

## Eastern Area Planning Committee

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### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 FEBRUARY 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Adrian Foster, Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Jerry Kunkler (Substitute)

#### **Also Present:**

Cllr James Sheppard, Cllr Caroline Thomas, Cllr Laura Mayes and Cllr Christopher Williams

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#### 12. **Apologies**

Apologies for absence were received from:

- Cllr Tony Pickernell (substituted by Cllr Jerry Kunkler)

#### 13. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

##### **Resolved**

**To approve the minutes of the meeting held on 25 January 2024 as a true and correct record.**

#### 14. **Declarations of Interest**

In order to speak freely as the Unitary Division Member for Item 7 (PL/2022/08744), Cllr Iain Wallis declared that he would not vote on, or participate in, the formal debate about the application. Cllr Wallis sat with the public attendees for the duration of the item and only spoke in his capacity as local member.

Cllr Adrian Foster declared a non-registerable interest in relation to Item 9 (20/02272/FUL) that his wife was a leaseholder of Stonewater Housing. He would leave the room in his capacity as a councillor so would not vote on, or participate in, the formal debate about the application. Cllr Foster sat with the public attendees for the duration of the debate and did not speak, or vote, on the item.

For transparency, Cllr Foster also made an additional declaration in relation to Item 12 (PL/2023/01684) that he knew residents in Bytham Road. He would still participate in the debate and vote on the application.

15. **Chairman's Announcements**

The Chairman reported that Cllr Carole King and Cllr Ross Henning had both been appointed as substitute members of the Committee.

16. **Public Participation**

The Committee noted the rules on public participation.

17. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Stuart Wheeler, it was:

**Resolved**

**To note the appeals report for the period 12 January to 9 February 2024.**

18. **PL/2022/08744: Devizes Community Hospital, New Park Road, Devizes, SN10 1EF**

**Public Participation**

- Mr Mark Adams (NHS Property Services Ltd) spoke in support of the application.
- Mr Marc Hoenen (NHS Property Services Ltd) spoke in support of the application.
- Cllr Richard Ormerod (Devizes Town Council) spoke in opposition to the application.

The Senior Planning Officer, Ruaridh O'Donoghue, introduced a report which recommended that the outline application for the part conversion and part development of the Devizes Community Hospital site, to provide up to 58 residential units and a circa 67.7 metre squared commercial space, be approved. The approval would be subject to a Section 106 agreement and the conditions outlined in the report. It was noted that the application would include associated landscaping and parking, as well as the conversion of two historically significant buildings (non-designated heritage assets) to the east of the site. All other matters, excluding the access arrangements, would be considered under a reserved matters application. Key details were stated to include the principle of development, highway safety, drainage, parking, heritage and landscape impacts.

The Committee were reminded that they had deferred the application at their previous meeting so that they could consider a review undertaken by Dixon Searl Partnership, on behalf of Wiltshire Council, about the financial viability assessment produced for the Applicant by Montague Evans. The Senior

Planning Officer highlighted that both reports had concluded that the development would be unable to viably support any affordable housing. However, there were differences between the conclusions of the two reports, which were set out on pages 48-49 of the agenda pack.

It was noted that the provision of 30 percent affordable housing was a requirement for sites of five or more dwellings, so the development was in breach of Core Policy 43 of the Wiltshire Core Strategy. However, the requirement of Core Policy 3 of the Wiltshire Core Strategy had been met as an 'open book' viability assessment by an independent third party had been completed. Development Plan policy allowed for contributions not to be met in full if there were concerns about viability and it was felt by the Senior Planning Officer that the substantial benefits of the development, such as safeguarding heritage assets and the regeneration of the site meant that the development should be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer. Further details were sought about the financial viability of the provision of affordable housing.

The Senior Planning Officer noted that the NHS was planning to sell the land on to a commercial developer and that Dixon Searl Partnership had concluded that the gross development value was below the minimum threshold to be commercially viable.

In response to a query about whether, if outline permission were granted, it would be possible to stipulate that a further viability review was undertaken at the reserved matters stage, the Senior Planning Officer clarified that Core Policy 3 of the Wiltshire Core Strategy did not require a further review. He noted that some applicants did accept a recommendation for a further review, but it would not be possible for the Committee to stipulate that one took place. If Wiltshire Council were found to have acted unreasonably by insisting on a further viability review, they could be liable for costs to the Applicant at an appeal. The Legal Advisor added that including a requirement for a re-review of the financial viability would not meet the threshold to be included in a S106 agreement.

Further details were sought about how the cost of affordable housing was determined and whether it would be possible to include a portion of affordable housing below 30 percent and remain financially viable. The Senior Planning Officer explained that Core Policy 3 did allow for the percentage of affordable housing to be reduced as long as the scheme was still viable. However, it was confirmed that the financial viability report had concluded that the application in question would be unable to viably support any affordable housing.

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

The Unitary Division Member, Cllr Iain Wallis, stated that he was supportive of developing the site, but opposed the application before the Committee. He

could not support the application without the provision of affordable housing as there was a long waiting list for social housing in Devizes. Cllr Wallis did not otherwise participate in the debate or vote on the application.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer clarified that that the outline permission, if granted, would allow up to 58 homes and ensure that the heritage assets on the site were retained. If a developer in future wanted to increase the number of homes on the site they would need to submit a revised outline, or new full planning, application.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be granted subject to the completion of a planning obligation/S106 agreement covering the matters set out in the report.

A debate followed where issues such as affordable housing, the importance of developing the site and parking were discussed. In response to queries it was stated that affordable house was defined as one being sold at 80 percent of the market rate and social housing was sold at 60 percent of the market rate.

At the conclusion of the debate, it was:

### **Resolved**

**That planning permission be GRANTED, subject to first completion of a planning obligation/Section 106 agreement covering the matters set out in this report, and subject also to the planning conditions listed below.**

### **CONDITIONS**

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

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

**2 No development shall commence on site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

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

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

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

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

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

- Drg Ref: DH- AFA - XX - RF - DR - A - 1000 Rev P2 Location Plan
- Drg Ref: DH- AFA - XX - ZZ - DR - A - 1151 Rev P3 - Heritage & Urban Design Parameter Plan
- Drg Ref: DH- XX - ZZ - DR – 1150 Rev P3 - Ecological Parameters Plan

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

**5** The development shall be carried out in general accordance with the design principles set out in the Outline Planning Design and Access Statement Rev P1 (01/11/22).

**REASON:** The Design and Access Statement sets out clear and positive requirements (in line with Core Policy 57 of the Wiltshire Core Strategy) for designers at Reserved Matters to take forward.

**6** No development shall commence within the area indicated within the red outline 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 by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

**7 No development shall commence on site until an intrusive phase II ground investigation has been carried out over the site. The investigation shall be in line with the recommendations set out in Section 7.3 of the Phase 1 Desk Study Report by Jubb Consulting Engineers Ltd. dated August 2022.**

**A report detailing the phase II investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**

**If the report submitted indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.**

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

**8 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:**

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the construction programme;**
- iv. Site working hours and a named person for residents to contact including telephone number;**
- v. Detailed Site logistics arrangements;**
- vi. Details regarding parking, deliveries, and storage;**
- vii. Details regarding dust mitigation;**
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;**
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;**
- x. Details of how surface water quantity and quality will be managed throughout construction (notably upon the Kennet & Avon Canal);**

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

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

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

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

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

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

xiv. Details of safeguarding measures for the Kennet & Avon Canal including excavation, earth movement and foundations, piling risk assessments and method statements.

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

Construction and demolition 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.

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

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

**INFORMATIVE TO APPLICANT:**

The applicant is advised to take account of the comments from the Wiltshire Council Ecologist to the Local Planning Authority dated 30th November 2023 when updating the CEMP document.

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

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

**REASON:**

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

**INFORMATIVE TO APPLICANT:**

The applicant is advised to take account of the comments from the Wiltshire Council Ecologist to the Local Planning Authority dated 30th November 2023 when updating the CEMP document.



**10 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the drainage strategy has been constructed in accordance with the approved details.**

**REASON:** To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event, to ensure that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere and to ensure the development will have an acceptable impact on the integrity of the Kennet and Avon Canal waterway structure and its water quality.

**INFORMATIVE TO APPLICANT:**

The details within the strategy should address the comments contained within the Lead Local Flood Authority's consultation response letter to the Local Planning Authority dated 23rd December 2022 and those of the Canal & Riverside Trust in their letter to the LPA dated 16th December 2022.

**11 Prior to commencement of development a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter prior to first occupation.**

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

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

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

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

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

**INFORMATIVE TO APPLICANT:**

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

**14 No new signage or wayfinding shall be erected until details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

**15 Prior to occupation of the flexible commercial unit, a schedule of opening hours shall be submitted to and approved in writing by the Local Planning Authority. The unit shall be operated in accordance with the approved schedule of opening hours.**

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

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

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

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

**INFORMATIVE:**

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

17 No works shall be undertaken to the existing accesses unless full construction details have been submitted to and approved in writing by the local planning authority. Prior to first occupation, any proposed works to the accesses shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

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

18 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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, the character, setting and appearance of the heritage assets, to minimise unnecessary light spillage above and outside the development site and to ensure lighting will not have an adverse impact on ecology and the Kennet & Avon Canal.

