

STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 12 FEBRUARY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Jose Green (Vice Chairman), Cllr Charles Howard, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Anthony Trotman, Cllr Nick Watts, Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Cllr Trevor Carbin, Cllr Magnus Macdonald, Cllr Laura Mayes, Cllr Toby Sturgis and Cllr Philip Whitehead

12 **Apologies for Absence**

There were no apologies for absence.

13 **Minutes of the Previous Meeting**

On considering the accuracy of the previous minutes,

Resolved:

To confirm and sign as a correct record the minutes of the previous meeting held on 22 January 2014, subject to the following amendment:-

Minute No. 8 – N13/01747/FUL – Hunters Moon, Easton Lane, Chippenham, SN14 0RW

To amend the resolution to read as follows:-

“Subject to all parties entering into an agreement under s106 of The Act (as amended) in relation to the following matters:

- The delivery of affordable housing
- The delivery and maintenance of on-site play and public open space

- The delivery of site access works, cycleways, off-site works including works to Pheasant roundabout, and provision of new bus to allow dedicated service to run through the site
- The delivery of costs associated with proposed Travel Plan
- The delivery of a contribution towards strategic highways works
- The delivery of 1.2 hectare of land for the provision of a single-form entry primary school
- The delivery of a contribution towards local education provision

to delegate to the Area Development Manager to grant planning permission, subject to the following conditions:-" (the conditions to remain as set out in the Minute)

The Committee received representations from a member of the public for alterations to Minute No.9 – N/12/0438/OUT – Marden Farm, Rookery Park, Calne, SN11 0LH – Update. The Committee did not consider that the Minute should be amended.

14 **Declarations of Interest**

There were no declarations of interest made at the meeting.

15 **Chairman's Announcements**

The Chairman referred to questions that had been raised by Mrs Anne Henshaw and Mr John Kirkman of CPRE at the last meeting concerning solar farm developments. Since that meeting supplementary questions had been received to which answers would be provided and passed to members of the Committee for approval prior to being signed off by the Chairman and sent to the questioners.

16 **Public Participation and Councillors' Questions**

There were no questions received from members of the public or members of the Council.

17 **E/13/01243/OUT - Land at Lay Wood, South of Horton Road, Devizes, Wiltshire**

The following people spoke against the proposal:

Mr William May Smith, a local resident
 Mr Rick Rowland, representing Devizes Community Area Partnership
 Mr Simon Fisher, representing the Neighbourhood Plan Steering Group
 Mr John Jenkins, representing the CPRE
 Mr Eric Clark, Clerk to Bishops Cannings Parish Council
 Cllr Judy Rose, representing Devizes Town Council

The following person spoke in favour of the proposal:

Mr Neil Hall, representing the applicant

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the planning application be delegated to the Area Development Manager to approve, subject to the prior completion of a Section 106 legal agreement and also subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Philip Whitehead, the local Member who objected to the application on the grounds that the proposal did not meet with the requirements as set out in the Devizes Neighbourhood Plan, the draft Wiltshire Core Strategy or the Devizes Transport Policy.

Members had also received a copy of a letter to the Editor of the Wiltshire Gazette & Herald from seven local Members of the Council and also emails from Mrs S Buxton and Mr F Morland all objecting to the proposal.

During the ensuing discussion, whilst Members expressed much sympathy for the views expressed by the objectors to the proposal, they appreciated that the views expressed by the Core Strategy Inspector by suggesting that the Core Strategy housing requirement should be increased by 5,000 to 42,000 homes in Wiltshire, had in effect rendered objection to the proposal untenable.

