

## STRATEGIC PLANNING COMMITTEE

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### DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 28 SEPTEMBER 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Bridget Wayman and Cllr Fred Westmoreland

#### Also Present:

Cllr Toby Sturgis and Cllr Roy While

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#### 65 Apologies

An apology for absence was received from Cllr Glenis Ansell.

#### 66 Declarations of Interest

There were no declarations of interest made at the meeting.

#### 67 Chairman's Announcements

It was reported that this meeting had been originally scheduled to be held the previous Wednesday at 10:30am in Trowbridge.

Unfortunately, the meeting had to be postponed as it was discovered the day before that the notification letters and e-mails that are sent to advise those who have made representations on the applications of the date and time of the meeting had inadvertently not been sent. Whilst the meeting had been publicised in the local press, it was not certain that all those who had commented on the applications were aware of the meeting. The difficult decision was therefore taken to postpone the meeting at short notice to ensure

that everyone who should have been was notified of the meeting and been given the opportunity to attend.

The meeting had been re-arranged at the earliest possible date which was only fair to the applicants who were expecting their proposals to be discussed the previous week and who submitted their applications many months ago. It was appreciated that the timing of the meeting was not ideal for some, being aware of the clash with the Chippenham Town Council meeting, although this was not apparent at the time of rescheduling the meeting. It was likely that whatever day was chosen would have been difficult for some parties.

The Chairman and Committee apologised for the inconvenience that this had caused, and they were grateful to those who had made the extra effort to turn out to be present at this meeting. As to be expected, the Council's procedures for notification of committee meetings had been reviewed in order to avoid any re-occurrence of such an event in the future.

#### 68 **Public Participation**

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.

#### 69 **N/13/00308/OUT - Land at Showell Farm, Patterdown Road, Chippenham - Outline Application for Employment Development Comprising 50,000sqm, Incorporating Class B1(b), Class B1 (c), B2 with Ancillary B1 (a), B8 and Ancillary B1 (a) Uses Including Means of Access, Car Parking, Servicing, Associated Landscaping and Works**

##### **The following person spoke against the proposal:**

Mr Tony Peacock, Showell Protection Group Coordinator

##### **The following person spoke in favour of the proposal:**

Mr Des Dunlop, the agent

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 the signing of a Section 106 legal agreement within six months of the date of this meeting and to 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.

After some discussion,

**Resolved:**

**To delegate authority to the Head of Development Management to grant planning permission, subject to conditions listed below and the completion of a S106 legal agreement covering the highway matters, within six months of the date of the resolution of this Committee.**

**In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to refuse planning permission on the grounds that the proposal fails to secure the necessary highway mitigation works required to make the development acceptable.**

**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:**

- (e) The scale of the development;**
- (f) The layout of the development;**
- (g) The external appearance of the development;**
- (h) 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 All access to the site for clearance, construction or other works in connection with this permission shall be from the proposed roundabout unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In the interests of highways safety.**

**4 The development shall be carried out in accordance with the parameters plan submitted on 26th August 2016 and the written addendum dated 25th February 2013 with a maximum height of 8.5m in plot 300; 12m on plot 400 and 15m on plots 100 and 200.**

**Reason: To protect the setting of the heritage assets nearby and the landscape character of the area**

**5 No development shall commence within the site until:**

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

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

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

**6 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:**

**a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.**

**b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.**

**a) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out.**

**Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.**

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

**7 Prior to the commencement of the development hereby permitted a full lighting scheme for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: In the interests of the visual amenity of the countryside and local residents.**

**8 All fixed plant and machinery shall be so sited and designed in order to achieve a rating level of -5dB below the lowest measured background noise level, determined at each of the nearest noise sensitive receptors ie Holywell Guest House, Showell Cottages and Showell Farm.**

**Reason: To protect residential amenity.**

**9 The parking provision for all individual units on the site shall be in accordance with the requirements of the Wiltshire local Transport plan (LTP3) Car Parking Strategy, with quantum of parking not below the minimum standard for the appropriate planning use class, and areas of parking used for no other purpose.**

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

**10 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first use of the approved access. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.**

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

**11 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 the provision of such works, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these details have been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

**Reason:** In the interests of highway safety and convenience.

**12** No development shall commence on site until details of the provision for the loading, unloading and parking of goods vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until provision has been made. this space shall be maintained for such purpose at all times thereafter.

**Reason:** To ensure adequate provision is made for loading/unloading and lorry/van parking within the site in the interests of highway safety.