19 Deliveries and collections for the flexible commercial unit shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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

**20 The first reserved matters application will include a revised Biodiversity Metric Calculation in accordance with the Green Infrastructure and Ecology Parameters Plan (Drg Ref: DH- XX - ZZ - DR – 1150 Rev P3) using the latest calculation methodology and recalculated to reflect the details of the reserved matters application. The calculation will be supported by a revised plan for Habitat creation and enhancements demonstrating the extent and area of each habitat in ha / m2. Accurate development boundaries will be overlaid on the plan to allow accurate scaling and location of mitigation measures. The calculation will demonstrate for both habitats and hedgerows that the development will achieve 100% mitigation (i.e. no net loss) for land lost to development. Development shall be carried out in accordance with the approved details.**

**REASON: To comply with Core Policy 50 of the Wiltshire Core Strategy which requires no net loss of biodiversity and paragraph 180 d) of the National Planning Policy Framework which seeks to secure net gains for biodiversity to enhance the natural and local environment.**

**21 No reserved matters application will be determined until an updated Bat Survey (including hibernation studies) and Assessment Report has been submitted to and approved in writing by the local planning authority. The report shall contain details of updated survey work to establish the current status of the site for roosting bats, as well as an updated assessment of the development on bats and all necessary mitigation measures.**

**REASON: To ensure the development incorporates appropriate and up-to-date mitigation for protected species.**

**22 The development shall be carried out in strict accordance with Section 5 of the Wildwood Ecology Ecological Impact Statement (dated September 2023) and Table 6.1 and 6.2 of the JH Ecology Ecological Impact Assessment (Document ref: 21/1437).**

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

**23 The development hereby permitted shall not be first occupied until cycle parking and bin storage facilities have been provided in full and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage facilities shall be retained for use at all times thereafter.**

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

**24 No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.**

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

**Informatives:** (5)

**25 REFERENCE TO SECTION 106 AGREEMENT:**

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 **\*\*/\*\*/\*\*\*\***.

**26 COMMUNITY INFRASTRUCTURE LEVY (CIL):**

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>.

**27 MATERIALS AND ARCHITECTURAL DETAILS:**

Core Policy 57 point xii. requires the use of a high standard of building materials and finishes in all new developments. The site in question forms a key part of the Devizes Wharf regeneration project and contains as well as adjoins a number of heritage assets. As a result of this, the applicant is advised that the local planning authority would expect to see details of all external materials as well as large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods submitted as part of a reserved matter 'appearance'.

**28 EUROPEAN PROTECTED SPECIES LICENSE REQUIRED:**

**Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.**

#### **29 CANAL AND RIVERSIDE TRUST:**

**The applicant's attention is drawn to the comments from the Canal & Riverside Trust in its letter to the Local Planning Authority dated 16th December 2022. Notably that:**

- A canalside landscaping and boundary treatments scheme shall be included in the reserved matters submissions. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. No trees shall be planted within 5 metres of the waterway; and that,**
- The applicant is advised to contact David Wilson, Works Engineer by email to [Enquiries.TPWSouth@canalrivertrust.org.uk](mailto:Enquiries.TPWSouth@canalrivertrust.org.uk) to discuss which elements of the proposal should comply with the Canal & River Trusts 'Code of Practice for works affecting the Canal & River Trust'.**

#### **19. PL/2021/04663: Poulton Mill, Poulton Hill, Marlborough, SN8 2LN**

##### **Public Participation**

- Ms Mary Gillmore (Campaign to Protect Rural England, Kennet Group) spoke in opposition to the application**
- Mr Martin Ephson, OBE, spoke in opposition to the application**
- Ms Kate Featherstone-Godley, spoke in opposition to the application**
- Mr Howard Waters (Agent), spoke in support of the application**
- Dr Andrew Buthe, spoke in support of the application**
- Mr Benjamin Hosack, spoke in support of the application**

The Senior Planning Officer David Millinship introduced a report which recommended that the application for the change of use from agricultural land and the creation of an equine clinic with associated access and landscaping improvement, be approved for the reasons outlined in the report. Key details were stated to include the principle of development, landscape and visual impact and impact on neighbouring amenity.

It was explained that the proposed development involved both building work and a change in land use. The land on the site to the south of the river Og was proposed to be changed into an equine orthopaedic clinic use, along with the erection of a large multi-purpose barn to accommodate stables, storage (feed and machinery), office space, laboratory/diagnostics area and an indoor

exercise area. The site included a Scheduled Ancient Monument, the Dam of King's Fishpond. The position of the proposed barn on the site had been revised in order to help minimise its impact on the monument. It was also noted that the Grade II\* listed Poulton House was located close to the site. However, it was the opinion of officers that the proposed development would not substantially alter the distinctively rural character of the site, meaning that the wider setting of the Grade II\* building would be preserved.

Attention was drawn that a number of late submissions had been sent to the Committee, but the Senior Planning Officer did not believe that these would impact his recommendation. He recommended that an additional condition relating to the final design and materials of the bridge on site was also applied. The original plan had featured two bridges on the site, but this had been reduced to one following concerns from the Environment Agency.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on whether there was a retrospective element to the application for the equine clinic and whether, if the application was not approved, this would have an impact on the existing business. The Senior Planning Officer explained that it was a grey area about whether the existing use was lawful. A historic application for the existing stables had a 'no commercial use' restriction on it but, a separate application for the manège did not have any use restrictions. If the application were to be granted, it would enable the equine clinic use across the whole site, subject to the restrictions and controls imposed by the recommended conditions.

In response to a query about road safety, the Senior Planning Officer noted that a third-party assessment commissioned by a neighbour had concluded that the proposed access would be sub-standard with limited visibility displays. Following the findings of this assessment, the Local Highway Authority had requested that the splays be increased to 59 metres, which had been accepted by the Applicant. However, it was noted that the highways guidance would only seek splays of 43 metres in either direction, as the third-party survey had concluded that vehicle speeds were above the lawful speed limit (with the guidance stating that the lawful speed limit should be used for vis-splay calculation not the higher speed – that would be a law enforcement matter to address).

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

The Unitary Division Member, Cllr Caroline Thomas then spoke in objection to the application.

In response to the points raised by the public and Unitary Division Member the Senior Planning Officer noted that the flood risk assessment had raised no dispute with the works being carried out in Flood Zone 1, where the majority of the proposed new buildings would be. Although the groundwater flood risk at parts of the site was high, the risk at the development locations was accepted as being low.

He noted that, although the proposed barn was large, it was agricultural in nature and not out of scale with other agricultural buildings in the North Wessex Downs National Landscape (NWD). The NWD Management Plan allowed for the support of local equestrian businesses. He was also satisfied that the rural character of the landscape would be preserved and that the visual impact would be limited due to the topography of the site. As such, no 'major' visual impacts on the NWD had been identified.

So that the Committee had something to debate, the Chairman, seconded by Cllr Dr Brian Mathew, proposed that the application be approved for the reasons outlined in the report, subject to the addition of an additional condition relating to the design and materials of the proposed bridge.

A debate followed where issues such as international importance of the equestrian facilities in the local area, road safety, volume of the proposed development and employment were discussed. In response to queries it was stated that the Environment Agency and Natural England had asked for details of a horse manure management plan and it would be for the Environment Agency to enforce.

At the conclusion of the debate, it was:

### **Resolved**

**To GRANT the application for the change of use from agricultural land and the creation of an equine clinic with associated access and landscaping improvement.**

#### **1. Time limit.**

**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. Approved plans.**

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

- **Location plan – 17128.100;**
- **Proposed stables – 17128.104-B;**
- **Proposed barn – 17128.106-C;**
- **Site layout – 17128.107-B;**
- **Access plan – 17128.108-D;**
- **Bridge setting out - 17128-110-C;**
- **Landscape Mitigation Strategy – WHL-1160-05 Rev.A;**



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

**3. Archaeology (Site Investigation);**

No ground disturbing works, associated with the development hereby approved, shall take place within the application site until:

- i. full details of a proposed programme of archaeological evaluation have been submitted to and approved in writing by the Local Planning Authority;
- ii. the archaeological evaluation has been completed in accordance with the approved details and a report outlining the results of the archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of Chapter 16 of the National Planning Policy Framework.

**4. Archaeology Watching Brief;**

No ground disturbing works, associated with the development hereby approved, shall take place until full details of an Archaeological Watching Brief have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, construction shall proceed strictly in accordance with the approved details and prior to the first use of the buildings (check whether only limited to the barn or stables or both) hereby approved a report outlining the results of the watching brief shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** To make provision for an archaeological watching brief so as to describe the significance of heritage assets of archaeological interest within the site that may not have been uncovered through the archaeological evaluation. This is to ensure monitoring of the works by a suitable professional to ensure the scheme can be designed in a manner that minimises the impact on archaeological remains in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of Chapter 16 of the National Planning Policy Framework.

**5. Drainage details (surface water);**

The development hereby approved shall not be occupied or brought into use until a Surface Water Drainage Strategy has been implemented in full in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the written details

shall confirm compliance with sustainable drainage systems (SuDS) principles and include the following:

- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented;
- A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes;
- If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible;
- Consent for any outfalls from the proposed drainage systems into a watercourse, public sewer or other drainage system not owned by the applicant;
- Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge;
- SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.
- calculations demonstrating that the required 20% betterment against the existing/greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events;
- calculations demonstrating that the proposed drainage design provides a sufficient level of water treatment throughout the management train to prevent pollution of the receiving watercourse;
- confirmation that the strategy has been designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753);
- Exceedance routes that minimise the risks to people and property;
- future maintenance details to ensure the surface water drainage system operates at its intended capacity/efficiency for the lifetime of the development.

Thereafter, the development shall be maintained in accordance with the approved details.

