

## STRATEGIC PLANNING COMMITTEE

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 MAY 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Jerry Wickham (Substitute) and Cllr Bridget Wayman

#### Also Present:

Cllr Russell Hawker, Cllr Dick Tonge, Cllr Roy While and Cllr Gordon King

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#### 22 Apologies for Absence

The Committee noted that at its meeting the previous day, Council had appointed Cllr Bridget Wayman to membership of this Committee in place of Cllr Bill Moss. The Chairman, on behalf of the Committee, welcomed Cllr Bridget Wayman to the meeting.

An apology for absence was received from Cllr Christopher Newbury and Cllr Fred Westmoreland who was substituted by Cllr Jerry Wickham.

#### 23 Minutes of the Previous Meeting

##### **Resolved:**

**To confirm and sign the minutes of the previous meeting held on 13 April 2016.**

#### 24 Declarations of Interest

There were no declarations of interest.

#### 25 Chairman's Announcements

There were no Chairman's announcements made at the meeting.

#### 26 Public Participation and Councillors' Questions

No questions had been received from councillors or members of the public.

The Chairman welcomed everyone to the meeting. He then explained the rules of public participation and procedure to be followed at the meeting.

27 **15/10446/FUL - Whitehall Garden Centre, Corsham Road, Lacock, Wiltshire, SN15 2LZ - Redevelopment of Whitehall Garden Centre for New and Replacement Buildings to Facilitate the Re-ordering of the Site, Including Parking Areas and Landscaping.**

**The following people spoke against the application:**

Ms Linda Newbury, a local resident

Mrs Anne Henshaw, representing Campaign to Protect Rural England

**The following people spoke in support of the application:**

Mr Richard Cosker, planning consultant

Mr Andrew Aldridge, architect

Mr Peter Self, applicant

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application, with a recommendation that planning permission be granted subject to a legal agreement and conditions.

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

Members then heard the views of Cllr Dick Tonge, the local Member, who expressed some concern regarding the resulting impact on traffic queuing along Corsham Road to access the expanded site and also an inadequate turning circle for large vehicles inside the site. He was also concerned that retained planning policy advice did not appear to provide any restrictions to the size of the development.

During discussion the following points were raised:

- The need to balance the proposed expansion of the business, as set out in the application, with effect on the local population and the traffic.
- The main access to and egress from the site especially for large vehicles and a suitably large turning circle.
- The need for an additional emergency entrance to the site.

**Resolved:**

**To grant planning permission, subject to:**

**(1) A legal agreement to secure the costs associated with the following off-site elements, via a signed Unilateral Undertaking:**

- **Implementation of a parking restriction on Corsham Road and/or Notton Lane.**
- **Adjustment of phasing/timing of the traffic light controls at the Corsham Road/A350 junction.**
- **Alterations to the junction between Notton Lane and Corsham Road, together with any associated signage.**
- **Making of a Traffic Regulation Order for the imposition of a speed limit on Notton Lane.**

**(2) The following 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:**

**P01 rev B - Proposed Site Layout Plan  
P02 rev B - Proposed Roof Plan  
P04 rev A - Proposed Elevations - Sheet 1 of 3  
P05 rev A - Proposed Elevations - Sheet 2 of 3  
P06 rev A - Proposed Elevations - Sheet 3 of 3  
P07 rev A - Site Sections - Sheet 1 of 5  
P08 rev A - Site Sections - Sheet 2 of 5  
P09 rev A - Site Sections - Sheet 3 of 5  
P10 rev A - Site Sections - Sheet 4 of 5  
P11 rev A - Site Sections - Sheet 5 of 5**

**Received 20 October 2015**

**P13 - Designated External Storage Areas**

**Received 27 April 2016**

**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 external stonework shall be constructed on site, until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

**5** No render shall be applied to any building or walls on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

**6** No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

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

- \* location and current canopy spread of all existing trees and hedgerows on the land;
- \* full details of any to be retained, together with measures for their protection in the course of development;
- \* a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- \* finished levels and contours;
- \* means of enclosure;
- \* car park layouts;
- \* other vehicle and pedestrian access and circulation areas;
- \* all hard and soft surfacing materials; and
- \* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**8** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the first use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

**9** No part of the development hereby permitted, including demolition works associated with the preparation of the site, shall commence on site until the new access to the highway has been constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved access shall be maintained for those purposes at all times thereafter.

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

**10** No part of the development hereby approved shall be brought into use until the parking areas as shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details, including the provision of controlled accesses as detailed. These areas shall be maintained and remain available for their respective uses at all times thereafter.

**REASON:** To ensure that adequate provision is made for parking within the site in the interests of highway safety.

**11** No part of the development hereby approved shall be first brought into use until the areas allocated for deliveries and servicing have been laid out in accordance with the approved plans. These area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and deliveries in connection with the operation of the development hereby permitted at all times thereafter.

**REASON:** To ensure that adequate provision is made for servicing and loading/unloading within the site in the interests of highway safety.

