

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought and provided on the site adjacent to the application which had received permission following an appeal, and which had also been outside the limits of development, although that had been during a period where the council had been required to but unable to demonstrate a five-year housing land supply.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr Jonathan Seed, then spoke in objection to the application.

During debate a point of order was raised regarding Local Member participation in debates and votes. It was confirmed there was no legal or procedural issues with such participation in itself. Other issues raised in debate included the benefits of affordable housing, particularly larger dwellings which were affordable, and the isolation of the site from local amenities.

Following discussion, and on the motion of Cllr Bridget Wayman, seconded by Cllr Howard Greenman, it was then,

Resolved:

That planning permission be refused for the following reasons:

1. Principle of Development

Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Melksham is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Melksham, and so is in the countryside.

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 15 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Melksham Community Area in which the site lies. It states that development in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The proposal is for outline planning permission to erect up to 53 dwellings, etc. on the application site, which is in the countryside. Under Core Policies 1, 2 and 15, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document. Furthermore, there are no material considerations or exceptional circumstances, including set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy, Policies 1 and 6 of the Melksham Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

2. Lack of a signed Legal Agreement

The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

Informative to Applicant:

Reason for refusal 2 relates to the failure of the applicant to secure affordable housing and other financial contributions for the site. In the event of an appeal it may be possible to address this through a suitably worded Planning Obligation.

18 PL/2022/09532: Land at Romsey Road, Whiteparish, Salisbury

Public Participation

Ivor Ellis spoke in objection to the application.

Gemma Ward spoke in objection to the application.

Aaron Smith spoke in support of the application.

Matt Smith spoke in support of the application.

Lynda King, Senior Planning Officer, presented a report which recommended that permission be refused for outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, open space, landscaping and drainage

The background to the application was explained to be the similar as the previous items at Minutes 15-17, having received initial approval by the Committee on 16 August 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations leading to a change in recommendation from the officers.

Key issues included the principle of development, the site being outside the limits of development, scale of the application, and stated positive impact on local education provision.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries it was confirmed Whiteparish was designated as a large village, and that no housing sites within the settlement boundary were included in the emerging Local Plan. Details were also sought on pedestrian access to the site, planning policies for new development in villages, grading of the agricultural land that would be lost and its size, and that it was for the Committee to determine how much weight to give to the material considerations, with Members noting the site, whilst outside the limits of development, was bordered on two sides by that limit and other properties.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr Richard Britton, then spoke in support of the application, noting the community benefits of the application listed in the report.

The Committee noted the changed position with the NPPF, but that weight could also be given to other material considerations as appropriate. The previously approved conditions and legal agreement terms were raised.

Following a brief discussion, and on the motion of Cllr Adrian Foster, seconded by Cllr Stewart Palmen, it was then,

Resolved:

To grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to within the committee report for 16 August 2023, and subject to the following 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:

The scale of the development;
The layout of the development;
The external appearance of the development;
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) Approved plans

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

- Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 Dec ember 2022
- Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022
- Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.

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

- 5) No development above slab level shall commence on site until the exact 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: 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, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being.**

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

- 7) 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;**
- other vehicle and pedestrian access and circulation areas;**
- all hard and soft surfacing materials;**
- minor artefacts and structures (e.g. furniture, play equipment, 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);**

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

- 8) 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.

9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 until:

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

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

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 ensure that the development can be adequately drained.

11) 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).
- f) 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.

The CEMP shall also address the following:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) 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 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.

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

- 14) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to

vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

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

REASON: In the interests of the amenities of local residents.

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

REASON: In the interests of the amenities of local residents.

- 20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

21) No development shall commence on site until a construction 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 of construction vehicles;**
- ii. The cutting or other processing of building materials on site;**
- iii. Wheel washing and vehicle wash down facilities;**
- iv. The transportation and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**
- vi. The loading and unloading of equipment and materials**
- vii. The location and use of generators and temporary site accommodation**
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.**

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

REASON: In the interests of the amenities of local residents.

22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

Informative Notes

- 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 XXXX.**
- 2) The development hereby approved will be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money**

generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
 - i. an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
 - ii. Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
 - iii. A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.

- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.

- 6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance

note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.
- 8) The layout for the Reserved Matters application shall closely follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).

It was requested it be noted that the decision to approve permission was unanimous.

19 **20/09659/FUL: Land off Frome Road, Upper Studley, Trowbridge**

Public Participation

David Goodship read a statement in objection to the application on behalf of Chris Beaver, Agent, spoke in support of the application under Minute 13.

Ruaridh O’Donoghue, Senior Planning Officer, presented a report which recommended that permission be granted for erection of 50 dwellings and associated access and landscaping works subject to the signing of a s.106 legal agreement.

The background to the application was explained to be the same as set out for the application at Minutes 15-18, having received initial approval by the Committee on 22 February 2023 subject to the signing of a s.106 legal agreement, with revisions to the National Planning Policy Framework (NPPF) and the impact on the planning balance and other material considerations.

It was explained that the s.106 agreement had been very near completion at the time of the changes to the NPPF, and that officers considered that the changes did not materially affect the application, noting it was for an allocated housing site, with no other technical objections or relevant material considerations. The recommendation was therefore unchanged from the initial consideration.