**REASON:** To ensure the development reduces flood risk across the site and to adjacent land through the timely implementation of a Surface Water Drainage Strategy informed by SuDS principles in accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**6. Detailed site levels;**

Construction of the buildings, internal access roads, parking and turning areas hereby approved shall not commence until details of the proposed site levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed floor levels of

**the buildings, grading and mounding access roads, parking and turning areas and other land areas including the levels and contours to be formed, and the nature and source of the material to be used, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be occupied or brought into use until such time as the earthworks have been carried out in accordance with the approved details.**

**REASON: The application contained insufficiently detailed information to enable this matter to be fully 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 to protect neighbouring residential amenities in accordance with the aims of**

**7. Site planting and LEMP;**

**All soft landscaping comprised in the approved details of the development (approved plan no. Landscape Mitigation Strategy – WHL-1160-05 Rev.A) shall be carried out in the first planting and seeding season following the first occupation of the buildings 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.**

**Thereafter, the site shall be managed in accordance with a Landscape and Ecology Management Plan (LEMP) the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the buildings hereby approved. As a minimum, the LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, 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 a satisfactory landscaped setting for the development and to ensure the enhancement of the river corridor and biodiversity net gains are delivered in a timely manner in accordance with the aims of Core Policies 50 and 51 of the Wiltshire Core Strategy, policies MARL14 and 17**

of the Marlborough Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **8. Manure management;**

No development shall commence on the development hereby approved until details of the arrangements for the storage and/or disposal of manure and other material derived from the keeping of horses has been submitted to and approved by the Local Planning Authority. As a minimum, the details are to include:

- a description of how animal waste/manure produced within the site will be managed/disposed of;
- a plan illustrating where the animal waste/manure and feed/bedding materials will be stored and details of the construction and design of the structure/enclosure within which the material will be stored;
- measures to control odour and the presence of flies.

The storage of manure and other material derived from the keeping of horses shall only be carried out in accordance with the approved details.

**REASON:** To ensure the development is appropriately managed to protect the amenities of nearby residential properties and to ensure no pollution of the River Og and nearby River Kennett SSSI occurs in accordance with the aims of Core policies 50 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

#### **9. Construction and Environmental Management Plan**

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 on a marked-up plan and details of physical means of protection, e.g. exclusion fencing protecting the trees/hedges and river edge.
- b) Locations of the construction compound, delivery areas and where any chemicals/toxic contamination will be stored and details/methodology for dealing with sumps.
- c) Working method statements for protected/priority species, including for dormouse, otter, water vole, nesting birds and reptiles.
- 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.
- g) details of noise and dust suppression measures to protect the amenities of nearby residential properties;
- h) details of measures to be used to prevent mud and debris exiting the site onto the public highway (i.e. wheel washing);
- i) Details of the locations and types of temporary/construction lighting to confirm no light spill along the River Og, this must be clear on the marked-up plan provided with the CEMP.

Construction of the development shall be carried out in strict accordance with the approved CEMP.

**REASON:** To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable in accordance with the aims of Core Policy 50 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**10. Env. Agency condition re bridge construction;**

The development shall be carried out in accordance with the details of the submitted flood risk assessment and associated technical notes (Report Version 4, Author: Water Resource Associates, Dated: March 2022), and the following mitigation measures detailed within:

- Minimum bridge soffit level of 126.07 metres above ordnance datum (mAOD) as outlined in the letter 'Re Mill House Poulton FRA Review of EA modelling of the River Og, Water resource Associates LLP, 21st December 2022' and the drawing 'Bridge setting-out, Mathewson Waters Architects, 17128.110-C, submitted 25/4/2023';
- Access ramp to the proposed bridge shall be an open grid structure to reduce the impact on floodplain storage, as outlined in the drawing 'Bridge setting-out Mathewson Waters Architects, 17128.110-C, submitted 25/4/2023';
- Finished floor level for the proposed barn shall be set at or above 126.5mAOD, and finished floor levels for the stable shall be set at 126.2mAOD as outlined in section 3.4 of the Flood Risk Assessment;
- No raising of ground levels within the 1% 70CC flood extent as outlined in section 3.4 of the flood risk assessment.

**REASON:** To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the bridge is designed appropriately and floodplain storage is not reduced in

accordance with the aims of Core Policy 67 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**11. Access implementation and vis-splays;**

No part of the development shall be first brought into use until the access is provided as per the approved Access drawing including the radii curves, street furniture re-located, a consolidated surface provided for the first 5m , the gates set back at a minimum of 10m (and open away from the road) and, until the visibility splays (both from the access and forward visibility ) shown on the approved plan no. *Access plan – 17128.108-D* have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. (This includes the hedgerow sat within the highway boundary on the opposite side of the carriageway). The visibility splays shall be maintained free of obstruction thereafter.

**REASON:** To ensure that users of the development benefit from safe access and to prevent any harm to highway safety arising as a result of the operation of the permitted use in accordance with the aims of policies 60, 61 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**12. Access use;**

All vehicular traffic associated with the Equestrian Clinic use hereby approved shall be directed to use the southern access point directly from the public highway at Poulton Hill and at no time shall commercial traffic be directed to the private access road that runs to the north of the site.

**REASON:** To prevent an increase in commercial traffic to the north of the site to prevent any harm to highway safety arising as a result of the operation of the permitted use in accordance with the aims of policies 60, 61 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**13. External plant/machinery;**

Construction of the buildings hereby approved shall not proceed beyond finished floor/slab level until full details of all external plant/machinery (to include external flues, vents, extraction fans etc.) has been submitted to and approved in writing by the local planning authority. As a minimum, the details shall include:

- a site plan (and building elevations if relevant) showing the locations of all external plant/machinery;
- manufacturer's technical specifications, that must include noise ratings; and
- details of noise/odour suppression measures (if relevant).

Thereafter, the development shall be completed and maintained in accordance with the approved details.

**REASON:** To ensure the development is appropriately managed to protect the amenities of nearby residential properties and to ensure no noise pollution of the River Og occurs, to the detriment of the biodiversity value of the site in accordance with the aims of Core policies 50 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**14. External materials (implementation);**

The buildings hereby approved shall be constructed using the external materials and finishes as detailed within approved plan numbers **17128.104-B** (Proposed stables) and **17128.106-C** (Proposed barn) and shall be maintained in accordance with the approved details thereafter.

**REASON:** To ensure the development is constructed to a good quality design and protects the rural character of the site and settings of nearby designated heritage assets in accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

**15. External lighting (details and implementation);**

No external lighting shall be installed anywhere within the application site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note 08/23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

This condition will be discharged when a post-development lighting survey 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 along the river corridor and to protect the dark skies of the North Wessex Downs National Landscape in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policies MARL17 and 18 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**16. Scheduled Ancient Monument management details;**

The buildings hereby approved shall not be occupied or brought into use until full details of a management plan for the section of the Scheduled Ancient Monument located within the development site shall be submitted

to and approved in writing by the local planning authority. As a minimum, the details shall confirm details of regular inspection of the SAM, all maintenance/enhancement works and procedures to report to Historic England. Thereafter, the development shall be operated in accordance with the agreed details.

**REASON:** To ensure the Scheduled Ancient Monument within the development site is adequately managed and sensitively enhanced in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy, policy MARL14 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**17. Parking/turning areas;**

The buildings hereby approved shall not be occupied or brought into use until the hard-surfaced areas for the parking and turning of vehicles within the site have been constructed/laid out in full with staff and visitor parking spaces provided with electric vehicle charging points (EVCP) in accordance with details of the surface materials and charging points that have first been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

**REASON:** To ensure that sufficient areas for the parking and turning of vehicles are secured and that EVCPs are provided to encourage the use of low-carbon vehicles in the interests of protecting air quality in the area and preserving the rural character of the site in accordance with the aims of Core Policies 51, 60, 61 and 64 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**18. Site use restriction.**

The commercial use hereby permitted shall only be as an Equestrian Orthopaedic Clinic use (a *sui generis* use) and for no other commercial equestrian enterprise (i.e. riding school, commercial livery).

**REASON:** To ensure that the agreed mitigation measures are suitable for the intended use in the interests of preserving neighbouring residential amenities, the biodiversity value of the site and protecting the valued habitats of the River Og and River Kennett from pollution in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

**19. Bridge Materials.**

Construction of the bridge hereby approved shall not commence until details of the final design, external materials and finishes have been submitted to and approved in writing by the local planning authority. Thereafter, the bridge shall be completed and maintained in accordance with the approved details.



**REASON: To ensure the development is constructed to a good quality design and protects the rural character of the site and settings of nearby designated heritage assets in accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.**

### **Informatives**

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

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

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

**The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**

**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>  
Environment Agency informatives**

## **Environmental permit - advice to applicant**

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

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

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

### **Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

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

### **Preventing Pollution from Manure Heaps**

Since my last letter (08 February 2023) I have been informed by my colleagues in our local Land & Water team that the site has been inspected on 02 February 2023 for pollution by one of our Senior Environment Officers (Agriculture). The site was found to be compliant with regulations at the time of the visit. Therefore, a pollution prevention plan will no longer be necessary as part of this application. Please include the following informative in any permission granted.

This site is within a Nitrate Vulnerable Zone (Berkshire Downs NVZ).

There are rules about how to safely store manure in a NVZ - [Storing organic manures in nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/storing-organic-manures-in-nitrate-vulnerable-zones)

Temporary field heaps must:

- be made from manure solid enough to be stacked in a freestanding heap
- not give rise to free drainage from within the stacked material

- be covered with a waterproof material if they contain poultry manure without bedding or litter
- occupy as small a surface area as is needed to support the weight of the heap without it collapsing

Land managers must:

- make sure field heaps are at least 10 metres from any surface water (such as a river, pond or ditch) or land drain, or 30 metres if the land slopes at 12 degrees or more
- make sure the location of the field heap is not liable to being waterlogged or flooded
- locate field heaps at least 50 metres from a spring well or borehole
- move the field heap at least every 12 months
- leave a 2 year gap before returning to the same position
- keep a record of the sites used for field heaps and the dates of use

### Drainage informatives

· It is noted that the applicant plans to restrict discharge rates from the site to the greenfield Qbar rate for all events up to the 1 in 100year + climate change storm; it is acknowledged that for the higher return period rainfall events this will provide betterment, however this will not provide the required level of betterment for lower return period events (such as the 1 in 1 year rainfall event). Wiltshire Council's betterment policy for greenfield sites states:

*“With regards the control of surface water discharges from greenfield sites, Wiltshire Council requires post development discharges to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards.”*

· The applicant will be required to resubmit calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.

