

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 3 NOVEMBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Stewart Palmen (Substitute)

Also Present:

Cllr Trevor Carbin, Cllr Edward Kirk and Cllr Jacqui Lay

36 **Apologies**

Apologies were received from Cllr Sarah Gibson who was substituted by Cllr Stewart Palmen.

37 **Minutes of the Previous Meeting**

The minutes of the meeting held on 6 October 2021 were presented for consideration, and it was,

Resolved:

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

38 **Declarations of Interest**

There were no declarations of interest.

39 **Chairman's Announcements**

There were no Chairman's announcements.

40 **Public Participation**

The rules on public participation were noted.

41 **Planning Update**

Andrew Guest, Major Projects and Performance Manager gave an update to the meeting stating that the s106 agreement for 15/12351/OUT: Land at Rawlings Farm, Cocklebury Lane, Chippenham had been completed, so planning permission was issued.

In response to a question on when there would be updated 5 year land supply figures, the officer stated that the figures were being prepared but at present there was no confirmed date when these would be available.

42 **Planning Applications**

The following planning applications were considered.

43 **20/11382/FUL - Land at Pavenhill, Purton, Swindon, SN5 4DA**

Public Participation

Julie Hennessy spoke in objection to the application.

David Arnold spoke in objection to the application.

Alison Young (agent) spoke in support of the application.

Professor Richard Pagett representing Purton Parish Council spoke in objection to the application.

Lee Burman, Development Management Team Leader (North) presented a report which recommended that authority be delegated to the Head of Development Management to grant planning permission with conditions and subject to a s106 agreement for 20/11382/FUL, Land at Pavenhill, Purton, Swindon, SN5 4DA, for the demolition of 1 existing dwelling and erection of 25 market and affordable dwellings, with associated access works, car parking, public open space and landscaping.

The officer highlighted some typing errors within the agenda report. Corrections were stated as follows:

- Page 39, the first paragraph under Tilted Balance, includes the following sentence – “The scale of development is limited at 24 dwellings (net increase) and this is not considered reasonably well related to the scale of the settlement itself.” The word “Not” was included in error and should be deleted.
- Page 41, last paragraph under Residential Amenity, should read ‘*As such the proposals are considered to accord with the relevant policies of the plan and provision of the framework.*’
- The numbering on the conditions attached to the recommendation to approve was slightly out and would be corrected for the minutes if the application was approved.

The officer drew attention to representations sent directly to the Committee from Purton Parish Council and the CPRE (The countryside Charity, formerly known as the Campaign to Protect Rural England). The points raised in these representations were already addressed within the agenda report.

The officer explained that this application was being considered by the Strategic Planning Committee, rather than the Northern Area Planning Committee, as it had been called in by the local Member to consider the principle of development; the constrained vehicular access which was a concern to local residents; the conflict with the development plan and as the application raised housing land supply issues which affected all of Wiltshire.

The officer ran through the presentation slides, highlighting the location of the site and that the site was landlocked, requiring the demolition of 1 dwelling in order to provide access. The proposed site layout was very similar to a previous application (16/03625/FUL) which had been refused at Committee and dismissed at appeal. Within the proposed site layout, the play area had increased in size, the turning head had been reconfigured, the access road was of a slightly different alignment and there was better pedestrian access.

The substantive issues were stated to include the following, the proposal gave a net gain of 24 residential dwellings, the site was outside the limits of development and was not in accordance with Wiltshire Core Strategy (WCS) Core Policy (CP) 1, 2 and 19 and the Purton Neighbourhood Plan. As previously stated, a very similar application had been refused and dismissed at appeal by the Planning Inspectorate. However, at that time Wiltshire Council could demonstrate a 5 year housing land supply so the conflict with the policies and plans and the planning harm that arose outweighed the benefits of boosting the housing land supply. This was no longer the case. At appeal the planning inspector did not find any site specific substantive objections to the application. Therefore, one could only give limited weight to the issues raised with the application by interested parties. Since the similar application was considered, the Purton Neighbourhood Plan had been made, but this had now passed the 2 year timeframe for review, so was now considered to have reduced weight.