**13** The buildings hereby permitted shall not be greater in height than the following parameters: Plot 300 8.5m; plot 400 10m and plots 100 & 200 12m as indicated on drawing DR-411-102 Rev 01.

**Reason:** To protect the setting of the nearby listed buildings and the open character of the surrounding landscape.

**14** Prior to the first occupation of any of the development hereby permitted, the cycle/path along Patterdown Road as indicated on the approved plans, shall be provided in accordance with details to have first been submitted to and approved in writing by the local planning authority, unless and until the cycleway/footway linking to the town centre, through the remainder of the South West of Chippenham Strategic Allocation in the Wiltshire Core Strategy, is provided.

**Reason:** To ensure that sustainable routes to the town centre are provided.

**15** Prior to submission of a reserved matters application for the site, an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Monitoring and Management Plan shall include the following elements:

- A framework demonstrating how and where the 'Ecological Management and Enhancement Measures', as set out in Table 4-1 of the submitted 'Ecological Summary Report' (Ref. eg12459TP), shall be implemented across the site

- A scheme for the translocation of the existing species-rich hedgerow (where this cannot be retained) to landscaped areas within the site

- A programme for monitoring the ecological effects of the development

The approved Ecological Monitoring and Management Plan shall set a framework for all reserved matters applications, which shall only be permitted where in accordance with the approved Ecological Monitoring and Management Plan, and will include timescales for implementing the approved measures. The site shall be managed in accordance with the approved Ecological Monitoring and Management Plan in perpetuity unless agreed in writing by the Local Planning Authority, and monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring programme therein.

**Reason:** To maintain and enhance biodiversity and protected species in accordance with NE10, NE11, NE14 and Circular 06/2005

**16** Any reserved matter application shall be supported by a lighting plan for that phase of development (including a lux plot). Any approved lighting plan shall demonstrate that light spill will be minimised through sensitive lighting design and timers, and that light levels shall be maintained at current lux levels or below 1 lux in the following parts of the site, as identified in the Ecological Monitoring and Management Plan or through any subsequent ecological survey reports:

- Confirmed bat roosts / flight lines / foraging areas;
- Bat boxes; and
- Darkened corridors to be maintained through the site.

Lighting levels shall be maintained across the site in accordance with the approved lighting plan(s), unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** Circular 06/2005 and the Habitats Regulations (2010).

**17.** No more than 6000sqm gross floor area of the land use class B1(b)/B1(c)/B2 industrial , 930sqm of B8 distribution and 5,100sqm of B8 warehousing (or a variation on these levels of development so as not to exceed 78 two-way vehicle movements in the AM peak (0800-0900) and 84 two way vehicle movements in the PM peak (1700-1800) based on trip rates set out in the Peter Brett Associates Transport Assessment (December 2012) in table 6.1 (B1(b)/B1(c)/B2) , table 6.2 (B8 distribution) and table 6.3 (B8 warehousing) shall be occupied until the M4 J17 Improvement scheme as shown on Atkins drawing numbers WHCC\_OS-ATK-HGN-T07178-DR-D-001Revision P01.5 dated 14/01/16 and WHCC\_OS-ATK-HGN-T07178-DR-D-0002 Revision P01.4 dated 14/01/16 is completed and open to traffic.

**Reason: To ensure the safe and effective operation of the strategic road network.**

70 **14/12118/OUT - Rowden Park, Patterdown Road, Chippenham, Wiltshire - Mixed Use Urban Extension Comprising Residential (Class C3), Local Centre (Classes A1-A5) and (Classes D1 and D2), Primary School, Public Open Space Including Riverside Park and Allotments, Landscaping, 4 Vehicular Accesses, Site Roads and Associated Infrastructure**

**The following person spoke against the proposal:**

Mr Tony Peacock, Showell Protection Group Coordinator  
Ms Helen Stride, a local resident  
Mr Peter Fennell, a local resident

**The following person spoke in favour of the proposal:**

Mr Des Dunlop, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application, with a recommendation that authority be delegated to the Head of Development Management to grant planning permission subject to the signing of a Section 106 legal agreement within six months of the date of this meeting and to 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.