· The applicant is required to submit calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving watercourse.

· Any proposals should be designed in accordance with the Non-statutory *Technical Standards for Sustainable Drainage Systems* and the latest SuDS Manual (C753).

The surface water drainage strategy should include/demonstrate the following:

- Existing greenfield runoff rates for the site.
- Post development runoff rates in accordance with Wiltshire Council's

betterment policy update, which can be found here.

- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.
- A detailed topographical survey that clearly identifies the existing drainage features on the site as well as level contours to show overland flow routes.
- If infiltration is proposed, soakage tests in accordance with BRE 365 to demonstrate that infiltration is feasible.
- Calculations to demonstrate the attenuation requirements for the 1 in 100 year plus climate change event to support the proposed strategy.
- Consent for any outfalls from the proposed drainage systems into a public sewer or other drainage system not owned by the applicant.
- Evidence that the impact upon existing drainage systems is mitigated by discharging the flow throughout the management train rather than relying upon a single point of discharge.
- SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the development is not reliant upon large attenuation features close to the points of discharge.
- SuDS have been selected to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.
- Adequate measures during construction to control pollution to existing watercourses and groundwater.
- The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.
- Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.
- If infiltration is proposed, it is implemented in manner that does not create an offsite impact, particularly if there are reports of groundwater flooding in the area.
- Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.
- All proposed drainage features are outside flood zones 2 and 3 and where they are adjacent to an ordinary watercourse, they are not located within the EA surface water flood maps. Where drainage features are located adjacent to flood zones 2 and 3, they must be above the 1 in 100 year plus climate change flood level. This information can be provided by the EA.
- Exceedance routes that minimise the risks to people and property.
- Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

The Senior Planning Officer read a draft version of the bridge materials condition, to be added to the decision (in addition to the conditions recommended within the report). Members confirmed the condition wording as acceptable.

20. **20/02272/FUL: Parnham Coaches, 31 Andover Road, Ludgershall, Andover, SP11 9LU**

Public Participation

- Mel Clinton (Nash Partnership, on Behalf of Stonewater Housing) – spoke in support of/opposition to the application
- Cllr Owen White, Ludgershall Town Council – spoke in objection to the application

The Senior Planning and Conservation Officer Georgina Wright introduced a report which recommended that the application for the demolition of former coach depot buildings and bungalow; redevelopment of site for 27 dwellings including associated highways, parking and landscaping, be approved. Key details were stated to include the principle of development, design, highway and ecological impacts.

Attention was drawn that the plan references in Condition 2 of the report needed to be amended to correctly identify plans submitted for approval; and Condition 9 in the recommendation needed to be amended to include reference to the two metre wide footpath as well as the 1.5 metre wide footpath. It was also noted that outline permission for 25 dwellings was granted in 2017 and that as a subsequent reserved matters application had been submitted that was still undetermined, the original 2017 application remained a material consideration for the Committee when assessing the application before them. It was noted that the proposals had identified six affordable housing units, 22 percent of the total. However, the Applicant was a Housing Association and had indicated that it was their intention to build the site with 100 percent affordable housing.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning and Conservation Officer. Details were sought on whether discussions had been held with the nearby Tesco Express regarding access arrangements for their delivery vehicles. In response, the Senior Planning and Conservation Officer explained that, although Tesco had raised road safety concerns, Wiltshire Council's Highways Team were satisfied that viable alternative arrangements were available. It was also noted that the extant permission from 2017 had set a precedent that 25 residential units could be adequately accessed using the same access point.

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

The Unitary Division Member, Cllr Christopher Williams then spoke about the application, explaining that he had called the application in to gain clarification about the project and in particular the access.

In response to the points raised by the public and Unitary Division Member, the Senior Planning and Conservation Officer explained that the development had a H shaped cul-de-sac layout which would allow turning points for larger vehicles.

She reiterated that Wiltshire Council's Highways Team had not objected to the application on highway safety grounds.

So that the Committee had something to debate, the Chairman, seconded by Cllr Jerry Kunkler, proposed that the application be granted subject to the conditions outlined in the report, subject to the revisions advised by the Senior Planning Officer, and the agreement of a S106 agreement to secure affordable Housing and contributions towards off site infrastructure.

A debate followed where the number and height of the houses as well as the provision of affordable dwellings were discussed.

At the conclusion of the debate, it was:

### **Resolved**

**To GRANT permission for the demolition of former coach depot buildings and bungalow; redevelopment of site for 27 dwellings including associated highways, parking and landscaping, subject to Conditions and S106 to secure affordable housing and contributions towards off site infrastructure.**

### **Conditions**

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

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

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

#### **Application Form & Certificate**

**Ref: LP.01 Rev B – Location Plan. Received – 25.03.2022**

**Ref: DP.01 Rev B – Demolitions Plan. Received – 25.03.2022**

**Ref: SL.01 Rev R – Site Layout. Received – 01.08.2023**

**Ref: CSL.01 Rev R – Coloured Site Layout. Received – 01.08.2023**

**Ref: SE.01 Rev N – Street Elevations. Received – 01.08.2023**

**Ref: CSE.01 Rev N – Coloured Street Elevations. Received – 01.08.2023**

**Ref: RP.01 Rev N – Roof Plan. Received – 01.08.2023**

**Ref: 7280.214 Ref F – Proposed Access Arrangements Shared Space. Received – 04.05.2023**

**Ref: P.1-2\_8-9.e Rev C – Plots 1-2 and 8-9 (HT.3B5P) Elevations. Received – 04.05.2023**

**Ref: P.1-2\_8-9.p Rev C – Plots 1-2 and 8-9 (HT.3B5P) Floor Plans. Received 0- 04.05.2023**

**Ref: P.3-4.e Rev B – Plots 3-4 Elevations. Received – 25.03.2022**

Ref: P.3-4.p Rev B – Plot 3-4 Plans. Received – 25.03.2022  
Ref: HT.2B4P(2blk).e Rev C – Plots 5-6 House Type 2B4P (2 block) Elevations. Received – 25.03.2023  
Ref: HT.2B4P(2blk).p Rev C – Plots 5-6 House Type 2B4P (2 block) Plans. Received – 25.03.2023  
Ref: HT.3B5P.e Rev A – Plots 7 & 14 House Type 3B5P Elevations. Received – 25.03.2023  
Ref: HT.3B5P.p Rev A – Plots 7 & 14 House Type 3B5P Floor Plans. Received – 25.03.2022  
Ref: HT.2B4P(4blk).e Rev D – Plots 10-13 House Type 2B4P (4 block) Elevations. Received – 04.05.2023  
Ref: HT.2B4P(4blk).p Rev D – Plots 10-13 House Type 2B4P (4 block) Plans. Received – 04.05.2023  
Ref: HT.2B4P(3blk).e Rev D – Plots 15-17, 18-20 House Type 2B4P (3 block) Elevations. Received – 14.12.2022  
Ref: HT.2B4P(3blk).p Rev D – Plots 15-17, 18-20 House Type 2B4P (3 block) Plans. Received – 15.12.2022  
Ref: HT.3B5P(3blk).e Rev B – Plots 21-23 House Type 3B5P (3 Block) Elevations. Received – 14.12.2022  
Ref: HT.3B5P(3blk).p Rev B – Plots 21-23 House Type 3B5P (3 block) Floor Plans. Received – 14.12.2022  
Ref: P.24-27.e Rev B – Plots 24-27 (2B Flats) Elevations. Received – 01.08.2023  
Ref: P.24-27.p1 Rev B – Plots 24-27 (2B flats) Floor Plans Sheet 1 of 2. Received -0 01.08.2023  
Ref: P.24-27.p2 Rev B – Plots 24-27 (2B Flats) Floor Plans Sheet 2 of 2. Received – 01.08.2023  
Ref: BCS.01.pe Rev E – Bin & Cycle Storage Plan and Elevations. Received – 04.05.2023  
Ref: SH.01.pe Rev B – Timber Shed Plans & Elevations. Received – 25.03.2022  
Ref: DML.01 Rev N – Dwelling Materials Layout. Received – 01.08.2023  
Ref: BML.01 Rev N – Boundary Materials Layout. Received – 01.08.2023.  
Ref: AHL.01 Rev R – Affordable Housing Layout. Received – 01.08.2023  
Ref: DREW1811106 Rev Q – Accommodation Schedule. Received – 04.05.2023  
Ref: EML.01 Rev B – Ecological Mitigation Layout. Received – 01.08.2023  
Ref: PVL.01 Rev N – Photovoltaic Panel Layout. Received – 01.08.2023  
Ref: RSL.01 Rev N – Refuse Strategy Layout. Received – 01.08.2023

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

3. No development 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.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

**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.

5. 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.