The officer explained that due to the shortfall in housing land supply the 'tilted balance' came into play on this application (paragraph 11d of the NPPF (National Planning Policy Framework)) which changed the weighting of arguments.

Material considerations for the Committee were stated to include the limited scale of the development with a net gain of 24 properties, which was proportionate to the scale of the settlement. The site was well related to the built form of the Purton settlement. The conflict with the Purton Local Plan was reduced due to the reduced weight of the Plan as described earlier. The proposal boosted the supply of land for housing and provided affordable housing. The officer felt that the reduced weight of the conflicts with plans and policies and increased weight of the benefits of the scheme were highly relevant if this proposal was to come before the planning inspectorate again. The officer stated that on balance the benefits arising from the scheme exceeded the planning harm, which was why the recommendation was for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Some Members, whilst acknowledging the concerns regarding the shortfall in the 5 year housing land supply, queried whether there was a housing

need in the local area and highlighted that the latest Housing Delivery Test for Wiltshire which indicated that the Council had met 149% of its required housing over the last 3 years. They also stated that there were several developments, such as 15/12351/OUT: Land at Rawlings Farm, Cocklebury Lane, Chippenham that would have a significant impact on the land supply. In response the officer explained that whilst Wiltshire Council had met 149% of its required housing over the last 3 years there was still a shortfall in supply. The 2019 figure where the Council could demonstrate 4.62 years supply would now be out of date and it was thought this figure was now 4.29 years supply. There was a housing need in the North and West Wiltshire Housing Market Area and across Wiltshire as a whole. The Land at Rawlings Farm development could not be counted towards the 5 year housing land supply due to when it went to Committee.

In response to further questions the officer explained that the housing allocation sites identified in the Purton Neighbourhood Plan (NP) had already been granted permission, however neighbourhood plans should be reviewed every 2 years, the Purton NP had not been, so now carried less weight. Despite this site not being one of the allocated sites the developer had, had aspirations to build on the site for quite some time.

The officer stated that the Highways Officer had considered the highways matters in detail and a lot of work had been undertaken due to the level of concern in the local area. The Highways Officer had raised no objections and felt the scale of use generated by the development could be dealt with. At the appeal on the previous similar application the inspector did not consider that the highways issues constrained the development. There were conditions attached to the recommendation to approve that covered highways matters.

The officer confirmed that the site had been considered when Purton were producing their Neighbourhood Plan. The officer explained that if approved, maintenance of the play area would be covered by a s106 agreement, usually through management company provisions.

Members of the public and Purton Parish Council then had the opportunity to present their views, as detailed above and late representations in writing to the Committee.

The unitary division member, Jacqui Lay, spoke in objection to the application. Cllr Lay highlighted that this site was outside the limits of development. Cllr Lay stated that Purton was a large village that should not be subject to lots of development as there was no service centre to support developments. A number of applications for houses in the area were detailed. Highways concerns regarding Pavenhill were explained, including the narrowness of the road and that local people felt the road was unsafe to walk along. Cllr Lay also felt that neighbourhood plans should not be disregarded, if this application was granted whilst being contrary to the neighbourhood plan it would undermine all neighbourhood plans across Wiltshire. There were issues with infrastructure and flooding to consider. Cllr Lay urged the committee to refuse the application, as the negative impacts of the application demonstrably outweighed the benefits, but if they approved it, recommended extra conditions to help support

nursery places, the village centre, improvements to the Rights of Way (RoW) network and mitigations to deal with the access issues and improve road safety.

Cllr Tony Trotman proposed a motion to refuse the application, seconded by Cllr Adrian Foster. Reasons for refusal included that this application would not be being recommended for approval without the 5 year housing land supply shortfall, the site was outside the settlement boundary, was landlocked and was contrary to CP1, the Settlement Strategy, CP2, the Delivery Strategy and CP19 the Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area. The site was not allocated for development in the Purton Neighbourhood Plan or Wiltshire Core Strategy. The Purton Neighbourhood Plan should have more weight when considering this application. Cllr Trotman highlighted a Malmesbury application (19/05898/OUT) considered by the Committee recently which was similar, which the Committee had refused, he felt that the Committee should be consistent when considering applications of this nature. The adverse impacts of the development outweighed the benefits.