**12** Notwithstanding the submitted details, no installation or use of an ice rink or other ice skating facility shall take place until full details including:

- (a) siting of the rink;
- (b) proposed means of enclosure;
- (c) hours of operation;
- (d) any additional lighting;
- (e) any sound or amplified music system; and
- (f) means of limiting noise and light spill

have been submitted to and approved in writing by the Local Planning Authority. Any such facility shall be operated in full accordance with the approved details at all times whenever in situ thereafter.

**REASON:** In order to secure the creation of an area free from intrusive levels of noise and activity, in the interests of local amenity.

**13** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), excepting temporary development associated with the construction of the development hereby approved, no development within Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification) shall take place anywhere within the site.

**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 temporary development of the land.

**14** 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

**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.

**15** 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 mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

**REASON:** In the interests of town centre vitality and viability, in order to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional floor space.

**16** No subdivision or amalgamation of any kind shall take place within the areas marked 'Building 1', 'Building 2', Building 3 Units B, C & D independently or 'Building 4'.

**REASON:** In the interests of protecting the vitality and viability of town centres and to enable the Local Planning Authority to consider individually whether planning permission should be granted for an alternate mix of retail units on the site.

**17** 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), Building 6 as indicated on drawing ref. P01 rev A (Proposed Site Layout Plan) shall be used solely for purposes within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

**REASON:** The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class, having regard to the circumstances of the case.

**18** Notwithstanding the submitted plans, retail of comparison goods falling outside the definition of 'gardening items' as set out at the 'range of goods' subsection to Paragraph 3.3 of the submitted Supplementary Town Centre Uses Statement (CBRE, February 2016), namely:

garden furniture; barbecues, chimineas, fire pits and associated tools and fuel (such as coal, coke, briquettes, firewood, charcoal and peat); natural and artificial Christmas trees and related goods including decorations; motorised tools and equipment (such as electric drills, saws, sanders and hedge cutters, garden tractors, lawnmowers, cultivators, chainsaws and water pumps); garden tools (such as wheelbarrows, watering cans, hoses, spades, shovels, rakes, forks, scythes, sickles and secateurs); hand tools (such as saws, hammers, screwdrivers, wrenches, spanners, pliers, trimming knives, rasps and files); ladders and steps; hardware and fittings for the garden (such as chains, grids, stakes and hoop segments for fencing and bordering); fencing panels and associated materials for garden security and decoration; natural and artificial flowers and foliage, plants, shrubs, bulbs, tubers, seeds, fertilizers, composts, garden peat, turf for lawns, specially treated soils for ornamental gardens, horticultural preparations, pots and pot holders; garden and outdoor activity clothing and footwear; gifts for home and garden; pets and smallholding animals and associated foodstuffs; veterinary and grooming products including veterinary and grooming services; cat litter, collars, leashes, kennels, birdcages, fishing and reptile equipment; aquatic



**and pond goods and similar products associated with fish; spas, swimming pools and related products.**

**shall be restricted solely to Building 4 - Areas C, D & I; Building 1; and Unit 3A, as marked on drawing ref. P01 rev A (Proposed Site Layout Plan) only and shall not be displayed or sold in any location elsewhere on site.**

**REASON: In the interests of protecting the vitality and viability of town centres.**

**19 No display or sale of clothing items shall take place outside of the areas marked 'D' and 'H' within Building 4 as marked on drawing ref.P01 rev A (Proposed Site Layout Plan). Clothing sales shall be restricted to such items that are directly associated with and ancillary to gardening or other similar physical outdoor activity as agreed by the local planning authority.**

**REASON: In the interests of protecting the vitality and viability of town centres.**

**20 No display or sale of items defined as convenience goods shall take place outside of the area marked 'Building 1' on drawing ref. P01 rev A (Proposed Site Layout Plan). Building 1 shall be used solely for the sale of convenience goods and/or retail falling within the definition of 'gardening items' as set out at the 'range of goods' subsection to Paragraph 3.3 of the submitted Supplementary Town Centre Uses Statement (CBRE, February 2016) and for no other purpose whatsoever.**

**REASON: In the interests of protecting the vitality and viability of town centres.**

**21 No materials, goods, machinery, equipment, skips, crates, containers, waste or any other item not on retail display shall be deposited or stored outside the areas outlined on drawing ref. P13 (Designated External Storage Areas) or in excess of the maximum heights indicated on the aforementioned plan.**

**REASON: In the interests of the appearance of the site and the amenities of the area.**

**22 The delivery and despatch of goods to and from the site shall be limited to the hours of 0700 and 1900 on Mondays to Fridays, 0800 and 1800 on Saturdays, and at no time on Sundays and Bank or Public Holidays.**

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

**23** There shall be no customers/members of the public on the site outside the hours of 0700 and 2200 from Mondays to Fridays, 0800 and 2200 on Saturdays, and 1000 and 2000 on Sundays and Bank or Public Holidays.

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

**24** Other than that detailed in the approved scheme of lighting, no additional external lighting shall be installed on site. The development hereby permitted shall not be first brought into use until a method statement for the monitoring of light emissions post development from the site has been submitted to the LPA. The assessment shall be designed in order to demonstrate that the proposed scheme of external lighting achieves the criteria for Environmental Zone E1 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012.

Prior to the date three months from the date on which the development has been first brought into use the agreed programme of monitoring shall have been carried out in full and the results submitted to and approved in writing by the Local Planning Authority.