**6. No development shall commence on site (including any works of demolition), until a Demolition and Construction Management Statement (DCMS), together with a site plan, has been submitted to and approved in writing by the Local Planning Authority. The DCMS shall include the following details:**

**1. An introduction consisting of demolition phase environmental management plan and Construction phase environmental management plan, definitions and abbreviations and project description and location;**

**2. A description of the intended demolition programme;**

**3. A named person and telephone number for residents and the Local Planning Authority to contact during the construction phase;**

**4. The intended dust and noise mitigation during demolition and construction phases;**

**5. the intended parking of vehicles of site operatives, visitors and deliveries;**

**6. loading, unloading and storage of plant, equipment and materials;**

**7. storage of plant and materials used in constructing the development;**

**8. The location and use of generators and temporary site accommodation**

**9. The cutting or other processing of building materials on site;**

**10. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**

**11. wheel washing and vehicle wash down facilities;**

**12. measures to control the emission of dust and dirt during construction;**

**13. a scheme for recycling/disposing of waste resulting from demolition and construction works; and**

**14. measures for the protection of the natural environment.**

**15. hours of construction, including deliveries;**

**16. Measures to protect pedestrians visiting the shops and food store to the front of the site**

**17. a photographic pre-condition highway survey of the highway.**

**Within 6 months of the completion of the development hereby approved, any damage that has occurred to the highway shall be restored to its former condition in accordance with the pre condition survey.**

**The development shall be carried out in strict accordance with the approved DCMS at all times throughout the construction period .**

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include the following details:

1. Routing plan
2. Traffic Management Plan (including signage drawing(s))
3. Number (daily/weekly) and size of delivery vehicles.
4. Number of staff vehicle movements.
5. Details of temporary/permanent Traffic Regulation Orders
6. Phases plan

The development shall be carried out in strict accordance with the approved Construction Method Statement throughout the construction period.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8. Notwithstanding the approved plans, no development shall commence on site until a new access arrangement plan has been submitted to and approved in writing by the Local Planning Authority, to show rumble strips on the internal access track into the site. None of the dwellings or development hereby approved shall be first occupied, until access into the development has been laid out and constructed in accordance with the agreed 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 highways safety.

9. None of the dwellings or development hereby approved shall be first occupied until the 2 and 1.5 metre wide footway on the western side of the access road, as shown on Plan Ref: 7280.214 Ref F – Proposed Access Arrangements Shared Space, has been laid out and provided in accordance with the approved details. The pathway shall be maintained and kept available for this use for the lifetime of the development.

**REASON:** In the interests of providing a safe access to the development.

10. None of the dwellings or development hereby approved shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

**REASON:** In the interests of highway safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the southern elevation of Plots 1, 3, 7, 14 and 17 of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

12. Notwithstanding the submitted Drainage Strategy, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details throughout the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**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.

13. The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

**REASON:** To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located; and to meet the demands of climate change.

14. None of the dwellings or development hereby permitted shall be first occupied until the bat mitigation and ecological enhancement measures set out in the submitted Phase 1 and 2 Bat Surveys; the Bat Emergence/Re-entry Surveys and Mitigation Report; and as identified on Plan Ref: EML.01 Rev B – Ecological Mitigation Layout have been installed in accordance with the agreed details. The approved mitigation measures shall be maintained and retained on site for the lifetime of the development.

**REASON:** To ensure the protection of Protected Species and to enhance the biodiversity of the site

15. The dwelling hereby approved on Plot 1 shall not be first occupied until the 1.8 metre high wall has been erected along the full southern boundary of this plot in accordance with the details identified on Plan Ref: BLM.01 Rev N – Boundary Material Layout; and to a specification as identified in section 9.2 of Acoustic Consultants Ltd Noise Impact Assessment Reference 10121/SF dated 15.03.3023. The wall shall be maintained and retained thereafter for the lifetime of the development.

**REASON:** In the interests of the residential amenities of the occupants of Plot 1 to reduce the impact of noise.

16. Before the dwelling hereby approved on Plot 1 is first occupied, the 1st floor landing window on the southern elevation shall be permanently fixed shut and shall be retained as such for the life time of the development.

**REASON:** In the interests of the residential amenities of the occupants of Plot 1 to reduce the impact of noise.

17. No construction shall commence on the dwellings on plots 1, 2, 3, 8 and/or 9 until details of a scheme for protecting the future residents from external commercial/industrial noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the mitigation measures identified in section 9 of Acoustic Consultants Ltd Noise Impact Assessment Reference 10121/SF dated 15.03.3023. The approved scheme shall also demonstrate, that to minimise funnelling of noise into the room but to enable ventilation, the first floor dual pane bedroom windows to plots 1 and 2 shall have one fixed pane and the other pane nearest the noise source shall be openable. The scheme shall also include full details of the

intended mechanical ventilation system that will be provided to plots 1 and 2, including attenuators, required to meet the internal noise level target for noise from the system itself and external noise of 20dB LAeq as detailed in Acoustic Consultants Ltd letter dated 03.01.2024. the development shall be constructed in accordance with the agreed scheme prior to the first occupation of the dwellings hereby approved. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The approved measures shall thereafter be permanently retained for the lifetime of the development.

**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 residential amenities.

18. The internal floor plan layout of plots 24-27 shall be constructed to ensure that no windows to habitable rooms are positioned on the southern elevation facing Tesco Express.

**REASON:** In the interests of the residential amenities of the occupants of Plots 24-27 to reduce the impact of noise.

19. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

**REASON:** in the interests of the residential amenities of the area

20. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and the Ultra Low Energy Vehicle Infrastructure should be retained and maintained in accordance with the manufacturer's details for the life time of the development

**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 reduce the impact of the development on the area's air quality and to mitigate emission levels in order to protect public health, environmental quality and amenity.

**21. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination shall be dealt with and mitigated has been submitted to and approved in writing by the Local Planning Authority. The development shall recontinue in accordance with the approved details.**

**REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.**

## **INFORMATIVES**

- 1) 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: [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).**
- 2) A European Protected Species Licence (EPSL) is required as the buildings on site are currently used as bat roosts. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.**
- 3) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals**

to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

- 4) Please note that a short-form S278 agreement or vehicle cross-over licence will be required to undertake the access work on the public highway. The applicant is advised to contact Highways Development Control for further advice on this matter. With regard to this application anything outside of the red lining (including the Tesco store) is not included in the development.
- 5) Please note that the Council's Waste Management Team will only operate on private land where an indemnity is signed by the landowner. The Council will also require an indemnity to operate on any roads prior to their adoption.
- 6) Please note that no surface water drainage system should be installed in areas of potential mobile contamination.
- 7) It is advised that you follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination. Please refer to our Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. Please consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. Please also refer to the contaminated land pages on gov.uk for more information
- 8) Please note that the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project
  - some naturally occurring clean material can be transferred directly between sites.

**You should therefore ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.**

**9) You are advised to refer to the position statement on the Definition of Waste: Development Industry Code of Practice and the waste management page on GOV.Uk**

**10) Please note that contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:**

- Duty of Care Regulations 1991**
- Hazardous Waste (England and Wales) Regulations 2005**
- Environmental Permitting (England and Wales) Regulations 2016**
- The Waste (England and Wales) Regulations 2011**

**You should therefore ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.**

**11) Please note that if the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, you will need to register with the Environment Agency as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.**

**21. PL/2021/11719: Marlborough Resource Centre, Cherry Orchard, Marlborough, SN8 4AR**

Public Participation

- Mr Les Durrant – spoke in support of the application**

The Senior Planning Officer David Millinship introduced a report which recommended that the application for the erection of 24 dwellings, 10 of which would be affordable and 14 sold at market value, be approved. The scheme would also involve associated works and the widening of the public right of way alongside the eastern boundary of the site. Key details were stated to include the principle of development, design, highway conservation and landscape impacts.



Attention was drawn to the measures that the proposed development was on a brownfield site, within the defined settlement boundary of Marlborough and adjoined other residential areas. The scheme would involve the retention and enhancement of a wooded tree belt surrounding the site and new areas of landscaping would be created.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on whether it would be possible to condition who the market rate properties were sold to and it was confirmed that this would not be possible.

In response to a query about whether the development would comply with the design guide approved by Wiltshire Council on 20 February 2024, the Senior Planning Officer was not able to say categorically but it was his understanding that it would meet most of the recommendations. The proposed development was judged to be capable of satisfying the requirements of good design as set out in Core Policy 57 of the Wiltshire Core Strategy. It was noted that there was a proposed condition in the report relating to the construction materials to be used.

Members of the public then had the opportunity to present their views to the committee as detailed above. It was confirmed that the rubble on the site was a legacy of the old railway station in Marlborough.

The Unitary Division Member, Cllr Jane Davies, was not in attendance.

The Senior Planning Officer was given the opportunity to respond to the points raised by the public.

So that the Committee had something to debate, the Chairman, seconded by Cllr Adrian Foster, proposed that the application be granted, subject to entering into a legal agreement to secure the financial contributions in the report and to secure a scheme of 10 affordable housing units, as well as to secure the requirement to enter into an agreement with the Local Highway Authority to complete the widening and surfacing of MARL30).