Resolved:

To delegate to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement in relation to the following matters:-

- **The delivery of affordable housing**
- **The delivery of a contribution towards local education provision**
- **The delivery of a contribution towards on site-play and open space and off-site recreation provision**
- **The delivery of a contribution towards public transport improvements, measures in the Devizes Transport Strategy and the implementation of a Travel Plan.**
- **The delivery of a contribution towards the maintenance and upgrading of the canal towpath in the vicinity of the site.**
- **The delivery of a contribution to help undertake general highway works in the vicinity of Bishops Cannings school and village hall.**

And subject to the following conditions:-

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

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

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

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 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:**

Figure 1.1 (Ref 33976-LEA02d) and Figure 8.1 (Ref 33976-LEA12B) received on 19th June 2013

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

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

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

- 6 No dwelling shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

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

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

- indications of all existing trees and hedgerows on the land;**
- details of any to be retained, together with measures for their protection in the course of development;**
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
- finished levels and contours of the land;**
- means of enclosure;**
- car parking layouts;**
- other vehicle and pedestrian access and circulation areas;**
- hard surfacing materials;**
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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.

REASON:: To ensure a satisfactory landscaped setting for the

development and the protection of existing important landscape features.

- 8 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 a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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

- 9 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and

mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development

- 10** Construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety

- 11** Construction of dwellings hereby permitted shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved items serving that dwelling have been carried out in accordance with the approved details.

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

- 12** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

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

- 13** Prior to first occupation of the 100th dwelling hereby approved an emergency vehicular access link to Horton Road, suitable for pedestrian and cycle use shall have been provided in accordance with details to be first submitted to and approved by the local Planning Authority. The link to be positioned to provide convenient pedestrian

access to the bus stops on Horton Road.

REASON: In the interests of safe and convenient access to the site.

- 14** Prior to the occupation of the 100th dwelling a bus turning facility or a loop road suitable for use by buses shall have been provided and made available for use on the section of the development to the north of Lay Wood, in accordance with details to be first submitted to and approved by the Local Planning Authority. A bus turning facility in this area of the site shall at all times thereafter be kept available for use by buses.

REASON: In the interests of the site being conveniently served by public transport.

- 15** Prior to first occupation of any dwelling hereby approved the site access roundabout as indicated in outline on drawing Transport Assessment Figure 8.1, and including street lighting in accordance with BS5489-1:2013, BS EN123201-2:2003, shall have been constructed and made permanently available for use

REASON: In the interests of providing safe and convenient access to the development

- 16** Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to and agreed in writing by the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (AMEC, June 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF

- 17** No development shall commence on site until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development in accordance with the Flood Risk Assessment prepared by RPS Health, Safety & Environment, reference RCEB23864-001R and dated January 2013 , together with a phasing scheme and a timetable explaining when the works are to be constructed, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be first occupied before the surface water drainage scheme for that dwelling has been provided.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF.

- 18 The reserved matters application shall include details of the proposed finished floor levels which shall be set no lower than 129.0 metres above Ordnance Datum (AOD), in accordance with the Flood Risk Assessment (AMEC, June 2013).**

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

- 19 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

REASON: To prevent pollution of the water environment

- 20 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

REASON: In the interests of sustainable development and prudent use of natural resources.

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

REASON: In the interest of future residential amenity

- 22 No development shall commence until:**

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

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

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

- 23** No dwellings shall be constructed on site until a scheme of acoustic insulation and mitigation for the purposes of attenuating the affects of noise on the occupants of the development from road traffic and the adjacent Wiltshire Council Depot have been submitted to and approved by the Local Planning Authority. No dwelling shall be first occupied until the approved insulation and mitigation measures for that dwelling have been fully implemented in accordance with the approved details.

REASON: In the interest of future residential amenity

- 24** 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. It shall include the following:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - measures for the protection of the natural environment; and hours of construction, including deliveries.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out other than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

- 25** Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect neighbouring amenity.

- 26** No more than 230 dwellings shall be constructed on the site pursuant

to this planning permission.

REASON: To define the limits of the planning permission and to set the maximum number of dwellings to be constructed on the application site.

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the ?? 2014

INFORMATIVE TO APPLICANT:

It is important for the applicant to note that the indicative layout has not been considered acceptable in terms of ecology due to the location of proposed footpaths which the Local Planning Authority will expect to be provided to create links to the neighbouring residential development and to the canal. A further ecological mitigation strategy relevant to species found within the site will also need to be submitted with any reserved matters application for approval.

INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following informatives requested by the Environment Agency:

- 1) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 2) Any surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.
- 3) There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent will be required from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements
- 4) Wetlands are important wildlife habitats that support a wide variety of plants and animals, including rare and endangered species. Development should aim to prevent deterioration and enhance the status of aquatic ecosystems and associated wetlands. Furthermore a key output of the England Biodiversity Strategy for 2008 is a 50 year vision for wetlands. The Wetland Vision looks forward 50 years to a

future where freshwater wetlands full of wildlife are found across the urban and rural landscapes, and where they are valued by society for the services they provide.

5) In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care.

18 **E/13/0083/OUT - Land at Coate Bridge, Adjacent to Windsor Drive, Devizes, Wiltshire**

The following people spoke against the proposal:

Mr Rick Rowland, representing Devizes Community Area Partnership
Mr Simon Fisher, representing the Neighbourhood Plan Steering Group
Mr Tony Duck, representing the Trust for Devizes
Mr John Kirkman, representing the CPRE
Cllr Andy Geddes, representing Roundway Parish Council
Cllr Judy Rose, representing Devizes Town Council

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the outstanding appeal. He reported that this application had been previously refused planning permission by Strategic planning Committee at its meeting on 25 September 2013. The applicants had subsequently lodged an appeal and a Public Inquiry was scheduled to take place week commencing 7 April 2014.

The Inspector's tenth procedural letter (2nd December 2013) to the Wiltshire Core Strategy had changed the context within which this application should be considered and impacted upon the reasons for refusal. The Inspector had suggested that the Core Strategy housing requirement should be increased by 5,000 to 42,000 homes in Wiltshire and it is currently unclear what impact this would have on the number of homes planned for Devizes and the East Housing Market Area. This Committee was therefore being requested to consider the approach to the conduct of this appeal.

Members had also received a copy of a letter to the Editor of the Wiltshire Gazette & Herald from seven local Members of the Council and also emails from Mr D Buxton, Mrs S Buxton, Mr F Morland and Mrs M Taylor all objecting to the proposal.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Laura Mayes, the local Member, who spoke in objection to the application, noting that there was no objection in principle to some new housing being developed in the Devizes area, but highlighting the significant extent of the application in an area not identified through policy for such development. She also considered that an additional 580 house development (the total of Laywood and Coate Bridge proposals) was more than the target figure for the period to 2026.

After a full discussion

Resolved:

To request the Officers to vigorously defend the Council's decision to refuse planning permission for this development at the forthcoming Public Inquiry in April 2014 for the original reasons the application was refused in September 2013, namely:-

- 1) The site lies outside of the limits of Development defined for Devizes in the Kennet Local Plan 2011. In this location, new development is restricted to that which is of benefit to the rural economy or the social well-being of the community. The Council does not consider that a housing development of this scale would support the rural economy or benefit the social well-being of the rural economy. The proposal would therefore conflict with policy NR6 of the KLP.**
- 2) The Draft Wiltshire Core Strategy, through CP2, requires development outside of the Limits of Development for Devizes to be identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This site has not been identified through this process and it would therefore conflict with policy CP2 if planning permission were to be granted.**
- 3) The Council is satisfied that there is no overriding need to bring forward this site outside the Limits of Development for residential development at this stage as it is satisfied that there is adequate land available to meet the Government requirement expressed in the NPPF for a 5 year land supply.**
- 4) The site includes within its boundaries potential heritage assets with archaeological interest, including a number of earthworks recorded on the Historic Environment Record. The Council considers that in these circumstances, and in accordance with paragraph 128 of the NPPF, an**

archaeological field evaluation is required to properly inform the Council of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to assess properly the impact on any potential archaeological heritage asset on the site.

(At the conclusion of this item the Committee recessed for 10 minutes from 1.25pm until 1.35pm.)

