

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	22 February 2023
Application Number	PL/2022/01367
Application type	FULL
Site Address	Land off St George's Road, Semington, Melksham
Proposal	Residential development of 18 Dwellings with associated works including vehicular access and parking
Applicant	Newland Homes Ltd
Town/Parish Council	SENINGTON
Electoral Division	MELKSHAM WITHOUT WEST & RURAL ED – Jonathon Seed
Grid Ref	51.341345, -2.152655
Type of application	Full Planning Permission
Case Officer	Jemma Foster

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement.

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 subject to completion of a Section 106 agreement.

2. Report Summary

The main issues to be considered are:

- The principle of the development
- Impact on the setting of the area
- Impact upon neighbouring amenity
- Highway and traffic impacts
- Drainage and flood risk
- Local Plan Review
- Section 106 Legal Agreement

3. Site Description

The site is agricultural land, covering approximately 0.80 hectares. It is located to the south-west of Semington, and Melksham lies approximately 3 miles to the north-north-west. Trowbridge lies approximately 3 miles to the west-south-west. It is a relatively level site that is open but contained on three sides by existing mature hedgerows and an existing building site to the north (see 'Planning History', below). The site is located outside of the limits of development of the Semington 'Large Village' as defined in the development plan.

The map below shows the site shaded/outlined in blue (the green area immediately to its north side (and through which the site is accessed) forms a housing site currently being developed out for 24 units – see 'Planning History' below). The red shading indicates the area contained within the limits of development for Semington, and surrounds the site on three sides.



Approximately 80 metres north-west of the site is a Grade II Listed Building known as St Georges Hospital which now houses residential properties ranging in height up to three storeys. A public right of way runs to the north of the site (SEM11) which cuts around the south of the Grade II Listed Hospital. To the east of the site lies existing residential properties which range from dormer bungalows to two storey houses. To the south of the site lie further agricultural fields. The site is not located within Flood Zones 2 or 3.

4. Planning History

There is no relevant planning history on the site in question but the land immediately to the north has outline and reserved matters approval for 24 units.

16/01678/OUT – Erection of 24 dwellings with associated access and parking and land for allotments – Approved 04/11/2016

19/07938/REM – reserved matters application for 24 units – Approved 16/01/20120 which saw the following approved layout:

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

CP1 – Settlement Strategy,
CP2 – Delivery Strategy,
CP3 – Infrastructure Requirements,
CP15 – Spatial Strategy for the Melksham Community Area,
CP41 – Sustainable Construction and Low Carbon Energy,
CP43 - Providing Affordable Homes,
CP45 – Meeting Wiltshire’s Housing Needs,
CP48 – Supporting Rural Life,
CP49 – Protection of rural services and community facilities,
CP50 – Biodiversity and Geodiversity,
CP51 – Landscape,
CP52 – Green Infrastructure,
CP57 – Ensuring High Quality Design and Place Shaping,
CP58 – Ensuring the Conservation of the Historic Environment,
CP60 – Sustainable Transport,
CP61 – Transport and New Development,
CP62 – Development Impacts on the Transport Network,
CP64 – Demand Management,
CP67 – Flood Risk

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan

U1a - Foul Water Disposal,
U2 - Surface Water Disposal,
U4 - Ground Source Protection Areas,
I1 - Implementation

Semington Neighbourhood Plan

Semington Parish Council have commenced the process of making a neighbourhood plan, but this is at a very early stage, and therefore cannot be given weight in the determination of planning applications. The initial application for Semington to be a designated a neighbourhood plan area was made in September 2021.