A debate followed where Members stated they felt that it was important for them to be consistent, they could not refuse on Highways grounds as the Highways Officer has no objections, they should not be held to ransom over the shortfall in 5 year housing land supply when Wiltshire Council had demonstrably made good progress to addressing this, that Neighbourhood Plans should be supported and should be given more weight and that if this application was refused, Planning Officers should be cognisant of the Committees opinions when making recommendations for similar applications.

At the conclusion of the debate, it was;

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The proposal is outside of the settlement boundary for Purton, so it is located in the open countryside and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), The Wiltshire Housing Sites Allocation Plan (February 2020) or the Purton Neighbourhood Plan (2018). The development fails to meet any of the special circumstances for the creation of additional residential development in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. Therefore, the proposal is contrary to Core Policies 1, 2, and 19 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and the Purton Neighbourhood Plan. The proposal is in conflict with the development plan taken as a whole. As such, the proposal fails to constitute and secure sustainable development as required by the NPPF, specifically paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 15 and 47 and is contrary to the development strategy of the development plan. In accordance with paragraph 11d (ii) of the NPPF the benefits of the proposal have been fully considered but the adverse impacts**

would significantly and demonstrably outweigh those benefits, when assessed against the policies in the NPPF taken as a whole.

2. The proposed development does not make any provisions for securing affordable housing on the site; financial contributions towards early years education facility provision, public open space and play equipment and the on-going maintenance and waste and recycling facilities. The application is therefore contrary to Core Policies 3, 43, 45 and 52 of the Wiltshire Core Strategy (2015) and paragraphs 8, 34, 55, 56, 64 and 92 of the NPPF.

The Committee adjourned the meeting from 11.50am to 12 noon.

44 **20/09701/FUL - Land at Elizabeth Way, Hilperton, Trowbridge**

Public Participation

Mike Townley spoke in objection to the application.

Caroline Lincoln spoke in objection to the application.

Sarah Dickenson (agent) spoke in support of the application.

Cllr Trevor Carbin of Hilperton Parish Council spoke in objection to the application.

Cllr Edward Kirk of Trowbridge Town Council spoke in objection to the application.

Ruaridh O'Donoghue, Senior Planning Officer, presented a report which recommended that authority be delegated to the Head of Development Management to grant planning permission with conditions and subject to the completion of a s106 agreement for application 20/09701/FUL, Land at Elizabeth Way, Hilperton, Trowbridge, for construction of up to 187 dwellings, means of access, landscaping, drainage, public open space and all other associated infrastructure.

The officer highlighted some errors within the agenda report, these included:

- Page 56 of the agenda, section 3 'Site Description', the report referred to a number of grade II listed buildings adjacent to the site, it was confirmed that there were no grade II buildings adjacent to the site.
- Page 78, section 9.11 'Community Infrastructure Levy (CIL)', which stated that CIL charges would be calculated later, it was confirmed that this was an error, CIL charges could be calculated at this stage.

The officer referred attendees to the detailed report within the agenda which would be taken as read. In summary the application site was approximately 6.5 hectares within Hilperton Parish. The site formed part of the housing allocation in the Wiltshire Housing Sites Allocation Plan (WHSAP) under reference H2.3 which had been adopted in February 2020. The site was to the south west of Elizabeth Way in an area locally known as The Hilperton Gap. A masterplan for the site had been approved by the Council. A separate application for 165 dwellings within the wider H2.3 allocation had been granted outline planning permission by the Committee on 2 December 2020, that application was signed off with a completed s106 in May 2021. There were several Rights of Way

(RoW) within the site known as HILP4, HILP5 and HILP33. It was noted the site was in the yellow zone of the bat mitigation strategy.

Key details were stated to include the following the principle of development, whether the scheme constituted high quality design, negative effect in a highway and parking, adequate draining and impact on species and habitats.