After some discussion,

**Resolved:**

**To delegate authority to the Head of Development Management to grant planning permission, subject to conditions listed below and the completion of a S106 legal agreement covering the following heads of terms, within six months of the date of this meeting:**

- **Minimum 30% Affordable Housing.**
- **Contribution of £385,000 to improvements to cycle and pedestrian routes.**
- **Contribution of £438k for bus service for years.**
- **Contribution to access works including roundabouts and right turning lanes; securing SLR route; £35k for link between north and south areas across Pudding Brook; 50k for Rights of Way**



improvements to Lackham College; monies for RoW conversions and diversions; monies for Bridge Centre Gyrotory, A420 Marshfield Rd and New Rd/Station Hill.

- £4,788,078 (plus indexation) for primary school places. Land for building of primary school. Early Years contribution.
- Playing pitch and indoor sports provision contribution £823,304 for off-site improvements.
- Provision of Riverside Park.
- Public Art Contribution of £300 per dwelling and £3 per square metre of commercial development with no more than 10% being spent on a public art plan.
- Provision of 0.71 ha of allotment land.
- provision of waste and recycling containers for each residential unit.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to refuse planning permission on the grounds that the proposal fails to secure the necessary highway mitigation works required to make the development acceptable.

### Conditions

1. 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. 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.

**3. 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, relevant infiltration tests carried out in accordance with BRE365 and full justification to support results of flood risk calculations given in the FRA, 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.

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

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] 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.

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

**REASON:** 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.

6. 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. Prior to the commencement of the non-residential development hereby permitted details of how the developer will achieve BREEAM Very Good shall be submitted to and approved in writing by, the Local Planning authority. The development shall be carried out in the agreed methodology.

**REASON:** To ensure the proposals comply with relevant guidance and CP41 of the Wiltshire Core Strategy.

7. No development shall commence within the all areas except fields 4, 6, 7 and 8 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;
- b) A detailed archaeological mitigation strategy is required for these areas; and
- c) The approved programme of archaeological work has been 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 enable the recording of any matters of archaeological interest.

8. No more than 140 dwellings shall be occupied unless, and until the M4 J17 improvement scheme as shown on Atkins drawing numbers WHCC\_OS\_ATK-HGN-T07178-DR-D-0001 revision P01.5 dated 14/01/16 and WHCC\_OS-ATK-HGN-T07178-DR-D-0002 revision P01.4 dated 14/01/16 are completed and open to traffic.

**REASON:**

To ensure the safe and effective operation of the strategic road network.

**9. No development shall commence until a scheme to demonstrate that all finished floor levels are set at least 300mm above the typical adjacent modelled 1 in 100 annual probability flood level to take into account a 30% allowance for climate change, has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried in accordance with the approved scheme.**

**REASON: To reduce the impact of flooding on the proposed development and future occupants.**

**10. No development shall commence until a scheme to ensure adequate floodplain compensation provision has been submitted to and agreed in writing by the local planning authority. The construction of the part of the northern access road which encroaches into flood zone 3 must not commence until the floodplain compensation scheme has been completed. The development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.**

**REASON: To minimise the impact of the development on the floodplain.**

**11. No development shall commence until a surface water management scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete.**

**REASON:**

**To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.**

**12. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan, incorporating pollution prevention measures has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

**REASON: To prevent pollution of the water environment.**

**13. Prior to the commencement of the development hereby permitted a scheme for water efficiency shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented**

concurrently with the occupation of the development and permanently maintained thereafter.

**REASON:**

In the interests of sustainable development and climate change adaptation.

**INFORMATIVE TO APPLICANT:**

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency on 22nd January 2015..

14. Prior to the commencement of the development hereby permitted details of the following shall be submitted to and approved in writing by the local planning authority:

1. Tree retention and removal plan.
2. A plan showing the retained trees and Root Protection Areas (RPAs) on the proposed layout.
3. A plan showing strategic hard and soft landscape design, including species and location of new tree planting.
4. An arboricultural Impact Assessment.
5. A detailed Arboricultural Method Statement.
6. Details of all engineering within the RPAs and other relevant construction details.
7. Alignment of all utility apparatus.
8. A dimensioned tree protection plan.
9. Schedule of works to retained trees eg Access facilitation for pruning.