Other

- Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015).
- Wiltshire Housing Site Allocations Development Plan Document (DPD) (adopted 25 Feb 2020)
- Trowbridge Bat Mitigation Strategy
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Council Affordable Housing Supplementary Planning Guidance (adopted August 2004)
- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7. Consultation responses

Semington Parish Council: Object; on the grounds that:

- [i] the land is outside the development boundary
- [ii] too many houses are proposed for a large village
- [iii] there are already 52 dwellings with extant planning permission in the village whereas the parish's allocation in the draft local plan is only 35
- [iv] the recent rural housing needs survey for the village did not indicate a need for additional housing over and above those already granted permission
- [v] the neighbourhood planning steering group had not yet considered the issue of allocation of land for housing
- [vi] as some local services are already overstretched whilst others are overwhelmed, what is proposed cannot be sustainable development
- [vii] there is considerable opposition to the development from the village for the reasons stated above.

Wiltshire Council Highways: No objection

Wiltshire Council Affordable Housing: No objection, subject to S106

Wiltshire Council Education: No objection

Wiltshire Council Landscape Officer: No objection

Wiltshire Council Archaeology: No objection subject to conditions

Wiltshire Council Urban Design: No objections

Wiltshire Council Ecology: No objection subject to conditions

Wiltshire Council Drainage: No objection subject to conditions

Salisbury & Swindon Swifts: No objection subject to conditions

Wiltshire Council Public Rights of Way: No objection, subject to S106

Wiltshire Council Spatial Plans: Comments –

The proposal is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the Wiltshire Core Strategy (WCS). Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principal aims of the National Planning Policy Framework. This must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as a whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

Wessex Water: No objections

8. Publicity

The application was advertised by way of a site notice and neighbour notification letters. An advert was also placed in the press. The following is a summary of the issues raised by members of the public / third parties in 45 objections and 1 support -

Objections –

Principle –

It will blur the village boundaries

The development is beyond the settlement boundaries – Semington will become part of Trowbridge and Melksham if development continues

Housing Needs Survey did not identify any need

The Neighbourhood Planning Steering Group have not allocated any sites for housing

A large village is not to have more than 10 homes – we are now at 400%

We have met the current building needs in Semington

Why not focus developments within the towns

Impact on Area –

It will not retain the historical character and rural setting of Semington

It will destruct a green buffer with consequential loss of wildlife habitat

Increase in hard landscaping will mean an increase in rainwater run-off

There is a significant increase in density in this proposed site compared to the site immediately north

Impact on Highways –

Increase traffic in Semington

Increase traffic onto St Georges which is not a full width road and additional cars will create a bottleneck

Other –

Newland Homes are not trying to solve the crisis, they are merely here for profit

Medical and dentistry services are unable to cope as well as the local schools

Community consultation is poor – the parish council meeting only took place after the application had been submitted

Proposal would prevent the expansion of the allotments of which there is a waiting list

If permission is granted the developer must be held to account and deliver all of the energy and climate mitigation proposed, including EV points

Why can't the Council stop these applications before they get to the Parish Council because they cause more stress and wasted time by its parishioners?

Support (x1) –

Possible increase in customers to support the village pub and village social club

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan stating that, first and foremost, decisions must be made in accordance with the development plan unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight on the planning balance.

Beginning with the development plan (the Wiltshire Core Strategy (WCS)), the site lies outside the Limits of Development of the Semington 'Large Village' and is, therefore, in 'open countryside' where under Core Policies 1 and 2 new housing development is not normally permitted unless one of the following applies:

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

As the site falls outside of the Limits of Development and has not been brought forward through either a Neighbourhood Plan or through an allocation in a development plan document for the area, the proposal does not comply with the requirements of Core Policies 1 and 2 of the WCS.

However, the Council cannot currently demonstrate a 5-year supply of deliverable housing land, and this is a material consideration. This circumstance means that the 'tilted balance' flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged; it states the following:

For decision taking this means: Where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As Wiltshire Council is unable to demonstrate a 5-year housing land supply, the local plan policies which would restrict new housing provision must be treated as being out of date. This does not mean that the policies carry no weight, but rather the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

In this case there are no demonstrable adverse impacts, and accordingly the benefits of developing the site for housing tip the balance in favour of the proposal. The delivery of housing to assist the shortfall in 5-yls in a location which is adjacent to a sustainable settlement and where there would be no harmful effects accords with the NPPF as a matter of principle, and it is this material consideration which makes the proposal in this case acceptable. Consideration of the detailed impacts of the proposal is given below.

