway construction and drainage are intended to last for the next 60 years, while the more heavy engineering elements of the proposal should last 120 years. Following this explanation and reassurance the Climate Team's objection was withdrawn.

10. Conclusion

The restoration of this road will return accessibility to a range of services and facilities to rural residents of the small villages near to Lyneham. The road is known to have experienced ground stability issues for many decades. Engineering measures including a retaining wall and a series of drainage ditches and routes are accepted as being necessary to achieve a long-term solution to the ground instability in this particular part of the road.

The development makes sufficient provision for the conservation of the landscape and the ecological impacts of development can be made acceptable through use of appropriate conditions. The development overall complies with Core Policy 48 of the Wiltshire Core Strategy and other relevant parts of the development plan, and there is no conflict with national policy. On this basis it is recommended that planning permission be granted, subject to conditions.

RECOMMENDATION

Permission, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawing No. LYN-ATK-GEN-XX-DR-LL-000001 Rev C02: Landscape Plan, dated 29/02/24 and received 29 February 2024;
Drawing No. LYN-ATK-GEN-XX-DR-CD-000001 Rev C01: Drainage Layout Plan 1, dated 15/12/23 and received 29 February 2024;
Drawing No. LYN-ATK-GEN-XX-DR-CD-000002 Rev C02: Drainage Layout Plan 1, dated 16/12/23 and received 29 February 2024;
Drawing No. LYN-ATK-GEN-XX-DR-CD-000003 Rev C01: Field Drainage Layout Plan, dated 15/12/23 and received 29 February 2024;
Drawing No. LYN-ATK-GEN-XX-DR-LL-000004 Rev P01.1: Cross Section, received 23 April 2024;
Drawing No. LYN-ATK-SRW-XX-DR-CB-000001 Rev C01: Retaining Wall General Arrangement, dated 14/12/23 and received 23 May 2024;
Drawing No. LYN-ATK-GEN-XX-DR-CH-000006 Rev C01: Proposed Site Plan Sheet 1, dated 20/02/24 and received 29 February 2024;
Drawing No. LYN-ATK-GEN-XX-DR-CH-000007 Rev C01: Proposed Site Plan Sheet 2, dated 20/02/24 and received 29 February 2024;
Drawing No. LYN-ATK-HGN-XX-DR-CH-000013 Rev C01: Proposed Retaining Wall Profile, dated 20/02/24 and received 29 February 2024;
Document No. LYN-ATK-EGN-XX-SP-CH-000001 Rev C01: Landscape Specification, dated 14/12/23 and received 23 April 2024;
Document No. LYN-ATK-GEN-XX-RP-LW-000001 Rev 1.0: Flood Risk Assessment, dated 28/02/2024 and received 29 February 2024;

Document No. LYN-ATK-GEN-XX-RP-LP-000002 Rev 1.0: Design and Access Statement, dated 29/02/2024 and received 29 February 2024;
Document No. LYN-ATK-EGT-XX-RP-CE-000001 Rev 1.0: Geo-Environmental Assessment Report, dated 27/02/24 and received 29 February 2024;
Document No. 5214576/GEO/RP/02 Rev 1.0: Ground Investigation Report, dated 02/06/23 and received 29 February 2024;
Protected Species Report, dated 26/02/24 and received 29 February 2024;
Preliminary Ecological Appraisal Rev 2.0, dated 28/02/2024 and received 29 February 2024;
and
Application Form, dated 29/02/2024 and received 29 February 2024.

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

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

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

3. No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order 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.
- e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

REASON: 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.

4. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall be implemented in full and for a minimum period of 5 years, to ensure establishment and development of suitable natural features within the site.

REASON: To ensure the successful establishment 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.

5. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include, at a minimum, details of:

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

The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, 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.

6. Development shall not proceed other than in accordance with the recommendations set out at Section 7.2 of the approved Geo-Environmental Assessment Report regarding management of contaminated land, including the provisions for the handling of materials contaminated with asbestos.

REASON: To manage risks associated with land contamination in the construction phase and thereafter.

7. 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.

8. INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

9. INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

10. INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

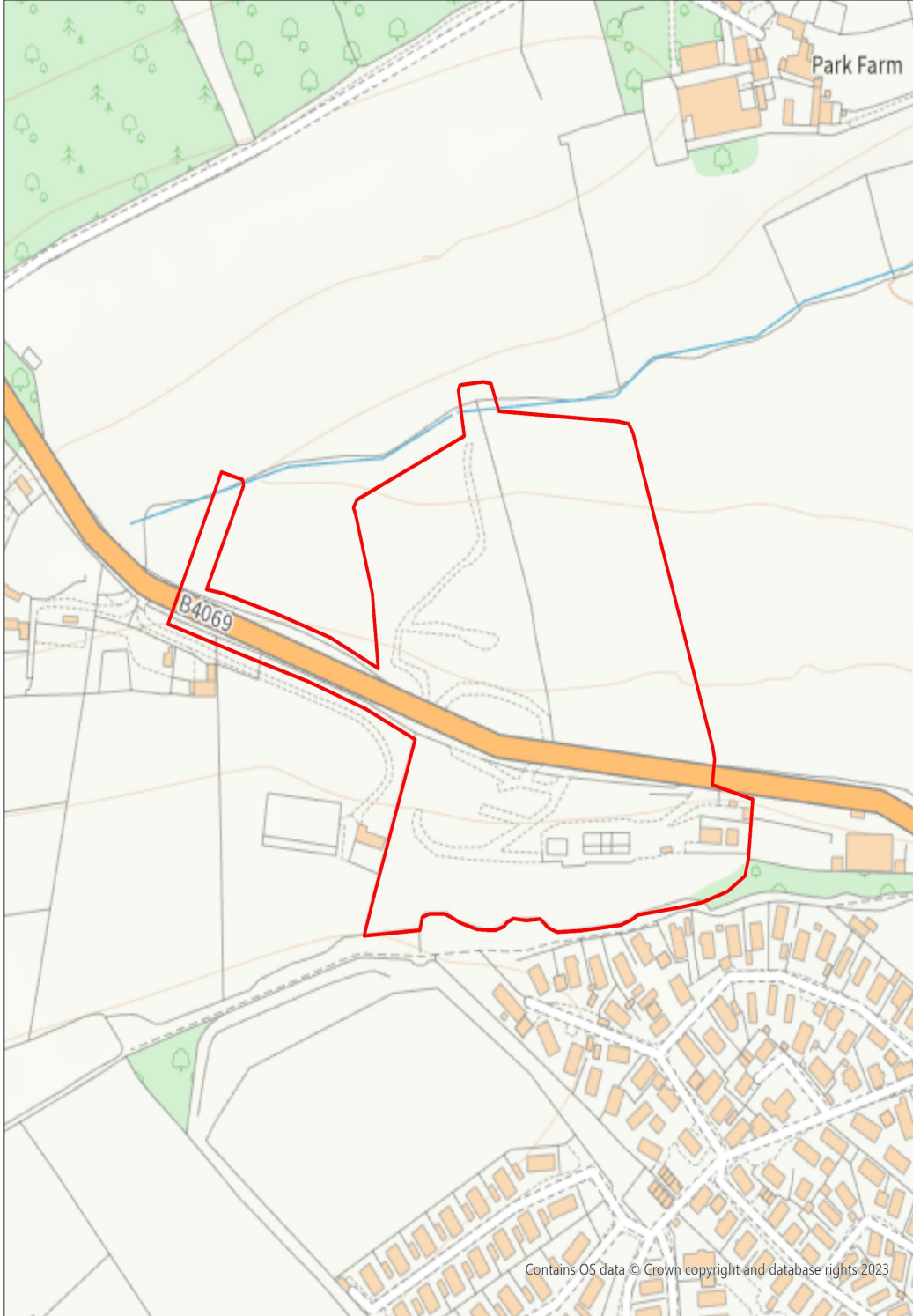
11. INFORMATIVE TO APPLICANT

The applicant should note that the works hereby approved involve works on land where there is known or suspected asbestos contamination. Asbestos materials should only be removed by a licenced contractor, Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

Wiltshire Council

PL/2024/02330

B4069, Lyneham Banks, Lyneham,
Chippenham, SN15 4AA



Contains OS data © Crown copyright and database rights 2023

1:2,500



400759E 179819N m

© Crown Copyright and Database Rights 2024 Ordnance Survey Licence No 100049050

This page is intentionally left blank