Members of the committee then had the opportunity to ask technical questions of the officer. Several Members queried the uplift in numbers across the allocation site H2.3 from 355 (allocated in the masterplan) to approximately 423. In response the officer explained that this had been debated by the Committee on 2 December 2020 when the first application within the allocation came to Committee and had been found to be acceptable by Members as the uplift in numbers caused no planning harm, there were no sound reasons for refusal and this would also reduce pressure on greenfield sites. The NPPF also stated that there should be an uplift in the density of housing so long as there were no adverse consequences.

Details were sought on sustainable transport and the why the application did not contain separate cycle and footpaths. In response the officer stated that the development had a number of connections to neighbouring plots of land, these were shared cycle/pedestrian routes which were 4 metres wide and met highways guidance. The view of the local Highways Officer was that this complied with policies.

Questions were also raised on the hourly bus service to various locations as Members stated the site was nowhere near a bus stop. The officer stated that those comments formed part of the Highways Officers comments and they were not present to speak, so he could not comment.

Apparent contradictions within the report regarding the lighting of footpaths/rights of way and the needs of path users and bat mitigation/protection were queried. It was explained that these were requests and were covered by the conditions attached to the recommendation.

Other Members questioned why the play area was located where it was, especially as it was close to a main road. The officer explained that the public open space team set out criteria that must be fulfilled, not the specific location of open space/play sites.

Members also queried whether the modelling undertaken for drainage and flood mitigation took account of climate change. The officer confirmed that the masterplan would have undertaken this at the levels required by law, and this would have taken account of climate change. It was further explained that they were confident that the site could be drained without increasing flood risk elsewhere, no matter which of the methods discussed in the report was used and there were conditions in place to cover this.

In response to further questions the officer confirmed that the application contained 30% social housing and that the Hilperton Neighbourhood Plan was

an emerging document when this site was allocated and was in general accordance with the masterplan.

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

The unitary division member Cllr Ernie Clark, spoke in objection to the application, however he stated that most of his comments had already been covered by his questions and the public speakers.

In response to public statements the officer stated that the recommendation within the report was guided by consultees, there had been no objections received to the location of the play area. Speed limits were under control of the local Highways Authority. Should the application change the status or function of the road then speed limit changes could be considered. Regarding the density of housing on site, the Committee had considered and made a decision on 2 December 2020 regarding an uplift in numbers so it would be hard to defend if refused on that basis.

Cllr Ernie Clark proposed a motion to refuse the application for the following reasons, it was contrary to policy 1g of the adopted Hilperton Neighbourhood Development Plan (HNDP) as the site was not well set back from Elizabeth Way, but instead provided a new and abrupt urban edge. The proposed density of the site and the type of housing was not in keeping with the existing houses to the west of the site contrary to HDNP policy 3. The planning inspector approved the Councils proposal to build on land west of Elizabeth Way stating that approximately 355 dwellings should be constructed, this particular plot was allocated 105 dwellings. This application fulfilled far too many of the houses allocated by the planning inspector. The applicant should revise the dwellings numbers down and revise the siting of the play area. This was seconded by Cllr Adrian Foster.

Cllr Newbury requested the Committee run these reasons for refusal past the planning officer for his opinion. The planning officer stated that these were subjective matters. Regarding the abrupt urban edge, the landscape officer, and design officer did not raise that as an issue. The site was set back 20-30 metres from the road and there was appropriate landscape buffering proposed. Wherever you stood in The Hilperton Gap you could see housing all around so you could not shield the site completely. The officer highlighted the NPPF which talked about maximising density and making efficient use of site allocations, reducing pressures on greenfield sites. The Council was in deficit on the 5 year housing land supply, the site had been allocated and deemed appropriate for housing. The Committee on 2 December 2020 had accepted the uplift in housing numbers. Therefore, the officer felt that refusal on those reasons would be difficult to defend at appeal.