19 **W/13/00643/FUL - Land South West of Kingston Farm Buildings, Holt Road, Bradford on Avon, Wiltshire**

The following person spoke against the proposal:

Mr Godfrey Marks, representing Bradford Preservation Trust

The following people spoke in favour of the proposal:

Mr Chris Beaver, the applicant's agent
Mr David Maude, a local resident
Cllr John Potter, Mayor of Bradford on Avon

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to the satisfactory completion of a legal agreement and conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Magnus Macdonald, a local Member who was attending on behalf of Cllr Rosemary Brown, the local Member, both of whom welcomed and fully supported the application, stating that it was crucial to the future of Bradford on Avon.

After discussion,

Resolved:

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure the following:

- i) 30% Affordable Housing to be provided on site.**

- ii) A financial contribution towards the provision of secondary school places totalling £498,030 which would be index linked.**
- iii) A financial contribution towards the provision of primary school places totalling £470,381 which would be index linked.**
- iv) A financial contribution towards the provision of affordable childcare totalling £161,530 which would be indexed linked.**
- v) A financial contribution towards the provision of GP surgery facilities totalling £53,750 which would be indexed linked.**
- vi) A financial contribution towards Phase 3 of the Bradford on Avon Historic Core Zone works totalling £155,000 which would be indexed linked (in the event that this works does not occur monies will be made available to bus service enhancements to serve the development site).**
- vii) A financial contribution towards the cost of making Traffic Regulation Orders relating to waiting, speed limits, weight limit and temporary closure of Cemetery Lane totalling £15,000 which would be indexed linked.**
- viii) A financial contribution towards the monitoring of the Travel Plans for the Development totalling £5,000 which would be indexed linked.**
- ix) A financial contribution towards the outdoor leisure facilities at Culver Close / Victory Field totalling £30,907 which would be indexed linked.**
- x) A financial contribution towards the expansion of Bradford on Avon cemetery totalling £3,750 which would be indexed linked.**
- xi) A financial contribution towards monitoring, improving and mitigating air quality issues within the Bradford on Avon Air Quality Management Area totalling £20,000 which would be indexed linked.**
- xii) The practical completion of the new Anthony Best Dynamics factory and the relocation of the business onto the development before the first occupation of the 50th open market dwelling.**
- xiii) The practical completion of phase 1 of the 'work-hub' development before the first occupation of the 80th open market dwelling.**
- xiv) The provision of circa 1.5 hectares of public open space on site (including equipped play areas), with payment of a commuted sum towards its initial management if the Council is requested to adopt it.**

- xv) The provision of private allotments.
- xvi) The provision of a series of highway improvement works including widening of pedestrian facilities from the site to the junction of Wooley Street/Silver Street; provision of a new roundabout; provision of a new access to the employment area with realignment to highways; and dedicated pedestrian crossings and refuges on Holt Road.

And subject to the following planning 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 No development shall commence on the housing development until details and samples of the materials to be used for the external walls and roofs of the housing development 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.

- 3 No development shall commence on the employment development until details and samples of the materials to be used for the external walls and roofs of the employment development 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 shall commence on the allotment development until details and samples of the materials to be used for the external walls and roofs of the communal barn 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.

- 5** No development shall commence on the respective employment or housing sites until a scheme of hard and soft landscaping has been submitted to and approved in writing for those sites by the Local Planning Authority, the details of which shall include for each:-

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

REASON: To ensure a satisfactory landscaped setting for the development and to protect and enhance biodiversity interests.

- 6** No development shall commence on site until a scheme of phasing programme for the development and associated landscaping has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is phased so as to minimise any harm during the construction period and that a satisfactory landscape setting is created and to protect and enhance biodiversity interests.

- 7** All soft landscaping contained in the approved details of landscaping shall be carried out in accordance with the approved phasing programme required by condition 4.

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 to protect and enhance biodiversity interests.

- 8** No building shall be first occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens, but for the avoidance of doubt including the allotments) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 9** No development shall commence on site until a habitat and ecological management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:
- * a set of detailed objectives;
 - * a drawing showing the locations of habitat features of importance for bats;
 - * a requirement for those with landscape management responsibilities to ensure bat habitat features are retained and enhanced through appropriate management for the lifetime of the development;
 - * a programme of management works including annual and less frequent works required to maintain the bat habitat features in good condition.
 - * details of monitoring for compliance against the plan objectives.