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

**REASON:** To protect the trees on site and ensure their health and vitality.

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

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

**16. No dwelling shall be occupied, until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the screen walls and/or fences in respect of each dwelling have been erected in accordance approved details. The approved screen walls and/or fences shall be retained and maintained as such at all times thereafter.**

**REASON: To prevent overlooking & loss of privacy to neighbouring property.**

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

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

**18. All plans submitted for approval as part of the reserved matters (as set out in Condition 1), shall be in accordance with the ecological mitigation measures set out in:**

**1)Chapter 5 of the Environmental Statement and relevant appendices (specifically 5.1 - 5.3)**

**2)Green Infrastructure Strategy (DRG No. 2513-090)**

**3)Lighting Strategy (Peter Brett, Project Ref: 20399/3003 | Rev: Final | Date: December 2014)**

**All development shall be carried out in strict accordance with the approved plans.**

**REASON: To ensure that ecological impacts are avoided and mitigated as far as possible through detailed design, in accordance with CP50**

**19. 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 ecological mitigation measures set out in Chapter 5 of the Environmental Statement (and associated appendices), including the following detailed information:**

**a) Description and evaluation of features to be managed;**

**b) Landscape and ecological trends and constraints on site that might influence management;**

**c) Aims and objectives of management;**

**d) Appropriate management options for achieving aims and objectives;**

**e) Prescriptions for management actions;**

- f) Preparation of a work schedule;**
- g) Details of the body or organisation responsible for implementation of the plan;**
- h) Ongoing monitoring and remedial measures;**
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.**

The LEMP shall also demonstrably have regard to the principles and approach set out in the submitted 'Providing Net Biodiversity Gain' document (Engain, December 2015), and that it should demonstrate a net gain in the overall biodiversity of the site.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management bodies 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.

Upon commencement of development the LEMP shall be implemented in full in accordance with the approved details.

**REASON:** The application contained insufficient information to be fully implemented by landscaping management and maintenance staff or enforced by the Local Planning Authority in order to ensure that that the development is undertaken in an acceptable manner, to ensure adequate ongoing protection, mitigation and compensation for protected species, priority species and priority habitats throughout the lifetime of the development.

**20. 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) detailed measures for the protection of semi-natural habitats and sensitive species (as broadly set out in Chapter 5 of the Environmental Statement and associated appendices); and**
- i) 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 implemented by construction staff or enforced by the Local Planning Authority in order to ensure 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.

21. The applicant must undertake an Air Quality Assessment (AQA) to be approved by the LPA prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the Rowden Park locality. The effect of any proposed mitigation must be quantified in terms of its contribution to the reduction of oxides of nitrogen and PM 2.5 in the Calne locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA.

**Reason:** Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

22. Prior to the first occupation of any dwelling on site full details must be submitted to and approved in writing by the Local Planning Authority specifying a scheme of air quality mitigation measures that will contribute to the reduction of oxides of nitrogen and PM 2.5 in the Rowden Park locality or at least an air quality neutral outcome. This must include but not be limited to the provision of Electric Vehicle (EV) charging infrastructure. Within 6 months of the occupation of 90% of the dwellings, monitoring of air quality within the site and immediate locality (as identified in Chapter 9 of the submitted Environmental Statement) must be undertaken and the results submitted to, and approved in writing by the LPA, demonstrating that the above mitigation has made a contribution to air quality improvement. Should the submitted reports not demonstrate an air quality neutral outcome a programme of mitigation must be submitted to and approved in writing by the LPA and the actions carried out in accordance with that plan.

**Reason:** Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively



**mitigate emission levels in order to protect public health, environmental quality and amenity**

**23. The development hereby permitted shall not commence until a Construction Management Plan providing details of the management of heavy goods vehicle construction traffic, including their routes approaching and leaving the site, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In order to protect the existing highway links that serve the site from damage by large goods vehicles, to assist in the environmental protection of the interests of nearby residents, and to ensure that provisions are in place to address any problems associated with highway damage caused by such vehicles.**

**24. Prior to occupation of any of the dwellings taking access from Coppice Close the access to Coppice Close shall be provided and shall thereafter remain open and available for use.**

**Reason: In the interests of safe and convenient access to the development.**

**25. Prior to first occupation of any dwelling served by the access to Coppice Close, the access to Coppice Close shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 36 metres to the west.**

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

**26. No development shall commence until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No residential part of the development shall be occupied prior to the implementation of the Residential Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.**

**Reason: In the interests of reducing the amount of private car movements to and from the development.**

**27. The primary school shall not be brought into use until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The School 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 these results.**

**Reason: In the interests of highway safety and reducing private car movements to and from the development.**

**28. Prior to occupation of any dwelling details shall be submitted to the Local Planning Authority of between 2 and 6 bus stops and shelters within the development, and a programme for their implementation. (The number to depend on whether buses route 1 or 2 way and on agreement with the Public Transport Team). On approval of the submitted details the bus stops and shelters shall be constructed and made available for use in accordance with the approved programme.**