Other key issues included the requirements of the Trowbridge Bat Mitigation Strategy, with it stated that offsite contributions had been agreed to mitigate for any net loss of biodiversity on the site.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on access to the site, the level of affordable housing being 30% in accordance with policy, and that the application had been brought back despite the unchanged recommendation following legal advice due to the change to at least one significant material consideration.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Cllr David Vigar, then spoke in objection to the application. He raised concerns regarding lack of onsite mitigation for biodiversity, compliance with the bat mitigation strategy, and the need for the site given changes to the NPPF. The adjacent Unitary Member, Cllr Horace Prickett, also spoke in objection to the application.

The officer responded to comments raised stating no objections had been raised on ecological grounds by the council or Natural England in respect of biodiversity and bat mitigation, which was not regarded as an unresolved issue, which was able to be offsite in nature. The site remained an allocated housing site, and if housing did not come forward this would have an impact on future calculations of the housing land supply.

On the motion of Cllr Elizabeth Threlfall, seconded by Cllr Bridget Wayman, and following a comment regarding the buffer zone to the south of the site and the biodiversity mitigation, it was then.

Resolved:

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

S.106 matters

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

to the BCIS All In Tender Price Index from date of completion of agreement until payment.

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

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

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

Conditions:

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

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

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

Design and Planning:

- **721_B_Design and Access Statement_A3**
- **721-01__Location Plan_A3**
- **721-06_C_Planning Layout_A2**
- **721-07_B_Building Height Key Plan_A2**
- **721-08_B_Affordable Housing Key Plan_A2**
- **721-09_A_Boundaries & Enclosures Key Plan_A2**
- **721-10_B_External Material Finishes Key Plan_A2**
- **721-11-01_B_Site Sections_A1**
- **721-11-02_A_Site Sections_A1**
- **721-12_B_Street Scene_A0**
- **721-100_B_External Materials Schedule_A3**

House Types/ Garages:

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

- 721-43-02_A_Garages_A3

Engineering:

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)
- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)
- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1_500)

Supporting Information:

Landscape -

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

Arboriculture -

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

Urban Design -

- **721__Building for a Healthy Life Assesment_A4**

Ecology -

- **721__Extended Phase 1 Ecological Survey Report_A4**
- **EMP (Ecological Mitigation Plan) (May 2022)**
- **CEMP_Biodiversity_Upper Studley_v6.0 (Construction Ecological Management Plan)**
- **EclA_Upper Studley_v6.0 (Ecological Impact Assessment)**
- **LEMP_Upper Studley_v6.0 (Landscape Ecological Management Plan)**
- **Upper Studley_Defra Metric v2.0 (February 2022)**
- **Upper Studley_Defra Metric v2.0_No Offsite (February 2022)**
- **HRA_Upper Studley_v1.0**
- **Masterplan_Ecology_H2.4-H2.5-H2.6_v4.0 (May 2022)**
- **721-16__The Grove Illustrative Landscape Enhancements_A3**

Lighting -

- **721__Lighting Impact Assessment_A4 (February 2022)**
- **721__Street Lighting Calculation MF0.87**
- **721__Street Lighting Calculation MF1**
- **721__Street Lighting Strategy Summary MF0.87**
- **721__Street Lighting Strategy Summary MF1**

Drainage -

- **SRT-BWB-EWE-XX-RP-EN-0001_S2_P2.0_FRA (Flood Risk Assessment)**
- **SRT-BWB-EWE-XX-RP-EN-0002_HMSN_S2_P1.00 (Hydraulic Modelling Summary Note)**
- **SRT-BWB-HDG-XX-RP-CD-0001_S2_P1.0_SDS (Sustainable Drainage Statement)**
- **CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)**

Archaeology -

- **Historic Environment Desk Based Assessment_A4**
- **Heritage Cumulative Impact Assessment_A4**
- **Written Scheme of Investigation_A4 (June 2022)**
- **Archaeological Evaluation Summary**

Acoustic -

- **M2201 Frome Road R01b - Noise Assessment**

Highways -

- **721__Transport Statement_A4 (February 2022)**

Planning -

- **721__Planning Statement_A4**
- **721__Application Form_A4**
- **721__CIL Form 1 - Additional Information_A4**
- **721__Notice Served_A4**

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

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

- **the parking of vehicles of site operatives and visitors;**
- **loading and unloading of plant and materials;**
- **storage of plant and materials used in constructing the development;**
- **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- **wheel washing facilities;**
- **measures to control the emission of dust and dirt during construction;**

- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries;
- pre-condition photo survey - Highway dilapidation survey
- Routing plan
- Traffic Management Plan (including signage drawing(s))
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.
- Details of temporary/permanent Traffic Regulation Orders
- Phases plan

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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

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

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

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

residential development. The scheme shall be implemented in accordance with the agreed details.

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

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

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2
- 721-142-3 Rev D Drainage and Levels - Sheet 3

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

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

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

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

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

- 9) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be

maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from

the first occupation or the completion of the development, whichever is the later].

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

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

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

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

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

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

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

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

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

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

- 15)The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) shall be implemented in full and for the lifetime of the development in accordance with the approved details.**

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

- 16)The development shall be implemented in accordance with the external lighting details contained within 721__Lighting Impact Assessment_A4 received 17th March 2022 and 721__Street Lighting Strategy MF0.87 & 721__Street Lighting Strategy MF1 received 30th October 2020. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

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

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

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

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

- 19)Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall be submitted to and approved by the Local**

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

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

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

REASON: In pursuit of sustainable transport objectives.

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

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

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

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

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

List of drawings:

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

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

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

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

It was requested it be noted that the decision to approve permission was unanimous.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 2.05 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail committee@wiltshire.gov.uk

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