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

**25** The development hereby permitted shall not be brought into use until the areas for shopping trolley storage as indicated on plan ref. P13 (Designated External Storage Areas) have been laid out in full and brought into operation. The approved areas shall thereafter be maintained in operation in accordance with the approved details.

**REASON:** In the interests of the character, appearance and amenities of the area.

**26** 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 together with permeability test results to BRE365, with a discharge limited to 12 l/s and full details with program of

how the site will be developed to ensure the flow rate from the site will not be exceeded (especially during construction) and includes a maintenance regime has been submitted to and approved in writing by the Local Planning Authority. Once the development hereby approved is implemented, no surface water shall be discharged offsite 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.

**27** No development shall commence on site until a scheme for the discharge of foul water from the site, including any identified capacity improvements required to the public foul sewer system to take any increase in pumped discharge rate, has been submitted to and approved in writing by the Local Planning Authority. Once implemented, the development hereby approved shall not increase its discharge rate until foul water drainage including any capacity improvements to the public system 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 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.

**28** No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

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

- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;**
- h) measures for the protection of the natural environment; and**
- i) hours of demolition and construction, including collection of waste and deliveries;**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**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 demolition and construction phases.**

**INFORMATIVE TO APPLICANT:**

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

**INFORMATIVE TO APPLICANT:**

**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.**

**INFORMATIVE TO APPLICANT:**

The applicant is reminded of the need to obtain separate Land Drainage Consent for any drainage works comprising the extinguishment and/or creation of new outfall points at the adjacent watercourse.

**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 [INSERT].

**INFORMATIVE TO APPLICANT:**

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way adjacent to the site, temporarily or otherwise.

**INFORMATIVE TO APPLICANT:**

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

**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.**

**INFORMATIVE TO APPLICANT:**

**The applicant is requested to note the concerns of Committee Members in respect of the lack of a designated secondary/emergency vehicular access to the site within the approved scheme. It is recommended that this is given further consideration with a view to ascertaining whether subsequent improvements could be made in this respect. Council officers are willing to provide advice and support in this matter if required.**

**28     16/00497/OUT - Land east of Semington Road, Melksham - Outline application for the erection of up to 150 dwellings with access, new village hall and areas of open space (Resubmission of 14/07526/OUT)**

**The following people spoke against the application:**

Mr Martin Haffenden, a local resident

Cllr Richard Wood, representing Melksham Without Parish Council

**The following person spoke in support of the application:**

Mr Michael Robson, of Strutt & Parker LLP, representing the applicant

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application, with a recommendation that the granting of planning permission be delegated to the Area Development Manager, subject to the prior completion of a legal agreement within the next six months to cover matters identified within section 9.9 of the report and subject to planning conditions.

It was noted that the application was a resubmission of a previously refused application (ref 14/07526/OUT) which had been determined by this Committee on 21 January 2015 the day after the Core Strategy was adopted by the Council.

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

Members then heard the views of Cllr Roy While, the local Member, who whilst appreciating the concerns of those who had objected, was in general support of the application.

After some discussion,

**Resolved:**

**To delegate to the Area Development Manager to grant planning permission, subject to:**

**(1) the prior completion of a legal agreement, within the next 6 months, to cover the following matters:**

- affordable housing
- education
- open space & play provision
- highways
- refuse infrastructure
- public art
- village hall

**(2) and subject to the following planning conditions:**

**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:

Location Plan DWG NO 3878\_001B received 19 January 2016

Site Access Plan DWG NO 30523/5505/SK01 rev C received 16 February 2016

Parameter Plan DWG NO 3878\_020\_B received 20 April 2016

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

5. No development shall commence on site until:

- A scheme for the preservation and enhancement of the old line of the Wilts and Berkshire Canal and 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
- The approved programme of archaeological work has been carried out in accordance with the approved details.

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

6. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with contamination on the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which identifies:

a) Potential contaminants associated with those uses

b) A conceptual model of the site indicating sources, pathways and receptors

c) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in point 2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the



remediation strategy as required by point 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**REASON:** To protect controlled waters from pollution

7. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'biodiversity protection zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including reptiles, badgers, nesting birds, great crested newts, hedgerows, bats, veteran willow trees;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - e) The times during construction when specialists ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
  - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
  - i) An Ecological Mitigation Plan to provide a visual representation of all required mitigation measures;
  - j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

**A report should be prepared by a professional ecologist / the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.**

**REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats, to ensure that approved mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.**

- 8. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:**
- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species, including planting at the site entrance to minimise disturbance to bats emerging from/returning to the roost in the farmhouse, habitat creation for great crested newts, infill and reinforcement planting of existing hedgerows and new hedgerow planting, species-rich wildflower meadows and tussocky grasslands and SUDS wetlands;**
  - b) Description and evaluation of features to be managed; including location(s) shown on a site map;**
  - c) Landscape and ecological trends and constraints on site that might influence management;**
  - d) Aims and objectives of management;**
  - e) Appropriate management options for achieving aims and objectives;**
  - f) Prescriptions for management actions;**

- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);**
- h) Details of the body or organisation responsible for implementation of the plan;**
- i) Ongoing monitoring and remedial measures;**
- j) Timeframe for reviewing the plan;**
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.**

**The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.**

**The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.**

**The LEMP shall be implemented in full in accordance with the approved details.**

**REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.**

- 9. No development shall commence on site until a lighting design strategy for biodiversity for buildings, features or areas to be lit shall be submitted and approved in writing by the local planning authority. The strategy shall:**
- a) Identify those areas/features on site that are particularly sensitive for foraging and commuting bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging;**
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and**
  - c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles**

**All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.**

**REASON:** To minimise light spillage into hedgerows and trees, to ensure no illumination of the bat roost and to maintain dark foraging and commuting corridors for bats, particularly along the northern boundary hedgerow. No development shall commence on site until a scheme for the preservation and enhancement of the old line of the Wilts and Berkshire Canal and 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 the approved programme of archaeological work has been carried out in accordance with the approved details.

10. No development shall commence on site 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 climate change adaptation.

11. No development shall commence on site until a scheme for mitigating the effects of noise on the approved housing from road traffic has been submitted to and approved in writing by the Local Planning Authority. All works comprised in the approved scheme shall be completed in accordance with a timetable to be agreed with the local planning authority.

**REASON:** To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from road traffic

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment.
- h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with

in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**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.

13. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of 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.

14. 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 the development shall be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that part of the development have all been constructed and laid out in accordance with the approved details.

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

15. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

**REASON:** The application contained insufficient information to enable this matter to be prior to granting planning permission

16. No development shall 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. No dwellinghouse shall 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:** 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.

17. 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.

18. No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker which should include the following:
- the drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing
  - the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.
  - No dwellinghouse shall be first occupied until foul water drainage has been constructed in accordance with the approved scheme

**REASON:** To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

19. 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 together with permeability test results to BRE365, 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 is adequately drained.

20. Prior to first occupation of any dwellinghouse the access shall have been provided in accordance with Peter Brett Associates plan 30523/5505/SK01/C.

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

21. Prior to first occupation of any dwellinghouse the access shall be provided with visibility splays at a height not exceeding 600mm above carriageway level from a point measured 2.4 metres set back along the centre line of the access to points on the nearside carriageway edge 54 metres to the north and 44 metres to the south. The visibility so provided shall thereafter be maintained and kept clear of obstruction in perpetuity.

To safeguard visibility in perpetuity in a southern direction, the applicant/developer shall submit details and exact siting of a boundary fence or wall measuring 1.8m high to be positioned in

front of the existing boundary hedgerow facing Semington Road which requires to be cut back – the extent of which shall be agreed in writing by the Local Planning Authority, in consultation with the Highway Authority.

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

**NOTE:** The above Grampian condition relates to land within either the applicant's control/ownership or on highway land.

22. Prior to first occupation of any dwellinghouse on the southern half of the red-lined site the emergency vehicle / pedestrian / cycle route access to Semington Road shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details so submitted shall include a 3.5 metre surfaced width route, and lockable, removable staggered barriers, closing the route to general motor vehicle use.

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

23. Prior to first occupation of any dwellinghouse the emergency access to Semington Road shall be provided with visibility at a height not exceeding 600m above carriageway level from a point 1 metre set back along the centre line of the access to a point on the nearside carriageway edge 43 metres to the north. The visibility so provided shall thereafter be maintained and kept available in perpetuity.

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

24. Prior to first occupation of any dwellinghouse on the southern half of the red-lined site a lowered kerb, tactile pedestrian crossing point shall have been provided opposite the emergency access to Semington Road in accordance with details to be first submitted to and approved by the Local Planning Authority.

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

25. Prior to first occupation the roads, including footpaths and turning spaces, shall be constructed so as to ensure that 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.

26. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

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



27. No dwellinghouse shall be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

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

28. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the Local Planning Authority. The development shall then 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, to ensure the proposal complies with the relevant public art policies.

29. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

**REASON:** In the interest of protecting the amenity of nearby residential properties.

30. No burning of waste materials shall be permitted on the site at any time.

**REASON:** In the interest of protecting the amenity of nearby residential properties

31. The dwellings hereby permitted shall meet the relevant requirements of energy performance equivalent to Level 4 of the Code for Sustainable Homes. The development shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or its equivalent has been achieved.

**REASON:** To comply with Core Policy 41 of the Wiltshire Core Strategy 2015

32. No dwelling or its curtilage shall be located within the boundary of the predicted 30Uem3 zone from the existing Wessex Water sewage treatment works as defined on Parameter Plan 3878\_020\_B received the 20 April 2014.

**REASON:** In the interest of protecting the amenity of future residents.

**INFORMATIVE 1:** This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

**INFORMATIVE 2:** The applicant is encouraged to approach the lead local flood authority to discuss potential modelling of the brook and to appreciate additional flows.

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

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy>

**INFORMATIVE 4:** 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
- wheel-washing facilities
- 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.