A debate followed where the provision of affordable housing was discussed. As the conclusion of the debate, it was:

## **Resolved**

**To GRANT the application for the erection of 24 dwellings, 10 of which would be affordable and 14 sold at market value, and associated works including widening of the public right of way along the eastern site boundary.**

## **Conditions**

### **1. Timeframe**

The works 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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

## **2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- C8671.PL.050 REV K - Proposed Site Plan
- C8671.PL.051 REV G - Enlarged Proposed Site Plan
- C8671.PL.051-1 REV D - Enlarged Proposed Site Plan for Future Connections
- C8671.PL.052 REV E - Proposed Surface Finishes Plan
- C8671.PL.053 REV E - Proposed Refuse Strategy Plan
- C8671.PL.054 Rev F - Proposed Land Use Plan Sheet 1 of 2
- C8671.PL.054 - 1 Rev A - Proposed Land Use Plan Sheet 2 of 2
- C8671.PL.055 REV J - Proposed Affordable Tenure Plan
- C8671.PL.056 REV G - Proposed Boundary Treatment Plan
- C8671.PL.057 REV F - Indicative Landscape Plan Sheet 1 of 2
- C8671.PL.057 -1 REV A - Indicative Landscape Plan Sheet 2 of 2
- C8671.PL.058 REV A - Proposed Materials Schedule Sheet 1 of 2
- C8671.PL.059 REV A - Proposed Materials Schedule Sheet 2 of 2
- C8671.PL.070 REV G - Proposed Site Section A- A and Section B-B
- C8671.PL.110 REV D - Plot 1 - 3 - Proposed Floor Plans and Elevations
- C8671.PL.130 REV D - Plot 4 - 5 - Proposed Floor Plans and Elevations
- C8671.PL.150 REV D - Plot 6 - 9 - Proposed Floor Plans and Elevations
- C8671.PL.170 REV D - Plot 10 - 13 - Proposed Floor Plans and Elevations
- C8671.PL.190 REV D - Plot 14 - 17 - Proposed Floor Plans and Elevations
- C8671.PL.210 REV D - Plot 18 - 20 - Proposed Floor Plans and Elevations
- C8671.PL.230 REV F - Plot 21 - 24 - Proposed Floor Plans and Elevations
- Retention Removal Tree Plan Sheets 1 of 2 and 2 of 2 - C871.PL.060 Rev A
- Indicative details of boundary fencing tree retention- C871.PL.071 Rev A
- Sketch showing planting adjacent to bat corridor- C871.PL.072 Rev A
- Design and Access Statement (A3 Landscape) Cherry Orchard (Revised June 2023) Rev G
- Ground Investigation Report-6219-B/GIR, October 2018
- Phase 1 Contaminated Land & Geotechnical Desk Study-6219-B/DS
- Flood Risk Assessment and Drainage Strategy - Issue 4 (dated 10th Sept 2021) - Acl592/21021/FRA/DS
- Additional Information Statement requested by the LLFA (dated 10th Feb 2022) - Acl631/21021/TN
- Drainage Strategy & Surface Management Update Statement (dated 7th Dec 2022)- Acl698/21021/A/DS

- **Additional Information Statement requested by the LLFA (dated 5th May 2023)- Acl759-21021-TN**
- **Drainage Update Technical Appendices-parts-1 and 2 (dated 6th Oct 2023)- Acl807-21021**
- **Ecological Assessment (Ethos) - ETH21-106 - V.4**
- **Biodiversity Net Gain Results (Ethos, November 2023) – V.2**

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

### **3. Materials**

**No development of the new buildings shall progress above ground floor slab level until full details, including a Materials Plan, of the materials and finishes to be used, including external walls, all visible features on external facades and roofs (including external walls, brickwork, lintels/cills, roof tiles, windows, joinery/paint colour, rainwater goods, doors and garage doors and porches) 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.**

**The details to be submitted under this condition shall include for example, product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested, samples of materials and finishes are to be made available for inspection on the development site. The details to be submitted of the porches shall include all construction materials, which will be expected to be of traditional construction and not of GRP pre-fabrication.**

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

### **4. Scheme of footpath widening**

**No part of the development shall be occupied until the improvements to the section of the MARL30 Public Right of Way (area as indicated on approved plan C8671.PL.051-1 Rev D) have been fully implemented and the construction works given approval by the Local Highway Authority. The works shall be fully inspected throughout construction by the Local Highway Authority.**

**REASON: In the interests of highway safety.**

### **5. External Lighting**

**No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting**

Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

**REASON:** In the interests of the amenities of the area to minimise unnecessary light spillage above and outside the development site and for the protection, mitigation and enhancement of biodiversity.

## **6. Ecology – Compliance with assessment**

The development hereby approved shall be carried out in strict accordance with the submitted Ecological Assessment (Ethos) - ETH21-106 - V.4.

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

## **7. Ecological Enhancements Plan**

Notwithstanding the approved plans, no development shall commence until an Ecological Enhancements Plan has been submitted as well as specifications and full details of the following ecological features to be submitted and approved in writing by the Local Planning Authority, in accordance with the provisions set out within the Ecological Assessment (Ethos) - ETH21-106 - V.4:

- Details of artificial bat boxes and roof tiles to include one integrated bat brick for each house backing on to the woodland edge, three bat boxes for the woodland and a bat access tile for each dwelling within the development.
- 24 integral bird nesting bricks will be installed into the buildings and four external bird boxes within the new orchard and retained habitat.
- 24 integrated bee bricks to be installed one per housing unit (ideally south-facing)
- Insect hotel.

Prior to first occupation, all approved ecological features shall be implemented thereafter and maintained for the lifetime of the development.

**REASON:** For the protection, mitigation and enhancement of biodiversity

## **8. Site planting scheme**

i) No development shall commence until details of a site planting scheme have been submitted to and approved in writing by the local planning authority, the details of which shall include:

- a) all soft surfacing materials,

**c) a detailed plan identifying existing trees and hedges to be retained and a planting plan and specification showing all plant species, supply and planting sizes and planting densities, and details of after-care.**

**ii) All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial completion of the development whichever is the sooner.**

**iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.**

**iv) Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.**

**REASON: To ensure a satisfactory landscaped setting for the development.**

## **9. Implementation of Boundary Fencing**

**Prior to first occupation, the approved boundary fencing and all means of enclosure, including wall and railings, shall be constructed/installed in accordance with the details of approved plan no. C8671.PL.056 REV G (Proposed Boundary Treatment Plan) and retained in accordance with the approved details thereafter.**

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

## **10. Landscape and Ecology Management Plan (LEMP)**

**No development shall commence until a Landscape and Ecology Management Plan (LEMP), in accordance with the measures outlined in the Ecological Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall 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 include the recommendations set out within the Ecological Assessment (ETH21-106 - V.4).**
- 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 to ensure long-term management of landscape and ecological features for the lifetime of the development, in accordance with the approved details.**

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

#### **11. Tree Protection Plan**

**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 tree protection fencing has been erected in the location shown on approved plan no. C8671.PL.060 Rev A (Retention/Removal Tree Plan Sheet 1 of 2) in accordance with protective fencing design specifications of British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations".**

**The protective fencing shall remain in place for the construction phase of the development until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations and construction shall be completed strictly in accordance with the recommendations of the submitted Arboricultural Method Statement (Author: Sharples Tree Services, Dated: October 2021).**

**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:** 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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

#### **12. Construction And Environmental Management Plan (CEMP)**

No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Environmental Management Plan (CEMP) has been submitted to the Local Planning Authority and approved in writing. The Plan shall include the recommendations set out within the Ecological Assessment 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:

- i. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.**
- ii. Working method statements for protected/priority species, such as nesting birds and reptiles.**
- iii. 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.**
- iv. 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.**
- v. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- vi. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

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

**REASON:** To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

#### **13. Construction Management Plan**

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 details to be submitted under this condition shall include all details of timing and phasing of proposed measures to ensure that they are in place and maintained for so long as required.

The construction/demolition phase of the development shall be carried out fully in accordance with the construction management plan at all times. The development shall not be carried out otherwise than in full accordance with the Plan without the prior written permission of the Local Planning Authority.

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

#### **14. Hours of Demolition/Construction**

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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

#### **15. Highways - Visibility Splays**

The development hereby permitted shall not be first brought into use until splays have been provided on all private driveways (with planted boundary treatments) on both sides of the access from the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall always be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety.

#### **16. Highways - Electric Vehicle Charging**



**No dwelling hereby permitted shall be occupied until an electric vehicle charging point has been provided for that unit in accordance with details first to have been submitted to and approved in writing by the local planning authority. The details to be submitted for consideration under this condition will be expected to comply with Approved Document S of the Building Regulations 2010.**

**REASON: In accordance with national move to reduce reliance on fossil-fuelled vehicles, and to avoid the need for retro-fitting of electric vehicle charging facilities at a later date.**

#### **17. Parking and Vehicle Turning**

**No part of the development hereby permitted shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.**

**REASON: To ensure adequate off-street parking provision and vehicle turning manoeuvring space in the interests of amenity and highway safety and to prevent displaced parking on to adjacent highway. To meet National guidance in relation to Electric Vehicle Charging.**

#### **18. Drainage Works compliance**

**The development hereby permitted shall not be occupied until the works set out in the approved drainage strategy (including foul drainage) have been implemented in full and completed in accordance with the submitted and approved details. The drainage works must be delivered in full accordance with the details set out in Drainage Update Technical Appendices-parts-1 and 2 (dated 6th Oct 2023)- Acl807-21021. All foundations shall be at 1.6m depth for unity and to ensure that they are all in chalk. All soakaways shall be located in chalk and not the above layers (as per Table 5.1).**

**REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.**

#### **19. Bioretention rain garden planter Maintenance Plan**

**Prior to first occupation a management and maintenance plan for the on-going maintenance of the bio-retention rain garden planters shall be submitted and approved in writing by the Local Planning Authority. Each householder shall be provided with the approved plan upon taking occupation of each new dwelling.**

**REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.**

## **20. Contaminated Land**

**No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until the below requirements of steps (i) to (ii) have been fully complied with and no dwellings shall be occupied until the requirements of steps (iii) and (iv) have been complied with.**

**If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.**

### **Step (i) Submission of Remediation Scheme:**

**If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.**

### **Step (ii) Implementation of Approved Remediation Scheme:**

**The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.**

### **Step (iii) Reporting of Unexpected Contamination:**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.**

### **Step (iv) Verification of remedial works:**

**Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.**

**The verification report should be submitted to and approved in writing of the Local Planning Authority.**

**Step (v) Long Term Monitoring and Maintenance:**

**If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.**

**All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.**

**REASON: Core policy 56, To reduce the risks associated with land contamination. Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.**

## **INFORMATIVES**

- 1. This planning permission is to be read alongside the associated legal agreement drafted under the provisions of Section 106 of the Town and Country Planning Act. 1990 (as amended) (the s.106 agreement) the requirements of which must be met, before the development can commence or at such a time as defined within the s.106 agreement, along with the requirements of the conditions of this planning permission.**
- 2. 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>.