Objections have been received regarding Semington already having more housing than previously identified, and that the Neighbourhood Plan has not allocated any additional housing. However, the Neighbourhood Plan is not at a point in the plan-making process where it can be given any weight, and as such it cannot be taken into consideration when making a decision on this planning application. And for the purposes of assessing the housing supply position, this must be considered at the county level and not locally in accordance with the NPPF. As stated, at the county level Wiltshire Council is presently unable to demonstrate the required 5-year land supply.

9.2 Scale, Design and Layout

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design.

The proposal sees a mix of dwellings. 13 of the units are to be 'open market' and include 2 x 3-bed bungalows, 6 x 3-bed houses and 5 x 4-bed houses. The 5 affordable units comprise 1 x 2-bed-4person accessible unit, 2 x 2 bed-4person units, and 2 x 3-bed-5 person units. The affordable housing units are considered acceptable to meet the current need by the Council Affordable Housing Officer.

The proposed development uses similar designs and materials (red facing brick, buff facing brick, buff recon stone, red double Roman concrete roof tile, and slate grey concrete roof tile) as the approved development to the north side, the only difference is that the proposed dwellings are to be made carbon neutral through insulation, photovoltaic panels on roofs, heating and hot water to be provided via air source heat pumps, and electric car charging points per unit. This ensures the development complies with the aspirations of CP41 and the relevant design criteria of CP57.

Regarding density, the approved development to the north is 11.6 dph, whereas this site is proposed to be 22 dph. Although the proposed density is slightly higher, it is still low and appropriate in the context of the wider surroundings.

9.3 Landscape and Visual Impact

Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that new development should protect, conserve and where possible enhance landscape character, and should not have a harmful impact on landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures. The site subject of this application sits in the Avon Vale, adjacent to existing housing.

The Council's Landscape Officer has assessed the proposal and considered that it would have limited impact upon the surrounding landscape due to the existing boundary treatment and surrounding development (on three sides) and as such would be acceptable. The only request has been for the hedge to the rear of plots 10-13 to be a thorny hedge to deter intruders and to improve the aesthetic of this space which would otherwise just be a timber fence. The site would be seen visually as an extension to the already approved development in an area that is not seen by the public largely due to the existing mature boundaries that surround the site, and as such the development is considered to have minimal impacts upon the wider landscape.

New planting is proposed on the site within the streets, with additional hedgerows and wildflower meadows, all of which will enhance biodiversity and help sustain and encourage the existing wildlife corridors that exist on site. The existing boundary hedges would be maintained and also enhanced. The Biodiversity Report submitted with the application demonstrates that the proposed development and landscaping would result in a habitat net percentage change of + 10.26% and a hedgerow net percentage change of +18.58%, and as such biodiversity offsetting would not be required.

9.4 Heritage Impact

CP58 states that development should protect, conserve and where possible enhance the historic environment.

The Council's Archaeologist has assessed the application and following the evaluation report and written scheme of determination has concluded that the proposed development should be carried out in accordance with the written scheme of investigation.

The Grade II Listed Buildings lie to the north east of the site. It is considered that the proposed development, by reason of the approved development to its north being closer to the Listed Buildings, and in view of the proposed boundary treatments in the form of existing and enhanced hedgerows, would remove the possibility of any harm (less than substantial or otherwise) to the heritage assets or their setting. The proposal is therefore considered to comply with CP58 and Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.6 Drainage

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). The site is located in Flood Zone 1 which is at least risk of flooding. Semington Brook is a main river located approximately 600 metres north east of the site. A surface water drainage strategy has been development incorporating sustainable urban drainage systems, and it demonstrates that a drainage scheme can be achieved by connecting to the approved site immediately to the north with additional on-site attenuation. The site has been confirmed as having no contamination.