**Reason: In the interests of safe and convenient travel by public transport.**

**29. Prior to occupation of any part of the development south of the rifle range a 3 metre wide shared use cycleway shall have been constructed and made permanently available for use by pedestrians and cyclists, between the Central Northern access and the end of the existing footway on Patterdown Road just north of the highway layby, in accordance with details to be first submitted to and approved by the Local Planning Authority.**

**Reason: In the interests of safe and convenient pedestrian and cycle access to the development.**

**30. Prior to occupation of any part of the development areas 1-5 (Proving Layout plan 3787/300/D) a footway connection between the development and the eastern side of Queens Bridge as outlined on plan 20399/042/009, plus footway markings through the bridge and a short footway connection at the western side of the bridge to enable safe pedestrian access into Saltersford Lane shall have been constructed and made permanently available for use by pedestrians in accordance with details to be first submitted to and approved by the Local Planning Authority.**

**Reason: In the interests of safe and convenient pedestrian access to the development.**

**31. Prior to occupation of any part of the development areas 1-6 (Proving Layout plan 3787/300/D) a 3m wide shared use cycleway shall have been constructed and made permanently available for use by pedestrians and cyclists between the development and the entrance to the Showell Farm development as outlined on plan 20399/042/005, in accordance with details to be first submitted to and approved by the Local Planning Authority.**

**Reason: In the interests of safe and convenient pedestrian and cycle access to the development.**

**32. Prior to first occupation of any dwelling hereby permitted, the relevant parts of the shared use pedestrian and cycle route known as Rowden Mile (which will include the spur to Avenue La Fleche and the spur to Gypsy Lane), shall have been constructed to a width of 3 metres including street lighting, and made permanently available for use by pedestrians and cyclists, in accordance with details to be first submitted to and approved by the Local Planning Authority.**

**Reason: In the interests of safe and convenient pedestrian and cycle access to the development.**

**The applicants should be informed of the following:-**

**Any application for approval of reserved matters should include for the design of all roads within the estate as a 20 mph zone, other than the bus route which runs from the primary access roundabout to the northern junction, but with only minimal amounts of vertical traffic calming. Traffic calming will generally be by horizontal alignment changes and use of surface texture changes.**

**Number of rights of way cross the development. The rights of rights of way users must be safeguarded and the paths must be incorporated into the layout or suitable diversion or closure orders arranged.**

**33. Prior to the commencement of the development hereby permitted details of the a 'Riverside Park Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the 150<sup>th</sup> dwelling. The Management Plan shall set out a clear vision for how the Riverside Park land holding will be used by people and community groups, and how the land (individual fields / land parcels) will be managed in perpetuity by the designated management body. The Management Plan shall clearly define and prescribe how management objectives and maintenance operations will protect and enhance the existing heritage, ecology and landscape value and character of the site, within the context of wider green infrastructure links and functions of this land.**

**REASON: In the interests of securing the long term maintenance of the Riverside Park.**

**34. The development hereby permitted shall be carried out in broad accordance with the Masterplan, parameters plans and design ethos as set out in the ES Addendum received by the Local Planning Authority on 20<sup>th</sup> July 2016.**

**REASON: In the interests of clarity and to ensure protection of the setting of the heritage assets nearby and the landscape character of the area.**

**35. Prior to the commencement of the development a construction traffic management plan shall be submitted to and approved by the local planning authority, and the development shall be undertaken in**

accordance with the approved plan. The construction traffic management plan shall include inter alia, details as to routing arrangements for lorries delivering to the site during the identified phases of the development and how they will be signed to the site, details of wheel cleaning facilities, details of parking and manoeuvring space within the site for lorries and construction workers vehicles, and measures to prevent site construction traffic parking on nearby residential streets.

**REASON:** In the interests of highway safety and the amenity of local residents.

**36. No more than 1000 dwellings shall be constructed on the site.**

**REASON:** For the avoidance of doubt and as the mitigation impacts of the proposal have been assessed against this number of dwellings.