The habitat and ecological management plan shall be carried out in accordance with the approved details.

REASON: In the interests of preserving and enhancing biodiversity and protected species.

- 10** Notwithstanding the hereby approved plans, no development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and

other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme required by condition 4.

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

- 11 No development shall commence on those parts of the site within the root protection areas/canopies of protected and retained trees until a full 'No-Dig' specification for works within these areas has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: In order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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:
- east elevation of plot 11;
 - north elevation of plot 67; and
 - north elevation first floor of plot 133.

REASON: In the interests of residential amenity and privacy.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

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

- 14 No development of the proposed impermeable parking areas and hardstandings shall commence on site until details of surface water drainage from these areas, including oil interceptors has been submitted and approved by the Local Planning Authority. The areas/hardstandings shall not be first brought into use until the oil

interceptors have been installed in accordance with the approved details. Thereafter the oil interceptors shall be retained in accordance with the approved details. Roof water shall not pass through the interceptors.

REASON: To minimise the risk of pollution of the water environment.

- 15** No development shall commence on site until the final scheme for the discharge of foul water from the site, 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 foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained, minimise the risk of pollution and minimise the risk of flooding on the site and downstream.

- 16** Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. The associated development shall not be first occupied until such facilities have been constructed and completed in strict accordance with plans approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment

- 17** No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Furthermore the development shall be carried out in accordance with the 'Method Statement for Landscape Construction Works within Area of Archaeological Interest' by McGregor Smith received on 20 December 2013.

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

- 18** No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To ensure that the development can be adequately drained, minimise the risk of pollution and minimise the risk of flooding on the site and downstream.

- 19** No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating:

- a working method statement for road construction detailing how the works will be controlled;
- details of how bat monitoring and vibration monitoring will be used during construction to avoid harm to bats and instability in the mine;
- position, design and timescale for protective fencing which will be erected to exclude construction machinery from land above Coombe Mine;
- working restrictions to minimise impacts on bat movement at night;
- pollution prevention measures,

has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: In order to protect the natural environment.

- 20** All fixed plant and machinery shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997.

REASON: In order to safeguard the amenities of the area in which the development is located.

- 21** The working hours during the construction phase shall be limited to:
- | | |
|------------------|-------------|
| Monday – Friday: | 0800 - 1800 |
| Saturdays: | 0830 – 1300 |

Sundays/Public Holidays: None

REASON: In order to safeguard the amenities of the area in which the development is located.

- 22 Vehicle deliveries shall be limited to:-**
Monday – Friday: 0800 – 1800
Saturdays: 0900 – 1300
Sundays/Public Holidays: None

REASON: In order to safeguard the amenities of the area in which the development is located.

- 23 No development shall commence until a final external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing all public, private domestic and private commercial external lighting. The scheme shall detail the type of light appliance, the height and position of fitting, illumination levels and light spillage. The scheme shall achieve Environmental Zone Category E2 levels or less, complying with guidance issued by the Institution of Lighting Engineers. Furthermore the scheme shall be designed specifically to achieve light levels that avoid harm as far as reasonably practical to bats by complying with the lux plot contained in scheduled additional information “eg12492: Further Information to Inform a HRA” and scheduled drawing “0066-1300-004 Rev A”; and reducing light levels towards 1 lux near trees along the sites northern boundary. The scheme shall include details of when lanterns will be switched off at night.**

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

- 24 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:**

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 25 No development shall commence until a scheme of public art, including a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority. The public art shall be provided in accordance with the agreed timetable.**

REASON: In the interest of public amenity and appearance of the development.

- 26 No development shall commence until details of bat and bird boxes (including those integrated into the fabric of the built environment), including a plan to show their location have been submitted to and approved in writing by the Local Planning Authority. These shall subsequently be installed before any dwelling is first occupied.**

REASON: In order to preserve and enhance biodiversity interests.