As Wessex Water and WC Drainage have raised no objection to the scheme, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere – and with the requirements of CP67 of the WCS.

9.7 Ecological Impact

An ecological appraisal has been submitted with the application with a targeted survey on bats due to the site lying within the northern periphery of the "medium risk" zone for bats in the Trowbridge Bat Mitigation Strategy SPD. Mitigation for the bats has been provided on site through enhanced hedgerows, wildflower meadows etc but further mitigation to the wider would also be undertaken using CIL receipts.

The Council's Ecology Officer has raised no objections and has recommended conditions regarding a construction management plan, a landscape and ecological management plan, and no external lighting. These conditions are reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

The Salisbury and Swindon Swifts group have commented on the application and requested that 18 swift bricks are incorporated into the scheme in clusters on the north, east and west gables of some of the buildings. This can be required by condition, as was the case with the adjacent development.

9.8 Impact on amenity

CP57 requires proposals to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, etc..

The submitted plans indicate that the proposed gardens are at least equal to, if not greater than, the floorspace of the proposed dwellings they serve, and therefore it is considered that the proposed amenity spaces are of satisfactory size. The dwellings have also been designed with minimum space standards in mind. It is, therefore, considered that the proposed development itself does not bring about concerns for the amenities of future occupiers.

Units 1 and 18 are located to the west of the site and closest to existing residential properties in St George's Place, but both are considered to be sufficiently separated from the neighbours to raise no concerns from overshadowing. Unit 1 has one bathroom window located in its side elevation at first floor level, and this can be conditioned to be obscurely glazed to prevent any possibility of overlooking. Unit 18 has no windows on the side elevation and thus no overlooking concerns arise. The separation between proposed units 6, 7, 8 & 9 and the new development to the north is sufficient to not warrant any concerns over overlooking or overshadowing. The proposed open space adjacent to units 9 and 10 would protect those existing residential units that lie east of the site.

The proposed development is, therefore, considered to comply with the relevant criteria of CP57 relating to residential amenity.

9.9 Highways

The objectives of Core Strategy policies 60 and 61 are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The site is located within walking distance of bus stops and the village centre where there is a village shop, church, primary school, and walking library. There are good public transport links with the north and south bound bus stops being located at the junction of St Georges Road and High Street and are approximately 300m to the east of the access to the site. Bus X34 runs between Frome and Chippenham via Melksham and Trowbridge and operates every half hour Monday to Friday. Route 49 operates from bus stops on the A361 between 650 metres and 700 metres from the centre of the site which runs between Swindon and Trowbridge via Devizes and Wroughton Monday to Saturday. Other bus services include numbers 39 (Semington to Devizes which operates on a Thursday) and 86 (Semington and Bath which operates on a Wednesday). An existing public right of way (PROW) known as SEM11 runs to the west of the site providing access to the former hospital site and provides a continuous route to the High Street, and as part of the approved site located to the North, the site was linked up to this PROW via a tarmac surface at a width of 2 metres through a Section 106 Legal Agreement. Furthermore, to the north of Semington, the High Street crosses the Kennet and Avon Canal which becomes part of the National Cycle Network as route 403 which leads to Melksham. The towpath also provides long distance routes to Devizes and Trowbridge.

St Georges Road is approximately 6 metres wide with street lighting and a 2 metre footway on its southern side. It is subject to a 30mph speed limit and has road humps at regular intervals. To the east and west of the site, St Georges Road narrows to provide a single lane width for approximately 25 metres. At each end the road narrowing gives priority to eastbound drivers with a give way marking and signage. Access to the site would be via the access previously approved for the site to the north and refuse vehicle tracking has also been provided as part of the application.

The proposed development provides 49 car parking spaces, 4 visitor spaces and 1 cycle unit covered and secure in line with the Wiltshire Parking Strategy. There would be 1 electrical vehicle charging space provided per unit. Highways have raised no objections to the proposal.