**INFORMATIVE 5:** Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Berryfield Brook, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

**INFORMATIVE 6:** There are ordinary watercourses within or in close proximity to your site. If obstructions to the flow in the watercourses are

intended (permanently or temporarily, including culverting) the prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority will be required. The Drainage Team can be contacted at the following link to discuss their requirements:

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

**INFORMATIVE 7:** With regards refuse collection, the council 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

**INFORMATIVE 8:** 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. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

**INFORMATIVE 9:** The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) 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 these websites for further information:

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

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

**INFORMATIVE 10:** There is a low risk that Great crested newts are present on the application site. This species is protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if great crested newts are discovered, all works should stop immediately and Natural England (NE) should be contacted for advice on any special precautions before continuing, as a derogation licence may be required.

**INFORMATIVE 11:** The applicant is requested to note the concerns of Committee Members in respect of the lack of a footway along the eastern side of Semington Road. It is recommended that this is given further consideration with a view to ascertaining whether subsequent

improvements could be made to deliver a footway along the eastern side of the highway to the controlled crossings. Council officers are willing to provide advice and support in this matter if required.

29 **15/12551/OUT - Land at Westbury Sailing Lake, Station Road, Westbury, Wiltshire, BA13 3JS - Hybrid planning application seeking outline planning permission for the erection of up to 300 dwellings, public open space, highway infrastructure including bridge over avoiding railway line, and associated works (all matters reserved except access); and full planning permission for the erection of a sailing club and associated works.**

**The following people spoke against the application:**

Mr Francis Morland, a local resident

Mr Garth Brocksopp, a local resident

Cllr Sonja Harris, representing Dilton Marsh Parish Council

Cllr Ian Cunningham, representing Westbury Town Council

**The following people spoke in support of the application:**

Ms Margaret Pell, representing the West Wiltshire Youth Sailing Association

Mr Alex Wozniczko, Associate Director, Awcock Ward Partnership

Mr Johnny Kidney, Director, Sulis Public Affairs

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. Members were informed that the proposal was a hybrid planning application which sought outline planning permission for the erection of up to 300 dwellings; and full permission for the erection of a sailing club house and a new access on to Station Road. There was a recommendation that the application be delegated to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement and conditions.

Members then had the opportunity to ask technical questions after which they heard the views of members of the public as detailed above, expressing their views regarding the planning application. It was pointed out by the team leader that the Section 106 legal agreement would require the developer to provide £2 million towards the future provision of a bridge over part of the railway line which is a recognised Council priority and required to ease traffic congestion in Westbury. The merits and necessity of having a 10 year clawback trigger was discussed. Members were informed that from previous planning permissions £1 million had already been bonded to contribute towards the delivery of the bridge, but a further £1 million was required to cover all the costs including contingencies for the bridge before it could be constructed.

Members were also informed of the other s106 developer obligations as set out in the officer's report and the agenda supplement. The team leader also

informed members that the application proposal had been subject to a formal viability appraisal, assessed by both officers and independent review; and that it had been substantively shown that for the scheme to be viable, it could not contribute towards any education or affordable housing provision. The team leader advised the committee that at pre-app stage, the Council's education team had confirmed that the developer would not be required to pay any financial contributions for education purposes claiming at preapp consultation stage that the two primary schools and one secondary school in the designated area all had capacity to accommodate the additional pupils generated by the development, and that there was sufficient early years provision within the town. Members were informed that the education team had changed their position during the formal planning application consultation stage. Planning officers considered the changed position to be unreasonable given that the consultation response was relatively recent and that it had substantively informed the developer before progressing with a formal planning submission.

Members were reminded that site viability was a material planning consideration and given that the scheme had been appraised in terms of viability, and that the applicant's had progressed the application submission shortly after the closure of the preapp, the team leader advised members that it would be unreasonable to obligate the developer to contribute towards education in this particular case.

Members were also informed that the development could not be financially hindered by affordable housing s106 obligations because of site viability. Members were advised that contributions could however be disaggregated for education and affordable housing (in addition to the referenced s106 obligations which would be imposed on the developer), but it was important to record that would consequently mean reducing the amount of money being directed to the delivery of the bridge; and given the delivery of the bridge had priority status, officers recommended that the money be directed for the future delivery of the bridge. To dilute the sum of money away from the bridge would potentially compromise its future delivery. Members were also informed that the Government was presently considering broadening the definition of affordable housing and that, if approved, at reserved matters stage, different types of affordable housing could still be accommodated within the scheme.

Members then heard the views of Cllr Russell Hawker, the local Member, who generally supported the application but did acknowledge the problems associated with the provision of the bridge and the traffic problems that would result until such time as the bridge was provided.

During discussion, Members expressed similar views regarding the provision of the bridge over the railway and considered that until the bridge was built the housing proposal would lead to a 'cul-de-sac' development and more traffic on the already congested Oldfield Road. It was also noted that Dilton Marsh Parish Council considered that the development would lead to more traffic

movements through the village but this had been disputed by the Traffic Engineer.