**37. Prior to commencement of development, details of a wildlife sensitive lighting scheme for roads and footpaths within the site, and any lighting for the areas of public open space, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.**

**REASON:** To satisfactorily mitigate the ecological impact of the development.

**38. No dwelling shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to that dwelling has been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.**

**REASON:** To ensure digital connectivity.

**39. The following information should accompany any reserved matters application:-**

- **Tree retention/removal plan (finalised);**
- **Retained trees and RPAs shown on proposed layout**
- **Strategic hard and soft landscape design, including species and location of new tree planting;**
- **Arboricultural Impact Assessment;**
- **Arboricultural Method Statement - detailed**
- **Details for all special engineering within the RPA and other relevant construction details;**
- **Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method;**
- **Dimensioned tree protection plan;**
- **Schedule of works to retained trees, e.g. access facilitation pruning**

**REASON:** To protect the site trees and ensure suitable landscaping.

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

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

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

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

**In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.**

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

**41.** No development shall commence on site until a scheme of safe pedestrian and cycle routes, and details of secure covered cycle parking and changing and shower facilities in respect of the non-residential use classes has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to any part of the development being first occupied and maintained thereafter.

**REASON:** In pursuit of sustainable transport objectives.

**42.** No development shall commence on site until Travel Plans for the various land uses (residential, employment and education) permitted have 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.

**43.** Car parking provision for the site shall be in accordance with the required standards set out in the Wiltshire LTP3 Car Parking Strategy. Garages to be counted towards car parking provision shall have minimum internal dimensions of 3m x 6m.

**REASON** In order to ensure an adequacy of site parking provision and to avoid.

**44.** The noise levels in all parts of all private amenity space shall not exceed an SNL of 55dB

**REASON:** In the interests of residential amenity

71 **16/01123/OUT - Land South of Western Way, Bowerhill, Melksham, Wiltshire, SN12 6TJ - Outline application for residential development of up to 235 dwellings, primary school with early years nursery, open space provision and vehicular access off Pathfinder Way.(Outline application to determine access - resubmission of 14/04846/OUT)**

**The following person spoke against the proposal:**

Mr Mike Mills, representing Bowerhill Residents' Action Group  
Mr Colin Chapman, representing residents of Elm Close and Birch Grove  
Mr Nick Westbrook, representing the Health & Wellbeing Steering Group  
Cllr Paul Carter, representing Melksham Without Parish Council

**The following person spoke in favour of the proposal:**

Ms Vanessa Clipstone, representing RPS Planning & Development

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application, with a recommendation that authority be delegated to the Head of Development Management to grant planning permission subject to the signing of a Section 106 legal agreement within six months of the date of this meeting and to 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 Roy While who explained that he had called in the application due to the concerns of the Melksham Without Parish Council & the local residents and the impact of the development on Road A365.

During discussion, Members questioned under the Heads of Terms of the Section 106 legal agreement if a figure had been agreed as a contribution from the developer for the expansion project at Melksham Oak Secondary School. Furthermore, they enquired as to whether land available for the proposed new primary school would be sufficient for its eventual expansion into a two form entry school. The Head of Development Management explained that much would depend on the number of houses which were eventually built, bearing in mind that this was an outline application.

After further discussion,

**Resolved:**

**To delegate authority to the Head of Development Management to grant planning permission, subject to conditions listed below and the completion of a S106 legal agreement covering the areas set out below in the Heads of Terms. In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to refuse planning permission for the following reason:-**

**The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; waste; highway works ;**

**education provision and open space and is therefore contrary to the policies of the Wiltshire Core Strategy adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.**

**Heads of Terms for Section 106 legal agreement to secure the following:**

- **30% affordable housing;**
- **Provision of 1.4 hectares of land for a 1FE primary school and nursery facility;**
- **Conditional provision of a further 0.6 hectares of land for a 1FE expansion to the above;**
- **Commutated sum, to be based on the number of dwellings (less any exemptions), the number of places required, and the relevant capital cost multiplier at the time of determination, towards construction of 1FE primary school;**
- **Commutated sum, to be based on the number of dwellings (less any exemptions), the number of places required, and the relevant capital cost multiplier at the time of determination, towards expansion project at Melksham Oak Secondary School;**
- **Commutated sum of £120,000 towards pedestrian and cycle improvements;**
- **Payments for legal orders related to cycleways, and 2 traffic regulation orders regarding speed restrictions;**
- **Off site highways works to include 5 toucan crossings, capacity improvements to north and south arms of The Spa roundabout, and provision of a footway linking Spa Road and Western Way;**
- **Provision of at least 8624sqm of public open space of which 415sqm to be equipped play to and the setting up of a management company to maintain the space or transfer to Melksham Without Parish Council; and**
- **Commutated sum of £21,385 towards bin provision.**