- 27 No part of the development shall be first occupied until the entrance of Combe Mine county wildlife site has been fitted with a protective metal grill to prevent public access.**

REASON: In order to minimise potential disturbance to protected species and their habitat.

- 28 No tree will be felled or pruned unless it has been assessed by a professional ecologist for risks to bats within the previous 12 months and the works are undertaken following the advice of the ecologist.**

REASON: In the interests of protected species.

- 29 No hedgerow or tree removal will be undertaken on the site until advanced planting works are completed in accordance the approved phasing programme required by condition 4.**

REASON: In the interests of protected species.

- 30 Notwithstanding the details submitted, no development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.**

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

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

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

- 32 The Class B1 and B2 development hereby approved shall not be first brought into use until that part of the service road which provides access to it has been constructed, and all parking and manoeuvring spaces have been completed in accordance with the approved plans. The parking and manoeuvring spaces shall only be used for the purpose of parking and manoeuvring at all times.**

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

- 33** No Class B1 or B2 development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. The spaces, and changing and showering facilities, shall be made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

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

- 34** No building shall be occupied on the respective parts of the site (employment/residential) until a Green Travel Plan for the respective part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The employment use Travel Plan shall identify measures that are disincentives for employee travel as single car occupants. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The travel plans shall each have a minimum period of operation of 6 years from the date of first occupation of the respective land uses.

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

- 35** Before the development hereby permitted is commenced, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall identify what routes are to be used by construction lorries and vans to serve the site, how the construction traffic will avoid adding to congestion in Bradford on Avon and Holt, what arrangements will be put in place to ensure exiting lorries and vans do not cause mud and other deleterious materials being deposited on the local roads

REASON: In order to ensure that existing highway users are not unduly inconvenienced by development related construction traffic

- 36** The access to the designated allotments shall be limited to maintenance and service vehicles only.

REASON: In order to define the terms of this permission and highway safety.

- 37** The 25 parking spaces opposite residential units 68-80 within the work-hub employment area shall be made available for public parking at weekends, bank holidays and from 18.00 to 07.00 hrs (the next day) on all other days.

REASON: In order to alleviate on-street parking demand and make an efficient use of the development's off-street parking provision.

- 38** No development shall commence until detail of new bus stop positions and facilities within the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. Those details shall include an agreed timetable for the works.

REASON: In order to improve sustainable transport options for those living and/or working at the development without prejudice to existing residents and workers.

- 39** The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule

Submission Document Schedule: Issue no.10 – 28/01/2014 by Planning Sphere

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

Informative(s):

- 1** There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

- 2** There are ordinary watercourses either within or in close proximity to the site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:-
<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/dra inage/drainageordinarywatercourseconsent.htm>

- 3 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**
 - oils/chemicals and materials**
 - the use and routing of heavy plant and vehicles, including wheel-wash**
 - the location and form of work and storage areas and compounds**
 - the control and removal of spoil and wastes.**

**The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.**

- 4 The archaeology work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.**
- 5 It should be noted that the new Part L Clause 25 of the 2013 Building Regulations may require documentation of a low carbon/centralised energy strategy approved by the local authority.**
- 6 The developer is encouraged to consider the installation of sprinkler systems within the development in the interests of fire safety.**
- 7 The applicant is advised that erection of a grille across the entrance of Coombe Mine is likely to require a licence from Natural England.**
- 8 Within the submission of landscaping condition discharge the following matters will be expressly addressed:**
- * details of a planting scheme along northern boundary of the site and timescale for its implementation which is necessary to provide a commuting route for bats as soon as possible during the construction programme;**
 - * details of planting that will be undertaken around the entrance to Coombe Mine to provide visual screening; and**
 - * planting plans will demonstrate how dark bridges will be created to encourage bats to cross new roads.**

20 **Date of Next Meeting**

Resolved:

To note that the next meeting was due to be held on Wednesday 12 March 2014 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

21 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 2.10 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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