**Resolved:**

**To delegate to the Area Development Manager at a future date the decision to 1) grant full planning permission for the erection of the sailing club and its associated works (subject to conditions numbered 1-7) and; 2) grant outline planning permission for the residential development and associated works, subject to the prior completion of a s106 legal agreement covering the matters set out in Section 10 and the agenda supplement (dated 5 May 2016) which lists the developer obligations (subject to conditions numbered 8-32).**

**The s106 heads of terms shall comprise:**

- **The developer/applicant shall be required to pay £2million towards the cost of building a bridge over the railway line (to be subject to a 10 year clawback trigger);**
- **Sufficient land shall be safeguarded and kept free from development to ensure it is available to construct a bridge over rail line at a future stage (avoiding any ransom strips) and to include sufficient land for necessary bridge approaches, ramps and embankments;**
- **Sufficient land shall be safeguarded and kept free from development to make provision for a future second vehicular access to the railway station via the existing railway yard access road located to the north side of the site;**
- **The developer shall bear the costs of providing all the necessary highway infrastructure within the development site;**
- **The developer/applicant is required to cover the costs of all necessary TROs (Traffic Regulation Orders) to restrict parking within the development;**
- **The developer/applicant is required to cover the costs of amending Traffic Regulation Orders on Station Road;**
- **There is a requirement for a s278 agreement for the works on Station Road, including provision for new bus stops and footway extensions;**
- **There is a requirement for a s278 agreement for the works on the Mane Way/Oldfield Rd junction;**
- **The developer/applicant shall be required to pay a commuted sum of £26,586 (to be index linked) for the provision of refuse and recycling bins on site;**
- **The developer/applicant is required to pay a commuted sum of £1,698 for air quality action planning projects;**

- The developer/applicant is required to set up and confirm the responsibilities of an on-site management company to maintain all the public open space and the County Wildlife Site; and,
- The developer/applicant is required to make an on-site provision of 96100m<sup>2</sup> of adoptable open space of which 11009m<sup>2</sup> shall be allocated as specific play space (including allotments totalling 1062m<sup>2</sup> of space).

And the following conditions and informatives:

**Recommended conditions for the full planning permission for the sailing club:**

1. The development hereby permitted shall be begun before the expiration of five 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: 0562-1002 (Location plan); 01D (Site plan - Clubhouse); 10C (Ground floor plan - Clubhouse); 11 (Roof plan - Clubhouse); 12 (Elevations - Clubhouse); 13 (Elevations - Clubhouse); 2409/P28a (Plan 3: Proposed Sailing Club – Tree Protection Strategy); PHL-003 rev C (Site access Sailing clubhouse Station)

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

3. No demolition, site clearance or development shall commence on the Sailing Clubhouse site (dwg no. 0562-1002) until the tree protection fencing as detailed on dwg no. 2409/P28a has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase of the Sailing Club and until all equipment, machinery and surplus materials have been removed from the Sailing Club site. Such fencing shall not be removed or breached during construction operations.

**REASON:** In order that the development is undertaken in an acceptable manner and to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

4. The Sailing Clubhouse hereby approved shall not be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (dwg no. 01D). The area shall be maintained for those purposes at all times thereafter.

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

**5. No external lighting shall be installed on the Sailing Clubhouse site (dwg no. 0562-1002) until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

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

**6. No demolition, ground works and vegetation clearance associated with the sailing club (dwg no. 0562-1002) shall take place 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) Risk assessment of potentially damaging construction activities;**
- b) Identification of ‘biodiversity protection zones’ and method of protection (e.g. retained County Wildlife Site habitats and vegetation);**
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) (e.g. pre-badger and nesting bird surveys may be required, sensitive construction of lake-side facilities, including slipway);**
- d) The location and timing of sensitive works to avoid harm to biodiversity features;**
- e) The times during construction when specialists ecologists need to be present on site to oversee works;**
- f) Responsible persons and lines of communication;**
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);**
- h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;**
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.**

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



**A report prepared by a professional ecologist / the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.**

**REASON: To ensure adequate protection of retained habitats within the County Wildlife Site, protected species and sensitive working practices in relation to the lake (to avoid water pollution and reduction in water quality) associated with the construction of the sailing club, in the interests of biodiversity.**

**7. The slipways, jetties and ground preparation works shall be provided before any dwellings approved under the associated outline planning permission are first occupied.**

**REASON: To secure the necessary alternative provision of the facilities that are to be lost as a result of the development.**

**Conditions relating to the outline planning permission for the erection of up to 300 dwellings, public open space, highway infrastructure and associated works with all matters reserved except access**

**8. The development hereby permitted shall be begun either before the expiration of five 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.**

**9. 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.**

**10. 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.**

**11. The development hereby permitted shall be carried out in accordance with the following approved plans: 0562-1000 (Location plan); 0562-1001 (Constraints plan); SK02 0563-2000 (Illustrative layout); 2409/P17h (Landscape strategy); 0562-2005 rev A (Parameters Plan) received 18 April 2016; Access (Station Road) - PHL-002 rev G (Site access junction Station Road); ATR-201 rev F (HGV and bus tracking Station Road access)**

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

**12. No development shall commence on site until a scheme for the discharge of surface 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 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. No development shall commence on site until a scheme for the discharge of foul water from the site, including any required offsite capacity improvements to existing sewer system to provide capacity to serve the site, 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:** 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.