## **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;**
- (e) The means of access to the site.**

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

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

**3.**

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

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

**4.**

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

**drwg: M.0347\_03A - Site Location Plan received on 4 February 2016**

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

**5.**

**No more than 213 dwellings shall be erected on the site, unless the 0.6 hectares of land allocated for a single form entry expansion to the hereby approved 1 form entry primary school and nursery facility is also developed for housing; in which case no more than 235 dwellings shall be erected on the site.**

**REASON: To define the terms of the permission.**

**6.**

**There shall be no development of 3-storeys or greater. To the southern boundary on the eastern parcel of land adjoining existing housing, development shall be garden to garden.**

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

**7.**

**There must be no new buildings, structures (including gates, walls, fences or other means of enclosure) or raised ground levels within 5 metres of the top of any bank (or edge of culvert) of the watercourse(s) fronting or crossing the site.**

**REASON: To maintain an appropriate access to the watercourse for maintenance and/or possible future improvements.**

**8.**

**No development shall commence on site until a programme of phasing for the development (including off-site highway improvement works) in the context of an up to date masterplan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**REASON: In order to define the terms of the permission.**

**9.**

**No development (above ground level) shall commence on each phase until the details of the materials to be used for the external walls and roofs (including samples) for that phase of the development has 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.**

**10.**

**No development shall commence on the residential phase(s) until a scheme of hard and soft landscaping for the application site (except the school) have 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 and boundary treatments;**
- \* car park layouts;**
- \* other vehicle and pedestrian access and circulation areas;**
- \* all hard and soft surfacing materials;**
- \* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**
- \* proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**
- \* arboricultural 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

**11.**

**No development shall commence on the school and nursery phase(s) until a scheme of hard and soft landscaping for that phase of the development**

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 and boundary treatments;
- \* car park layouts;
- \* other vehicle and pedestrian access and circulation areas;
- \* all hard and soft surfacing materials;
- \* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- \* proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- \* arboricultural 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**12.**

All soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with a detailed phasing scheme. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants

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

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

**13.**

**No development shall commence until a foul water drainage strategy and scheme, including details of phasing, is submitted to and approved in writing by the Local Planning Authority. The submission shall include appropriate arrangements for the agreed points of connection and the capacity improvements (including any works which may lie in third party land) required to serve the proposed development. The development shall be carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.**

**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.**

**14.**

**No development shall commence until a storm water drainage strategy and scheme, including details of phasing, is submitted to and approved in writing by the Local Planning Authority. The submission shall include appropriate arrangements for the agreed points of connection and any**

**capacity improvements (including any offsite works) to the downstream system (including any works which may lie in third party land). The development shall be carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that proper provision is made for storm drainage of the site and that the development does not increase the risk of flooding to downstream property/catchment.**

**15.**

**No development shall commence on the residential and education developments respectively until schemes for water efficiency for each element have been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the agreed details.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.**

**16.**

**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.**

**17.**

**No development shall commence on the school and nursery phase(s) until evidence that that phase of the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme). No phase of the development shall be occupied until a final Certificate has been issued certifying that the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved for that phase of the development.**

**REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.**

**18.**

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

**REASON: 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 for the interests of public health and safety.**

**19.**

**No development shall commence within the area indicated (proposed development site) until:**

- 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 recording of any matters of archaeological interest.**

**20.**

**No development shall commence until a final noise mitigation strategy, including full scaled plans of any necessary features and any associated phasing plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use or occupied until the relevant mitigation has been provided to serve each phase of the development. The approved mitigation shall be maintained in accordance with the approved details at all times thereafter.**

**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.**

**21.**

**No external lighting shall be installed on site until plans, showing the type of light appliance, the height direction 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 submission shall:**

- a) Identify those areas/features on the whole site that are particularly sensitive for foraging/commuting bats;**
- 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**

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

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

**22.**

**No development shall commence on each phase (including demolition, ground works, vegetation clearance) until a Construction Method Statement (CMP) for that phase has been submitted to and approved in**

writing by the local planning authority. The CMP shall include, but not necessarily be limited to, 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 including from pollution; and
- i) hours of construction, including deliveries.

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.