9.10 Community Infrastructure Levy (CIL)

Interested party comments made relating to the provision of facilities, such as school places, transport provisions etc, within the area are acknowledged. Infrastructure made necessary by the development would be addressed through CIL payments or through the separate legal agreement (S106), or a mixture of both.

The new dwellings would be liable for CIL. The site would fall under charging 'Zone 1, Category 3' where the sum equates to £85 per square metre of residential floor space created, plus indexation.

In addition to CIL payments, further financial obligations towards infrastructure specific to a development proposal are secured through section 106 contributions.

10. S106 contributions

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 Paragraph 55 of the National Planning Policy Framework. These are that contributions must be:

- 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 proposal. The applicant has agreed to provide the following:

Affordable Housing

CP 43 states that on sites of dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The site is proposing 18 new homes, the affordable on-site housing requirement is, therefore, 5 affordable homes of *which 60% would be affordable rented homes (i.e. 3 homes) and 40% would be as shared ownership homes (i.e.2 homes)*. The property type, location and tenure mix that has been proposed as part of this application has been agreed by WC Housing.

Recreation and Open Space

Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport/recreation provision, an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106. The proposal does include an area of public open space which is to be managed by a management company, and this is considered to be appropriate in the context of the policies.

Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The allocated schools for this development are St Georges CE primary school and Melksham Oak

Secondary School which both have capacity to serve the new development and therefore no contributions are required.

Refuse

A contribution of £1,638 (£91 per dwelling x 18) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Highways

CP52 states "*Development shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*". This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD. It is therefore considered that a contribution for nearby Public Rights of Way improvements is justified - £3800.00.

Management Company

The S106 Legal agreement would need to ensure that the proposed dwellings are served by a management company to ensure that the area of public open space and other shared areas are managed and looked after.

11. 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; and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, permission should be granted in any event.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land; at the time of preparing this report the current supply figure as set out in the latest Housing Land Supply Statement is 4.72 years. With this recognition the strategic policies of the Core Strategy must be considered out of date, and so the tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (NPPF) is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst the proposed development lies outside of the Semington 'Large Village' boundary and so conflicts with the strategic level policy requirements (CP1 & CP2), this report shows that there are no adverse impacts arising from the proposal on the wider landscape, ecology, highways, and/or amenity. There are, however, benefits which include additional market and affordable housing; the development would also contribute to the housing choice and mix in the local area. Additionally, it would contribute to the environmental objective of achieving sustainable development through the provision of electric vehicle charging points, etc., and provide economic benefits by providing work for construction professionals, increase economic activity within Semington and contributions towards off site infrastructure through S106 contributions and CIL.

As already set out, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for growth would bring. The proposal is for a well-planned windfall development that would read as a natural extension to the already approved development on its north side, and adjoin other established developments to its east and west.

Fundamentally the site would make an important contribution to the current identified housing need in Wiltshire without causing other demonstrable harm.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant full planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report, and subject to the conditions set out below –

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 Construction works involving activities audible at the edges of the site shall be restricted to the following times:-

- (a) Mondays - Fridays 07:30 – 18:00hrs
- (b) Saturdays 08:00 – 13:00hrs
- (c) Not at all on Sundays or Bank and Public Holidays.

No burning shall take place on site.

REASON: In the interests of the amenity of the area.

3 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 garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

4 No dwelling hereby approved shall be first occupied until its associated access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5 No dwelling hereby approved shall be first occupied until its windows serving the en-suites and bathrooms have been glazed with obscured glass only to an obscurity level of no less than level 3. The windows shall thereafter be maintained with obscured glass in perpetuity.

REASON: In the interests of residential amenity and privacy.

6 No development shall commence above slab level until details of how nest and roosting places for building dependent species such as swifts will be incorporated into the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

REASON: In the interests of enhancing the local and natural environment.