**14.** 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 climate change adaptation.

**15.** 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 steps (i) to (iii) below have been fully 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) Site Characterisation:**

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

**This 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.**

**Step (ii) 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 (iii) 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 (iv) 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 (v) Verification of remedial works:**

**Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.**

**A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).**

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

**Step (vi) 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: 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 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.**

**16. No development shall commence on the residential dwellings hereby approved until a scheme for protecting the residential dwellings against noise from the railway line; industrial noise from the railway sidings and any distributor roads, including a timetable for its implementation, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented 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 minimise the disturbance to incoming occupiers.**

**17. Development of the houses shall not commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development (including the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.**

**REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.**

**18. No development shall commence on site until the new roundabout access on Station Road has been constructed in accordance with the**

approved plans (PHL-002 rev G – proposed site access junction Station Road)

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

**19.** Prior to the commencement of the development, and notwithstanding the details shown on the submitted drawings, a detailed design scheme for the site transport infrastructure and a programme for its completion shall be submitted to and approved in writing by the Local Planning Authority for a new cycle track to link the development to Westbury railway station. The scheme shall include a new 3 metre wide cycle track alongside the existing station access road serving the goods yard area. The scheme shall be constructed in accordance with the approved designs and construction programme.

**REASON:** In order to provide adequate sustainable transport facilities to connect the site to the rail station and to help mitigate transport impacts.

**20.** Notwithstanding the details shown on the submitted drawings, no development shall commence on the residential development 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 dwelling 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 serving that part of the development have been constructed and laid out in accordance with the approved details, ensuring a properly consolidated and surfaced footpath and carriageway to at least base course level to the existing highway.

**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 roads are laid out and constructed in a satisfactory manner.

**21.** No dwelling shall be first occupied, until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. 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.

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

**22.** No development shall commence on the residential development until a Residential Waste Minimisation and Waste Management Plan for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.

**REASON:** In the interests of sustainable development.

**23.** The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

**REASON:** To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

**24.** No development shall commence on site until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) measures for the protection of the natural environment
- h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**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.

**25.** The Mitigation and Enhancement Strategy in Section 4 of the Ecological Assessment dated 18 December 2015 and as outlined in the ecological statement '2409\_R07c Ecology Consultation Response\_KB\_HM\_140416', both by Tyler Grange LLP, shall be used to produce a CEMP and LEMP required by Conditions 26 and 27 respectively.

**REASON:** In the interests of biodiversity, to ensure adequate translation of the mitigation, compensation and enhancement requirements of the development into the CEMP and LEMP, as detailed in the original ecological documentation submitted with the outline planning application.

**26.** No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- 1. Risk assessment of potentially damaging construction activities;**
- 2. Identification of 'biodiversity protection zones';**
- 3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including a sensitive construction strategy for the highway works alongside the County Wildlife Site lake, updated badger survey and method statement, further tree survey of G11z, if required, for bats and detailed mitigation strategies for water voles (including details of wetland habitat creation) and reptiles (including a translocation methodology);**
- 4. The location and timing of sensitive works to avoid harm to biodiversity features;**
- 5. The times during construction when specialists ecologists need to be present on site to oversee works;**
- 6. Responsible persons and lines of communication;**
- 7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);**
- 8. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;**



9. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

A report prepared by the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

**REASON:** In the interests of biodiversity; to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats; to ensure that mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
  - a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
  - b) Description and evaluation of features to be managed; including location(s) shown on a site map;
  - c) Landscape and ecological trends and constraints on site that might influence management and how these will be dealt with;
  - d) Aims and objectives of management;
  - e) Appropriate management options for achieving aims and objectives;
  - f) Prescriptions for management actions;
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10-year period);
  - h) Details of the body(ies) or organisation(s) responsible for implementation of the plan, including a specialist body/organisation/contractor with wildlife-related experience and/or qualifications to specifically manage the County Wildlife Site;
  - i) Ongoing monitoring and remedial measures;
  - j) Timeframe for reviewing the plan;

- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development; and a
- l) Separate management plan for the sailing club area.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

**REASON:** To ensure the long-term management of the County Wildlife Site, protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features for the lifetime of the development.

28. Before development takes place on site, a final version of the Ecological Mitigation (and Enhancements) Plan shall be submitted to the Local Planning Authority for approval, including finalised figures of habitat loss and habitat compensation to ensure no net loss of biodiversity. Development shall be carried out in full accordance with the approved plan.

**REASON:** to ensure all ecological mitigation requirements are clearly shown on a site plan and are implemented.

29. The detailed design of the play areas and teenager facilities, as shown on the Landscape Strategy, shall incorporate mitigation measures in accordance with the 'Ecological Statement' (ref. 2409\_R07c Ecology Consultation Response\_KB\_HM\_140416) and Ecological Assessment report dated 18 December 2015 by Tyler Grange LLP.

**REASON:** In the interests of biodiversity, to minimise impact on greater horseshoe bat commuting routes and the Bath and Bradford on Avon Bats Special Area of Conservation.

30. Before development takes place, a lighting design strategy for biodiversity shall be submitted and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, foraging;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated

that areas to be lit will not disturb or prevent the above species using their territory; and

c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**REASON:** To minimise light spillage and to maintain dark foraging and commuting corridors for greater horseshoe bats linked to the Bath and Bradford on Avon Bats Special Area of Conservation.