A debate followed where some Members stated that they could not support the motion to refuse as whilst the application was for a larger number of houses than anticipated, those issues had been dealt with at a previous Committee. The density of the site was similar to other applications approved around the

county. Drainage was also raised as an issue for consideration, but this was dealt with by the conditions. Others felt that the location of the play area was unacceptable and that there was a shortage of parking spaces.

At the conclusion of the debate the motion to refuse was put to a vote and the motion fell. Cllr Ernie Clark requested that his vote be recorded.

Cllr Clark voted for the motion to refuse.

Cllr Tony Trotman then proposed a motion to approve the officer recommendation at pages 81 – 91 of the agenda. This was seconded by Cllr Christopher Newbury. It was,

Resolved:

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

DRAFT CONDITIONS AND INFORMATIVES

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

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

2. **The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**
 - **Site Location Plan 1_1250 P19-2592_01 REV A**
 - **Site Location Plan 1_500 P19-2592_01 REV D**
 - **Site Layout P19-2592_09AA**
 - **Housepack P19-2592_08C**
 - **Materials P19-2592_10F**
 - **Ex Works P19-2592_11H**
 - **Enclosure details P19-2592_19A**
 - **Adoption and Management P19-2592_12F**
 - **Parking Strategy P19-2592_13F**
 - **Refuse Strategy P19-2592_14E**
 - **Building Heights P19-2592_15E**
 - **Affordable Housing P19-2592_16E**
 - **Existing Survey 525-004 Rev F**
 - **Engineering for Planning Rev F 525-050-01**
 - **Engineering for Planning Rev F 525-050-02**
 - **Engineering for Planning Rev F 525-050-03**

- Engineering for Planning Rev F 525-050-04
- Engineering for Planning Rev F 525-050-05
- Drainage Strategy for Planning Rev F 525-075-01
- Drainage Strategy for Planning Rev F 525-075-02
- Attenuation Pond Rev F 525-320
- Road and Sewer Long Sections Rev A 525-200-01
- Road and Sewer Long Sections Rev A 525-200-02
- Road and Sewer Long Sections Rev A 525-200-03
- Road and Sewer Long Sections Rev A 525-200-04
- Road and Sewer Long Sections Rev A 525-200-05
- Vehicle Tracking Rev F 525-405-01
- Vehicle Tracking Rev F 525-405-02
- Vehicle Tracking Rev F 525-405-03
- Impermeable Area Plan Rev F 525-505
- Flood Exceedance Routing Rev F 525-510
- Flood Risk Assessment & Drainage Strategy Rev A
- Soft Landscape Proposals GL1271 01G
- Soft Landscape Proposals GL1271 02G
- Soft Landscape Proposals GL1271 03G
- Soft Landscape Proposals GL1271 04H
- Tree Pit Details GL1271 05A
- Lighting Plans P20417-01-rF
- Lighting Plans P20417-02-rF
- Lighting Plans P20417-03-rC
- Lighting Plans P20417-C15-MF0.87
- Lighting Base Line Survey And Proposed Street Lighting P20417-rep-01 Issue D
- Arboricultural Impact Assessment & Method Statement BDWB21071 Rev B
- Tree Protection Plan BDWB21071-03B
- Noise Assessment P17-053-R02v3
- Travel Plan 13919-HYD-XX-XX-RP-TP-6001 P02

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme details shall include any required off-site improvements needed to allow the site to be served (e.g. ditch clearance and maintenance), and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the development can be adequately drained without increasing flood risk elsewhere as

required by paragraph 167 of the National Planning Policy Framework.

4. No development shall commence on site until a construction management plan, detailing drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. The plan must make provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the development can be adequately drained without increasing flood risk elsewhere as required by paragraph 167 of the National Planning Policy Framework during the construction phase.

5. No development shall commence on site (including demolition, groundworks, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on the Habitat Management Plan (BSG P19-962, June 2021) but it will remove reference to any long term management of habitats more appropriately covered in the LEMP. The CEMP will in addition cover the following:

1. Measures, such as fencing and professional oversight, to ensure all land included within communal landscaped areas on the Site Layout plan (Pegasus Drawing P19-2592_09 Rev Y, 22/09/2021) is excluded from any temporary or construction related use throughout the entire period of construction. Works permitted for these areas will be limited to SuDs creation, landscaping and essential utilities.