3. The attention of the applicant is drawn to the contents of the letter from Fisher German LLP dated 4th May 2023 pertaining to the pipeline (Fisher German/Exolum) that crosses part of the site. Development and intrusive activities are prohibited within the Pipeline Easement Strips without specific consent from Exolum. You should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirements for Crossing or Working in Close Proximity to Exolum Pipelines, please visit <https://lsbud.co.uk/wp-content/uploads/2021/10/lsbud-standard-requirement-uk-um.pdf> for further information.
4. There are water mains crossing or close to the site. Thames Water do not permit the building over or construction within 3m of water mains. If planning significant works near the mains (within 3m) Thames Water will need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit their services. The applicant is advised to read the Thames Water guidance for working near or diverting our pipes. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater).
5. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
6. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
7. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All appropriate licences for skips or waivers for construction-related vehicles should be sought from the appropriate teams within the Council.

**8. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.**

22. **PL/2023/07058: Clackersbrook Farm, Bromham**

The Chairman took this item in advance of Item 8.

Public Participation

- Mr Richard Cosker – spoke in support of the application
- Mr Tom Kent – spoke in support of the application
- Mr Greg Wilkinson - spoke in support of the application
- Mr Adam Slusarczyk (Bromham Parish Council) – spoke in support of the application

The Senior Planning Officer Jonathan James introduced a report which recommended that the application for the erection of a single dwelling and associated works to the existing access and landscaping, be refused for the reasons outlined in the report. An existing agricultural building would be demolished to make way for the new dwelling. Key details were stated to include the principle of development, the settlement strategy, sustainable transport and supporting rural life.

Attention was drawn that the application had been called in to discuss its merits against the policies of the Development Plan. The Senior Planning Officer explained that the site was in open countryside, outside of the limits of development so was not in accordance with Core Policy 1 (Settlement Strategy) or Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy. Furthermore, although the proposed new dwelling reflected the agricultural character of the existing building, the proposed dwelling would have an urbanising effect on the area. The proposed development would be contrary to Core Policy 51 (Landscape) and Core Policy 57 (Ensuring High Quality design and Place Shaping) of the Wiltshire Core Strategy. Wiltshire Council's Landscape Officer had raised concerns that external lighting could have a potential impact on the dark skies and rural tranquillity of the countryside.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about paragraph 84e of the National Planning Policy Framework (NPPF) permitting buildings in the open countryside if their design was of exceptional quality, being truly outstanding and reflecting the highest standards in architecture. In response the Senior Planning Officer confirmed that these could be permitted if the building were to help to raise the standards of design more generally in rural areas and would significantly enhance a building's setting and be sensitive to the defining characteristics of the local area. However, the Senior Planning Officer explained that, although the building would be capable of being built to passivhaus standards, this was becoming increasingly common practice and in his view the building did not meet the very high threshold to be considered outstanding.

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

The Unitary Division Member, Cllr Laura Mayes then spoke in support of the application.

In response to the points raised by the public, Parish Council and Unitary Division Member, the Senior Planning Officer noted that Wiltshire Council's Landscape Officer did not raise objections but had concerns about the impact of the external lighting.

So that the Committee had something to debate, Cllr Dr Brian Mathew, seconded by Cllr Stuart Wheeler, proposed that the application be granted contrary to officer recommendation.

A debate followed where issues such as the sustainability and quality of the design, lighting, transport, local support and location in the open countryside were discussed. The Committee were satisfied that the proposed development met the outstanding criteria outlined in Paragraph 84e of the NPPF.

In response to queries it was stated that it would be possible to condition the external lighting, passive house standard and foundation treatment of the building. It was:

### **Resolved**

**To GRANT permission for the erection of single dwelling and associated works to existing access and landscaping, contrary to officer recommendation.**

### **Reason**

**The Committee were satisfied that the proposed development met the outstanding criteria outlined in Paragraph 84e of the NPPF.**

### **Conditions**

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

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

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

- **Location Plan, Dwg No. LOCATION\_1845-1-PLAN.dwg**
- **Proposed Floor and Site Plans, Dwg No. PL\_1845-1-PLAN.dwg**

- Proposed Elevations, Dwg No. P2-revA\_1845-1-PLAN.dwg
- Site and Site Entrance Plan, Dwg No. SITE\_1845-1-PLAN.dwg
- Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan, June 2023, WHLandscape
- Solar Panel Details and Solar Panel Guide
- Design Statement, PKA Architects, June 2023

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

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

- Ecological Appraisal. May 2023. Malford Environmental Consultancy;
- Landscape, Implementation and Maintenance Plan, July 2023. WHLandscape;
- Proposed Elevations. June 2023. PKA Architects;
- Proposed Floor and Site Plans. June 2023. PKA Architects

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

**4.** Replacement bat roosts will be incorporated into the development in accordance with:

**Proposed Floor and Site Plans. June 2023. PKA Architects.** The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

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

**5.** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

**6.** No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

**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 hereby permitted shall be carried out in accordance with the materials as detailed within the Design and Access Statement hereby approved:

- Design Statement, PKA Architects, June 2023

**REASON:** For the avoidance of doubt and in the interests of proper planning and in the interests of visual amenity and the character and appearance of the area.

**8.** The development hereby approved shall achieve 'Passivhaus' standards and within 3 months of being first occupied or brought into use, a post construction stage certificate certifying that Passivhaus standards have been achieved shall be issued and submitted to the local planning authority for its written approval.

**REASON:** To ensure that Passivhaus standards are achieved. The Passivhaus standards are a significant uplift on current building regulation requirements and were positively considered in the planning balance as a determinative factor in supporting the proposal as a paragraph 84e) dwelling designed to be of exceptional quality.

**9.** No external lighting shall be installed on site until additional plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage overlaid on aerial images have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

**REASON:** In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site.

**10.** Prior to their installation, details of both proposed entrance gates shall be 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 the visual amenities and character of the area.

**11.** 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 those Orders with or without modification), no development within Part 1, Classes A, AA, B, D, E, F and G shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.**

**REASON: In the interests of the amenity of the area, the environment and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.**

**12. All soft landscaping comprised in the approved details of landscaping (Landscape and Visual Appraisal, July 2023, by WHLandscape and Mitigation and Enhancement Strategy, Dwg No. WHL-1551-05) 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.**

**Informatives: (6)**

**13.**

#### **Bats**

**Bat roosts have been confirmed on and near the site. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.**

#### **Nesting Birds**

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

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

#### **Protected Species General**

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### **14. Artificial Lighting**

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. This will likely result in a significant negative impact upon the health of bat populations across the region. 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 GN08-23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

#### **15 PRoW Informative:**

Public footpath BROM9 runs along the existing access track. The footpath should remain open and unobstructed at all times. Any proposed changes to the location of gates across the footpath should be approved by the Countryside Access Officer prior to works being undertaken. To ensure the public right of way remains available and convenient for public use there shall be no construction/demolition vehicle access or amendments to be made with regard to the PROW BROM9 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement

measures must be approved by the Wiltshire Council Rights of Way Warden.

Contact countryside access team on [rightsofway@wiltshire.gov.uk](mailto:rightsofway@wiltshire.gov.uk) prior to development commencing with regard to PROW BROM9.

If a temporary closure is required during the works this must be applied for 3 months before any work is carried out. The applicant should contact the Countryside Access Officer on [rightsofway@wiltshire.gov.uk](mailto:rightsofway@wiltshire.gov.uk).

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

#### **16. Entrance Gate Design**

The gates need to be of an 'agricultural' aesthetic (metal or timber five bar gate) to match the rural context of the lane and not close boarded timber or other solid screening type detail. Gate posts should be simple timber or metal and not brick or stone piers with minimal discrete lighting again to match the rural aesthetic of the adjacent access track and to avoid its suburbanisation with urbanising elements.

17. The attention of the applicant is drawn to the contents of the letter received from the 'Dorset and Wiltshire Fire and Rescue dated 6 September 2023.

18. 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>.

23. **PL/2023/01684: Hedgerows, Bytham Road, Ogbourne St. George, Marlborough, SN8 1TD**

Public Participation

- Mr Malcom Exeter (Campaign for the Protection of Rural England) - spoke in opposition to the application
- Miss Victoria Convey – spoke in support of the application

The Senior Planning Officer Meredith Baker introduced a report which recommended that the application for the erection of six Class C3 dwellings be refused for the reasons outlined in the report. Key details were stated to include the principle of development, design, transport and landscape impacts.

Attention was drawn that two late representations in support of the application that had been sent to the Committee by the Applicant on behalf of the local primary school and a nearby business. The Senior Planning Officer confirmed that neither of these would change her recommendation to refuse the application. She reported that, since the publication of the report, the Applicant had now agreed that two of the units would be provided as affordable dwellings, so the information included in the final paragraph on page 247 of the agenda pack relating to affordable housing was out of date.

It was noted that the application site was located in an elevated position in open countryside outside of the settlement boundary, so the proposed development would be contrary to Core Policy 1 (Settlement Strategy) and Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy. The Senior Planning Officer also raised concerns that Unit 6, at the southern end of the site, would have an inset dormer window that would have a direct outlook into the private amenity space of Unit 5. As the dormer window in question was the sole window in a bedroom, it would not be possible to add a condition to impose obscure glazing and, as such, the arrangements were Contrary to Core Policy 57 (Ensuring High Quality Design and Place-Shaping).