**No development shall commence on each phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for that phase 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' (where required);**
- 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 detailed mitigation measures for badgers, breeding birds and reptiles (precautionary site clearance), and the protection of trees and hedgerows;**
- 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; and**
- 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 or 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.**

**24.**

**No development shall commence 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 - this shall include a detailed specification for the attenuation features, ponds (permanent water features), hibernacula for amphibians, woodland planting, hedgerow reinforcement planting, bird boxes and bat boxes within dwellings and the new school, and the creation of a wildlife garden, forest school and/or orchard within the school grounds;**
- b) Description and evaluation of features to be managed; including locations shown on a site map;**
- c) Landscape and ecological trends and constraints on site that might influence management;**

- d) Aims and objectives of management, including access for hedgehogs into gardens;**
- 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; and**
- 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/bodies 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.**

**25.**

**No residential unit shall be occupied until those parts of the Residential Travel Plan (by Peter Evans Partnership and dated January 2016) capable of being implemented prior to occupation have been implemented. Those**

parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period of at least 2 years following occupation of the last residential unit.

**REASON:** In the interests of reducing the amount of private car movements to and from the development.

**26.**

The primary school shall not be brought into use until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The School 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 these results.

**REASON:** In the interests of road safety and in the interests of reducing the amount of private car movements to and from the development.

**27.**

Prior to occupation of the 20th dwelling two bus stops including shelters, perch seating and high access kerbs shall have been provided on Pathfinder Way in accordance with details to be first submitted to and approved by the Local Planning Authority.

**REASON:** In the interests of encouraging sustainable travel to and from the development.

**28.**

**Prior to first occupation a pedestrian refuge shall have been provided on Pathfinder Way in association with the required toucan crossing of Pathfinder Way, in accordance with details to be first submitted to and approved by the Local Planning Authority.**

**REASON: In the interests of encouraging sustainable travel to and from the development and highway safety.**

**29.**

**Prior to first occupation a 2 metre wide footway shall have been provided along the western side of Pathfinder Way over the entire frontage of the site.**

**REASON: In the interests of encouraging sustainable travel to and from the development and providing safe and convenient pedestrian access to the development.**

**30.**

**Prior to first occupation a lowered kerb informal pedestrian crossing of Pathfinder Way, including tactile paving shall have been provided at the A365 / Pathfinder Way roundabout splitter island, in accordance with details to be first submitted to and approved by the Local Planning Authority.**

**REASON: In the interests of encouraging sustainable travel to and from the development and providing safe and convenient pedestrian access to the development.**

**31.**

**Prior to any development on the western side of Pathfinder Way part of the development, the existing field gate access to A365 Western Way shall**



have been properly and permanently closed to vehicles with the existing lowered kerbs replaced by high kerbs, and the grass verge reinstated.

**REASON:** In the interests of preventing inappropriate points of access to the development.

**32.**

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

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

**33.**

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

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

**34.**

**No dwelling hereby approved shall be occupied until a public art scheme for the site and a timetable for installation 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 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.

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

**INFORMATIVE:** 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:** The applicant is advised that the reserved matters application should include low-rise development to reflect the adjacent development to the south east, and be sympathetic to the heritage and fringe of urban context.

**INFORMATIVE:** 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:** The developer is advised, in accordance with the Dorset and Wiltshire Fire and Rescue Service advise to consider the use of sprinkler protection in all domestic properties and in particular any public buildings such as the hereby approved school and nursery facilities. Furthermore consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of the Dorset and Wiltshire Fire and Rescue Service on the location of fire hydrants.

**INFORMATIVE:** The developer is advised that 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 and/or the Lead Local Flood Authority may be 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 Bowerhill Watercourse, designated a 'main' river. The EA advise that a minimum 5 metre clear strip be provided to allow the riparian owner(s) responsible for the maintenance of the

**watercourse appropriate access to carry out routine maintenance and/or possible future improvement works. The need for any consent is over and above the need for planning consent. The applicant is advised to contact the Environment Agency on 01258 483421 for further information.**

**INFORMATIVE: The developer is advised that 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>**

**INFORMATIVE: The developer is advised that the council will only operate its refuse and recycling services 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: The developer is advised that any archaeological work required by condition should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.**

**INFORMATIVE: The developer is advised 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>

**INFORMATIVE:** The developer is advised that the Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

**INFORMATIVE:** The developer is advised that the Great crested newt 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 a professional ecologist should be contacted for advice on any special precautions before continuing, as a derogation licence may be required from Natural England.**

**INFORMATIVE: The developer is advised that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution.**

**INFORMATIVE: The developer is advised that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or to destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Hedgerows, trees and woodland are present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain, within six months of the date of this meeting:**

## 72 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 7.00 - 9.45 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