31. Before the commencement of works to create the access road and roundabout into the development site, a 'Highway Construction Ecological Mitigation Strategy' shall be submitted to the local planning authority for approval. The strategy shall include measures to reduce water pollution, retain water quality and minimise disturbance to water fowl and other wildlife. The approved strategy shall be implemented in full.

**REASON:** To ensure adequate mitigation measures are put in place during the construction of the new road into the development site alongside the lake, which is part of the Westbury Lakes (South) County Wildlife Site.

32. No development shall commence within the southwest section of the site as defined by plan ref 'Fig No. 3 (Trench Location Plan)' within the document 'Land at Westbury Sailing Lake Phase 2: Archaeological Evaluation' 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:** To enable the recording of any matters of archaeological interest.

## **PLANNING INFORMATIVES**

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

**2. The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy)**

**3. The Principal Street as shown on the Illustrative Master Plan (dwg no. 0563-2000) shall be designed in full accordance with design principles as enshrined within the Manual for Streets (MfS).**

**4. The bridge should be designed in such a way as to incorporate sufficient space for cyclists and pedestrians to traverse safely.**

**5. Any works to/on/over/under watercourses (open or culverted) or within 8m of it will require separate Land Drainage Consent/Council drainage bye law approval from the LLFA – this is separate to the planning system and gaining planning does not mean automatic approval of LDC. In fact details may have to change to gain LDC which may result in the need to reapply for planning permission.**

**6. A robust landscape framework for the development must be carried through to the detailed design stages. The distinctive hierarchy of streets with choice of planting and hard materials should reflect the local character and should include street trees. Individual gardens should be well designed with adequately sized planting beds and garden trees.**

**The following will need to be addressed in the reserved matters:**

- 1. Detailed layouts for all areas of open space;**
- 2. Details of proposed soft landscape scheme, to include planting species, sizes and densities, and specification;**
- 3. Details of proposed hard landscape scheme including SuDs;**
- 4. Landscape and Ecology Management Plan outlining the aftercare and maintenance for a 5 year period;**
- 5. Details of proposed lighting scheme; and**
- 6. Details of play areas and management plans.**

**7. 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.**

**An appropriate submitted scheme to discharge the condition will include**

a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

8. 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
- 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:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

9. Public surface water sewers serving existing development to the east of the railway track discharge to Westbury sailing lake via ditches as illustrated on the applicant's Preliminary Drainage Layout (0337 PDL-100 A). If additional unchartered sewers are located the applicant should contact Wessex Water for further advice and agreement.

10. The development appears to be located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development. Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

11. If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing /wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment

therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

12. No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on before works begin.

13. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

14. It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

15. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

16. All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

17. The proposal must not interfere with or obscure any signals that may be in the area.

18. The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

**19. It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.**

**20. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.**

**21. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.**

**22. Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.**

**23. The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.**

**24. Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.**

**25. The management responsibility for the County Wildlife Site and ecological mitigation/compensation areas within the site must be secured and relayed to the LPA as part of the REM application, including how ecological specialists and/or wildlife-managers will be involved.**

**The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) 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 visit the following websites for more information:

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

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

The applicant is encouraged to consider incorporating enhancements for biodiversity within their development. Paragraph 118 of the NPPF states “local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: opportunities to incorporate biodiversity in and around developments should be encouraged”. Creating new habitat, enhancing existing habitat or providing new features can all contribute towards biodiversity enhancement, and helping to rebuild habitat networks in the wider area improves ecological resilience and adaptation to climate change. Benefits can be maximised if undertaken to support biodiversity work being undertaken by other parties, such as local Wildlife Trusts or through agri-environment schemes, or if they are consistent with biodiversity strategies or priorities already in place in the local area, such as Nature Improvement Areas (NIA). At the smallest scale, enhancements could be bird nesting or bat roosting opportunities in new buildings, such as integral bat bricks (e.g. <http://www.ibstock.com/sustainability-ecozone.asp>), bat tubes (e.g. [http://www.nhbs.com/2fr\\_schwegler\\_bat\\_tube\\_tefno\\_162812.html](http://www.nhbs.com/2fr_schwegler_bat_tube_tefno_162812.html)) or Habibat (<http://www.habibat.co.uk/>). These integral type boxes do not interfere with the human inhabitants and require no maintenance. Woodcrete products are longer-lived than traditional timber-made boxes, and there are many different products available from a range of suppliers. These types of enhancements can be generic or aimed at specific species such as House sparrow, Starling or Swift. Enhancements can also be provided for other species such as amphibians and reptiles, hedgehogs and invertebrates. Further information can be found at:

[http://www.ciria.com/buildinggreener/complementary\\_features.htm](http://www.ciria.com/buildinggreener/complementary_features.htm)

<http://planningguidance.planningportal.gov.uk/blog/guidance/naturalenvironment/biodiversity-ecosystems-and-green-infrastructure/>

30 **Date of the Next Meeting**

**Resolved:**



**To note that the next scheduled meeting of the Committee was due to be held on Wednesday 15 June 2016, at County Hall, Trowbridge, starting at 10.30am.**

(Duration of meeting: 10.30 am - 2.50 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](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115