The Senior Planning Officer also noted that the development was in close proximity to the A346 and that Wiltshire Council's Public Protection Officer had raised concerns that closed windows with trickle vents would be relied upon to mitigate noise pollution. As insufficient evidence had been presented by the Applicant to justify this approach, or to demonstrate that it would not lead to an unacceptable level of overheating, the application was in further breach of Core Policy 57 as well as the advice contained within the National Planning Policy Framework as well as the 'Planning Consultation Guidance Notes Section 5 – Good Acoustic Design.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought on sustainable transport options to the site. It was noted that there was a proposed footpath to the site and that there was a bus stop in Ogbourne St George. However, the Senior Planning Officer explained that there would be a reliance on private vehicles to access the site to access the facilities and services required for day-to-day living,

so the development was contrary to Core Policy 60 (Sustainable Transport) of the Wiltshire Core Strategy.

In response to a query about whether it would be possible to condition the net level of biodiversity gain, the Senior Planning Officer emphasised that insufficient evidence had been provided to Wiltshire Council's Ecology Team to be able to determine the ecological impacts of the proposal. An Ecological impact assessment should have been provided at the application stage and it would not be appropriate to condition at a later stage as it was a material matter for the planning application.

The Senior Planning Officer also highlighted that the site straddled the projected route of a former Roman road. The County Archaeologist had advised that a trial trench evaluation was required, but one had not been submitted by the Applicant. The Senior Planning Officer explained that this information was required at application stage as if archaeological features are found there is a potential that the scheme would need to be amended.

Further details were sought about the provision of affordable housing. The Senior Planning Officer noted that the scheme was defined as major development under the NPPF, being a development of six dwellings on a site of over half a hectare. Although the Applicant had now indicated that they would be providing two affordable dwellings as part of the development, the absence of a legal agreement to this effect was still considered to be a reason for refusal.

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

The Unitary Division Member, Cllr James Sheppard then spoke in support of the application.

In response to the points raised by the public and Unitary Division Member the Senior Planning Officer noted that solar panels had not been included in the plan that had been submitted. She explained that the proposed development was not located on a rural exception site and could not be defined as infill as defined under paragraph 434 of the Wiltshire Core Strategy.

So that the Committee had something to debate, Cllr Dr Brian Mathew, seconded by Cllr Kelvin Nash, proposed that the application be granted contrary to officer recommendation.

A debate followed where issues such as sustaining facilities in Ogbourne St George, such as the local primary school, were discussed. Other issues raised included the position of the proposed development in relation to existing residential areas in the village and a nearby farmyard, privacy issues, affordable housing.

Members of the Committee indicated that the proximity of the development to a nearby farmyard and residential areas was such that was integrated into the centre of the village and amenities of Ogbourne St George. They felt that the

provision of additional housing would also help to sustain the services within the village provided to the local community.

The possibility of adding conditions relating to areas including, ecology, solar, panels, heat pumps, archaeology, electric vehicle charging points and overlooking were debated.

In response to questions, it was confirmed that an ecology management plan could be conditioned, although the Development Management Team Leader, Karen Guest, did reiterate that Wiltshire Council's Ecologist would far prefer an impact assessment to be completed in advance of planning permission being granted. She also confirmed that it would not be possible to condition the design of the windows to reduce noise pollution.

It was also noted that there would need to be the agreement of a S106 agreement.

At the conclusion of the debate, it was:

### **Resolved**

**To GRANT permission for the erection of six Class C3 dwellings, subject to the agreement of a S106 agreement. For the final wording of the conditions to be delegated to the Development Management Team Leader and Senior Planning Officer, in consultation with the Chairman and Vice-Chairman.**

### **Reason:**

**Although the scheme is contrary to policy, being outside of any defined limits of development, there are material considerations and benefits which would outweigh this harm. These include: the site being accessible to the village and closer than many other properties; the proximity of the nearby farmyard; and the provision of much needed additional residential properties, including affordable housing, which would help to sustain the settlement.**

### **Conditions**

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

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**
  - Location Plan – Drawing No. 001**

- Existing Site Survey – Drawing No. 100
  - Proposed Site Plan – Drawing No. 150
  - Proposed Site Plan – Drawing No. 151
  - Housetype – Plots 1 & 2 – Drawing No. 160
  - Housetype – Plots 3 & 4 – Drawing No. 161
  - Housetype – Plot 5 – Drawing No. 162
  - Housetype – Plot 6 – Drawing No. 163
  - Proposed CarPorts – Drawing No. 165
  - Cycle Store – Drawing No. 166
  - Street Scenes & Site Sections – Drawing No. 170
  - Drainage Strategy – Drawing No. 23-006-002
- Acoustic Consultancy Report 23174/3/1/10 by LCP
  - Preliminary Ecological Appraisal Report by Ethos Environmental Planning
  - A Pre-development Arboricultural Report by Sharples Tree Services dated 8th February 2023
  - Drainage Strategy and SuDS Statement by Adama Consulting

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

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

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

4. No development above slab level shall commence on site until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority, the details of which shall include location on a site plan, height, design and materials of all boundary treatment and gates. Development shall be carried out in accordance with the approved details.

**REASON:** Further details are required because insufficient information has been submitted with the application in this regard, to ensure a satisfactory landscaped setting for the development and in the interest of visual amenity.

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

- a detailed planting specification showing all plant species, replacement trees, supply and planting sizes and planting densities;

- details of the balancing pond including a detailed levels and elevations plan and construction details;
- all hard and soft surfacing materials;

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

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

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

7. No works or development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, shall commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall 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.

8. No works or development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, shall commence until a Construction



**Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.**

**The CEMP shall include, but not necessarily be limited to, the following:**

- a) Identification of ecological protection areas/buffers 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 water vole, nesting birds and reptiles;**
- c) Details of timing of tree and shrub planting;**
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW)**
- e) Details of pollution prevention measures including safeguarding measures to deal with the following pollution risks:**
  - the use of plant and machinery**
  - wheel washing and vehicle wash-down and disposal of resultant dirty water**
  - oils/chemicals and materials**
  - the use and routing of heavy plant and vehicles**
  - the location and form of work and storage areas and compounds**
  - the control and removal of spoil and wastes.**

**The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.**

**REASON: To ensure adequate protection and mitigation for ecological receptors.**

- 9. No works or development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, shall commence until a biodiversity enhancement plan has been submitted and approved by the Local Planning Authority. All works shall be undertaken in accordance with the approved plan.**

**REASON: In the interests of ecology and biodiversity and to ensure net gain in biodiversity.**

- 10. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and**

approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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, the character, setting and appearance of the rural National Landscape, to minimise unnecessary light spillage above and outside the development site and to ensure lighting will not have an adverse impact on ecology.

11. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

**REASON:** In the interests of highway safety.

12. The gradient of the access way shall not at any point be no steeper than 1m in 15 metres from its junction with the public highway.

**REASON:** In the interests of highway safety.

13. 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.

14. No part of the development hereby permitted shall be first occupied until the access and the parking spaces (with at least one space per plot being provided with an EV charging provision) have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

**REASON:** In the interests of highway safety.

15. 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:** To ensure acceptable amenity levels and highway impacts during the construction period.

16. The external facades including roofing, external walls and glazing hereby approved shall be installed as detailed within the recommendations in Section 4 of the Acoustic Consultancy Report 23174/3/1/10 dated 14th February 2023 prior to first occupation of the development and maintained in accordance with these approved details at all times thereafter.

**REASON:** In the interests of noise pollution for the future occupants from the adjacent A-road.

17. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority shall be advised of the steps that will be taken by an appropriate contractor, to deal with contamination and provide a written remedial statement to be followed by a written verification report which confirms the works that have been undertaken to render the development suitable for use.

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

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

- Drainage Strategy – Drawing No. 23-006-002

• Drainage Strategy and SuDS Statement by Adama Consulting – Doc Ref: AcI725/23006/DS

**REASON:** In the interests of flooding and drainage.

**19. No development shall commence on site 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 by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON:** 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 enable the recording of any matter of archaeological interest.

**20. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.**

**REASON:** In the interests of neighbouring amenity.

**21. 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 those Orders with or without modification), no development within Schedule 2, Part 1, Classes A, B and E shall take place on the dwellinghouses hereby permitted or within their curtilage.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

**22. Notwithstanding the submitted details, the development hereby permitted shall not be first occupied until cycle parking and bin storage facilities for each permitted dwelling have been provided in full and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage facilities shall be retained for use at all times thereafter.**

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

**23. Notwithstanding the submitted details, no development above slab level shall commence until a renewable energy scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme approved shall be installed prior to first occupation of the dwellings and maintained in accordance with the approved details at all times thereafter.**

**REASON: In the interests of high-quality design in accordance with Core Policy 57 v) of the Wiltshire Core Strategy.**

**24. The development shall be carried out in strict accordance with the approved A Pre-development Arboricultural Report by Sharples Tree Services dated 8th February 2023 and the contained Tree Protection Plan – Drawing Number: BR/TPP dated Feb/2023. The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development.**

**REASON: For avoidance of doubt and for the protection of visually important trees on the site.**

#### **INFORMATIVES:**

- 1. The application involves an extension to the creation of a new vehicle access and dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent . Please contact the Drainage Team at [Drainage@wiltshire.gov.uk](mailto:Drainage@wiltshire.gov.uk)**
- 2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please**

see Natural England's website for further information on protected species.

3. 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 .....[ date when the legal agreement is made for the affordable housing provision]
4. The archaeology works in relation to Condition 19 is to be carried out by qualified archaeologists following the standards and guidelines for archaeological evaluations as set out by the Chartered Institute for Archaeologists (CIfA). If archaeological finds of local or regional importance are found by the trial trenching, then it is likely that further work will need to be carried out in order to mitigate the impact of the proposed development upon the archaeological resource in order to fulfil the terms of the condition. Finds of national importance may prove an overriding constraint to the development. The costs of all works are to be borne by the applicant.
5. In relation to Condition 23, if any renewable energy measures are proposed externally to the building, such as solar panels, full elevation plans of the dwellings must be submitted for consideration together with product specifications.

24. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 8.04 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)