2. Location of temporary work compounds throughout the construction phase

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details. Details of the Ecologist supervising the ecological works will be forwarded to the Local Planning Authority before vegetation clearance works commence.

This condition will be discharged when a Completion Report prepared by an independent professional ecologist is submitted to the Local Planning Authority by the end of the next available planting season after the date of substantial completion of the development. The Completion Report will certify that the required mitigation and/or compensation measures identified in the CEMP have been completed to the ecologist's satisfaction.

REASON: To ensure the protection of wildlife, retained and newly created habitats during the construction period.

6. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority before commencement of the development. The LEMP shall be based on the Landscape Management Plan (Golby & Luck 16 October 2020, Ref GL1271) submitted with the application, revised to address the following:
- The role of the Landscape Architect in ensuring landscape works are delivered in accordance with the LEMP
 - A plan showing the distribution of habitats that require management across the site.
 - Collate paragraphs 1.29 and 1.73 to clarify acceptable cutting regimes for the various types of hedgerows across the site. Provide minimum height and spread for each type. Clarify what acceptable management of trees will be.
 - At paragraph 1.50 clarify that throughout the lifetime of the development, failed tree and shrub planting must be replaced on a ratio of at least 1:1
 - Para 1.75 clarify the role of wetland / marginal planting for biodiversity and the maximum and minimum extent to which it will be maintained or reference to where this information is found in a relevant drainage management plan for the site.
 - Revise Maintenance Schedule to include reference to items in the above three bullet points.
 - The LEMP shall be implemented in full in accordance with the approved details for the duration of the development.

REASON: The application contained inadequate information to enable this matter to be considered prior to granting planning permission to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

7. 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 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. Measures to control the emission of dust and dirt during construction;
- v. The transportation and storage of waste and building materials;
- vi. The recycling of waste materials (if any);
- vii. The loading and unloading of equipment and materials;
- viii. The location and use of generators and temporary site accommodation;
- ix. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. Routing plan
- xi. Traffic Management Plan (including signage drawing(s))
- xii. Number (daily) and size of delivery vehicles.
- xiii. Number of staff vehicle movements.
- xiv. Details of temporary Traffic Regulation Orders
- xv. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts; and,
- xvi. Pre-condition photo survey
- xvii. Phases plan

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

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 in accordance with Core Strategy Policy 62.

- 8. No development shall commence on site until details of 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, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The 180th dwelling shall not be 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.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

9. **No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. These plans will be in line with the approved plans of Adoptable Street Lighting.**

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

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

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

10. **No dwelling shall be occupied until the approved refuse storage provision for that dwelling has been made available for use by the occupiers of that dwelling. These facilities shall be maintained in accordance with the approved details thereafter.**

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

11. **All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development. 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. Following all hard and soft landscape works being carried out in accordance with the approved details, a 'hard and soft landscape establishment' survey shall be submitted to and agreed in writing by the Local Planning**

Authority at the end of the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner.

REASON: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development in accordance with the aims of Core Policies 51, 52, 55 and 57 of the Wiltshire Core Strategy 2015.

- 12. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans and maintained as such in perpetuity.**

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

- 13. Hours of construction shall be limited to 0800hrs to 1800hrs Monday to Friday, 0800hrs to 1300 hrs Saturday and no working on Sundays or Bank Holidays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.**

REASON: In the interests of residential amenity.

- 14. No development shall commence on-site above ground floor slab level until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority and thereafter be permanently retained.**

REASON: In order to satisfy requirements in Core Policy 55 where it states that development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 15. No development shall commence on-site above ground floor slab level until the exact details and samples of the materials to be used for the external walls (facades and boundaries) and roofs (including of porches and bays) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

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

- 16. Notwithstanding information shown on the supporting plans, Plots 127 & 128 shall not be occupied until boundary treatment, external lighting, soft and hard landscaping for the private parking court to**

Plots 127 & 128, and a management plan for the power supply and maintenance of these, have been submitted to and approved in writing by the local planning authority.