7. No development shall commence on site until a programme of archaeological work to demonstrate that the development hereby approved has been carried out in accordance with the approved Written Scheme of Investigation (submitted to Wiltshire Council on 22nd August 2022) has been submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall commence on site until a Drainage Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Construction Management Plan shall include monitoring of, and measures to retain the existing vegetation across the site, together with drainage arrangements during the construction phase. The development shall be carried out at all times in accordance with the approved details.

REASON: To ensure that the site can be adequately drained during the construction phase.

No work shall commence on site including 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 as recommended in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) including but not necessarily limited to:

- a) Ecological protection areas/buffer zones and tree root protection areas around retained hedgerows and trees including details of specification of physical means of protection, e.g. temporary fencing.
- b) Mitigation strategies for protected/priority species, such as reptiles, amphibians, nesting birds, badger and hedgehog.
- c) 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.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) 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.

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.

10 No development shall commence on site including site clearance until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall specify the design and location of features required as mitigation as outlined in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) and required by the Biodiversity Net Gain Preliminary Design Stage Report prepared by All Ecology (July 2022) the including, including but not exclusively:

- a. New hedge planting in the public realm including protective measures and buffers.
- b. Enhancement of retained hedges.
- c. Protective measures and buffers for retained hedge at the northern boundary.
- d. Hedgehog paths through any solid fences.

- e. Integral bird swift boxes and bird homes.
- f. Reptile/ amphibian hibernaculum.
- g. Integral bat boxes.
- h. Hedgehog homes.

The LEMP shall also include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development including but not limited to:

1. Retained and new hedges and trees.
2. Attenuation basin/ pond and associated aquatic vegetation and wetland meadow grassland.
3. Wildlife corridor.
4. Wildflower meadow.
5. Native and non-native hedgerow planting.

The LEMP shall also include a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets and detail 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.

11 No external light fixture or fitting shall be installed at the application site unless its details are first submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate compliance with Section 4 of the Walkover Survey report prepared by All Ecology (November 2021). The light fixture or fitting must be installed as approved and maintained as such thereafter.

REASON: To avoid inappropriate illumination of habitats used by bats.

12 The development hereby approved shall be carried out in accordance with the drainage strategy reference 877-ER-01 dated 10th November 2021 received by the Local Planning Authority on 18th February 2022.

REASON: To ensure the site satisfactorily drains and does not lead to flooding elsewhere.

13 Prior to the occupation of the 18th dwelling the fence and gate to be erected around the 'Wildflower Corridor'/'Wildlife Meadow' at the rear of units 10-13 shall be completed. Thereafter this area will remain private and inaccessible to the public, with access only for maintenance purposes.

REASON: To ensure the future protection of the wildlife corridor and wildlife habitats.

13 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 any part of the development or in accordance with a programme to be first agreed in writing by the local planning authority, 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 (which shall include all elements of the 'Play Trail' and the 'Self-binding gravel path' and related bench and log seating) shall also be carried out in accordance with the approved details prior to the first 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.

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

- 18th February 2022 877: 01 (location plan), 07 (Maintenance Area Management Plan), 10 (HT Floor plans and elevations), 11 (PB floor plans and elevations), 12 (CR floor plans and elevations), 13(HN floor plans and elevations) 14 (AG floor plans and elevations), 15 (2B4P floor plans and elevations), 16 (2B4P D Floor plans and elevations), 17 (3B5P floor plans and elevations) BIP (Boundary Identification Plan), 155 (External works, drives, kerbs, pavers)
- 2nd March 2022 877: 151 (External works details – walls, fences, railings),
- 21st June 2022 877: 08 rev A (street scenes), 122 -1 (drainage details), 141 Rev B (external works layout), 142 Rev A (drainage layout), 148 -1 &148-2 (swept path analysis), Planning materials Schedule, Semington Material Board,
- 5th August 2022 877: 05 Rev B (Planning layout), 09 (boundary identification plan), 50 Rev B (ecological parameters plan), 21/498/02D (detailed landscape Plan)

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

Informatives:

1 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

2 In order to discharge the archaeology condition above, the work is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be met by the applicant.

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