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 upon with the Local Planning Authority in the interests of addressing visual amenity, security and natural surveillance.

17. Notwithstanding the information shown on the submitted plans, no SUDs features shall be installed until a section drawing of the SUDs structures together with details of the appearance of any above-ground structures (i.e. inlets, barriers and retaining structures) or amenity features (i.e. seating, natural play, bridges, recreational platforms) have been submitted to and approved in writing by the local planning authority.

REASON: Insufficient information was submitted to ensure due regard to the character and appearance of the area and in the interests of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CP57 Wiltshire Core Strategy and CIRIA SUDs guidance on best practice.

18. Notwithstanding the information shown on the supporting plans, no dwelling shall be occupied until the detailed design and specification for all trees to be planted within the highway or adjacent to it in public verges or private landscape strips (e.g. landscape breaks which separate parking and driveways) has been submitted to and approved in writing by the local planning authority. Details shall include:

- a scaled plan showing all trees to be planted, with a schedule detailing sizes of all proposed trees/plants, and area of space provided for the tree pit.
- Typical plan and section drawings of the street tree, including type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) surrounding hard surface and edging
 - b) tree pit design
 - c) use of guards or other protective measures
 - d) underground modular systems
 - e) Sustainable urban drainage integration
 - f) Use of Root Barrier Protection Areas (RPAs)
- A management plan confirming liability for maintenance and pruning and replacing of trees within or adjacent to the street.

- Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the National Planning Policy Framework (2021) and Core Policies 50, 51, 52, 55, 57 and 67 of the Wiltshire Core Strategy 2015.

19. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. Where light spill has the potential to impact core bat habitat, the lighting impact assessment of the reserved matters application(s) must meet the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy in terms of the methodology for predicting post-development lighting condition; maintenance of illuminance zones A, B and C, and; lighting design solutions. The approved lighting shall be installed and shall be 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 core bat habitat meets the requirements of the Trowbridge Bat Mitigation Strategy.

20. Notwithstanding the submitted details, prior to first occupation a revised travel plan shall be produced and submitted to and approved in writing by the Local Planning Authority. The revised travel plan shall include annual targets and monitoring, inclusive of annual reporting, the provision of travel vouchers and coordination between an appointed travel plan coordinator and Wiltshire Council. The travel plan shall incorporate specific measures to be secured in the event that targets are not met and to coordinate with the Wiltshire Council for the implementation of these. The travel plan and all relevant measures shall be operational prior to first occupation and shall be operational up to an including the

submission of a final 5-year report produced against monitoring and survey detail secured following the 5th anniversary of the first occupation on site.

REASON: To maximise the priority of sustainable modes of transport within the development and to maximise mode shift in the interests of highway sustainability and in accordance with Core Strategy Policy 60, 61, 62 and 64.

21. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall 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.

22. The development hereby approved shall be carried out in accordance with the mitigation measures prescribed in Section 4 and portrayed in Figure 1 of the submitted noise Assessment by Hepworth Acoustics P17-053-R02v3.

REASON: In the interests of residential amenity.

23. The development will be completed in accordance with the Biodiversity Net Gain Calculation Report (BSG 28/06/2021) and spreadsheet (G Lang and S Betts 28/06/2021) or a subsequent revised metric calculation submitted to and approved by the Local Planning Authority. This condition will be discharged when a report has been submitted to and approved by the Local Planning Authority which demonstrates that the development has been completed in accordance with the approved metric calculation. The report will demonstrate for habitats and hedgerows that the development will achieve at least 100% mitigation (i.e. no net loss) for land lost to development. Any shortfall in mitigation within the application site up to a maximum of 5% will be made up through contributions to the Council's Trowbridge Bat Mitigation Scheme.

REASON: to meet the requirements of the Trowbridge Bat Mitigation Strategy.

24. The development shall not be first occupied until as-built drawings have been submitted to the Local Planning Authority in CAD drawing format.

REASON: To comply with Core Policy 67 of the Wiltshire Core Strategy 2015 and to ensure that the drainage scheme has been built in accordance with the approved Flood Risk Assessment and Drainage Strategy.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (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.

26. The 180th dwelling shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

27. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

28. Notwithstanding the submitted details, no dwelling shall be commenced until details of material treatment of footways and junction transition areas have been submitted to and approved in writing by the Local planning Authority. The material treatment shall illustrate priority of pedestrian movement along key corridors and shall provide a contrast to adjacent carriageway areas. Prior to occupation of any dwelling, the footways and junction transition areas shall be completed in all respects with the approved details and maintained as such thereafter.

REASON: To maximise the priority of sustainable modes of transport within the development in accordance with Core Strategy Policy 60 and 61.

29. Prior to first occupation, the cycle/footway connection routes through to Middle Lane, Osborne Road and the development site to the north shall be surfaced and completed to the satisfaction of the Local Planning Authority and maintained as such thereafter. The routes shall provide continuous thoroughfare to adjacent highway and development site networks and shall not be subject to ransom within the control of the applicant.

REASON: To maximise the priority of sustainable modes of transport and connectivity to adjacent highway networks and development sites in the interests of highway sustainability and Core Strategy Policy 60 and 61.

30. Prior to first occupation, the vehicular access onto Elizabeth Way shall be completed in all respects in accordance with details to be submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

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

INFORMATIVE TO APPLICANT:

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 *****

INFORMATIVE TO APPLICANT:

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>

INFORMATIVE TO APPLICANT:

With regards to condition 3 (surface water drainage scheme), there is an existing ditch to the North West corner of the site, although it

is noted that this has not been maintained and it, therefore, silted up, overgrown and fallen into a state of disrepair over the years resulting in a limited capacity. The ditch does become more established and more accessible further along this route and connection to this from the site would be preferable in accordance with the surface water discharge hierarchy. For ease of maintenance and access, we would accept a piped connection along this route to discharge into the ditch further along this public right of way. This ensures that the route of discharge remains as existing (the site currently drains to this point) and does not introduce an additional discharge into a sewer system that already surcharges and floods the road. Additionally, it provides additional longitudinal storage and treatment post-discharge from the site and ensures that the ditch does not get starved of water.

Wessex Water has already indicated that a requisition to cross third party land would be possible but that agreement with the riparian owner will be required to discharge to this ditch. Wessex Water and Wiltshire Council are in agreement that discharge to the ditch via a piped connection would be the preferable discharge option as this will safeguard the discharge route and minimise any impact on adjacent properties or public sewers. The applicant must explore more fully the connection to the ditch system before pursuing a connection to the adjacent surface water sewer. With respect of landownership enquiries to see whether or not a ditch connection would be feasible, the Council would expect to see the following:

- a. Confirmation in writing that they have undertaken inquiries to identify the landowner and that those inquiries must include an appropriate notice seeking the identity of the owner of the parcel of land (also must be identified) and the works to be undertaken to be placed in the London Gazette and a local newspaper (That will be the Wiltshire Times) with copies of the notices being provided to the Council.
- b. Confirmation that the developer has placed at least three notices on-site close to the parcel of land and at an access point for the attention of the landowner describing the and potential works to be undertaken with a small plan identifying the parcel of land on which the works will take place.
- c. Confirmation that the developer raised the question of land ownership with the Town or Parish Council, neighbouring properties and any utility companies likely to have assets or an interest in the land.

The developer should obtain appropriate insurance and indemnifies the Council against any potential future claims that may be made by

the landowner arising from the Land Drainage Consent and the drainage works on the land should the ditch option be employed.

INFORMATIVE TO APPLICANT:

In respect of condition 7, the photographic pre-condition highway survey is to be carried out for the full extent of Elizabeth Way and junctions at either end and copies of pre and post condition survey are to be supplied to Wiltshire Council.

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

Cllr Ernie Clark requested that his vote be recorded.

Cllr Clark voted against the motion to approve the officer recommendation.

45 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.30 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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