

## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 JANUARY 2023 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Bridget Wayman (Substitute)

#### **Also Present:**

Cllr Tony Jackson

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#### 1 **Apologies**

Apologies for absence were received from:

- Councillor Ernie Clark
- Councilor James Sheppard, who was substituted by Councillor Bridget Wayman

#### 2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 November 2022 were presented for consideration and it was,

#### **Resolved**

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

Note: Councillor Adrian Foster highlighted that he had requested several meetings ago that the Committee receive a briefing, training session or update on the 5 year Housing Land Supply (HLS) and the strategy for Wiltshire Council to address the shortfall and reach the required figure. This had not yet taken place. Councillor Foster stated he had received communications from the Cabinet Member for Development Management and Strategic Planning which said there was not a strategy in place.

Nic Thomas, Chief Planning Officer explained that officers were aware of the request and a briefing or training session would be held. This would be aligned with a policy update on the National Planning Policy Framework (NPPF). It was explained that the 5 year HLS was a challenging issue which many council's were wrestling with. There was a strategy in place regarding the 5 year HLS and officers were working very hard behind the scenes to carry out work to

bring forward the new Local Plan which was key to addressing the 5 year HLS issue.

### 3 **Declarations of Interest**

There were no declarations of interest.

### 4 **Chairman's Announcements**

The Chairman announced that there would be an organised site visit for the Committee in February 2023. The visit would allow the Committee to view 3 applications located south of Trowbridge, which were all allocated in the Wiltshire Housing Site Allocations Plan (WHSAP). The applications were 18/10035/OUT, 20/09659/FUL and 20/00379/OUT. It was hoped that these applications would all be ready to be considered at the February meeting. Further details would be circulated to Members when available.

### 5 **Public Participation**

The procedures for public participation were detailed and noted.

### 6 **Planning Appeals and Updates**

The Chairman highlighted the appeal detailed in the agenda which was underway and was taking place by way of written representations. The appeal related to application 21/01950/FUL.

Councillor Elizabeth Threlfall, the division Member for the application, stated that although the applicant had appealed in February after the Committee's decision, she and the parish of Great Somerford had not been advised of the appeal until November. This gave them little time to read the 800 pages related to the appeal and to respond by the deadline, which was unsatisfactory. Andrew Guest, Head of Development Management confirmed that we could reflect that back to the Planning Inspectorate.

Officers also confirmed that there had been no response yet regarding the Westbury Incinerator hearing.

A member of the public, Francis Moreland, had registered to speak on the appeals update. Mr Moreland highlighted application PL/2021/04774 - Land off Coate Road, Devizes, which had been refused planning permission by the Committee in November and was now going to appeal. He stated that there had been a long run of decisions where applications on greenfield windfall sites were refused, which then went on to appeal and this raised issues about the costs incurred by the council following these decisions. Mr Moreland questioned the rationale of doing this and whether if the proposed changes to the National Planning Policy Framework (NPPF) were implemented whether this would make a difference to Wiltshire Council case officer recommendations on the tilted balance.

The Chairman thanked Mr Moreland for his comments and stated that the Committee had discussed many of the points raised with officers previously. He stated that in his view the Committee had a very good rationale behind refusals that they made.

It was requested that Andrew Guest, Head of Development Management should email the Committee and Mr Moreland on the points raised. Nic Thomas, Chief Planning Officer also stated that how land was allocated could be included in the training session for Members when it took place.

Councillor Christopher Newbury queried whether the draft changes to the NPPF to remove the buffer on the 5 year HLS was positive and whether it would encourage the Council to meet the figure. He also questioned whether enough resources were available for officers to work on this issue and requested that this be looked at. Nic Thomas stated that an answer would be provided in due course.

## 7 **Planning Applications**

The following planning applications were considered.

### 8 **PL/2021/06519 - Purdys Farm, Wood Lane, Braydon, Swindon, Wilts, SN5 0AH**

#### Public Participation

Mr Simon Rushton (agent) spoke in support of the application.

Cllr Melanie Allsop of Lydiard Millicent Parish Council spoke in objection to the application.

Andrew Guest, Head of Development Management, presented a report which recommended that planning permission be granted with conditions for application PL/2021/06519, Purdys Farm, Wood Lane, Braydon, Swindon, Wilts, SN5 0AH for a change of use of land to provide an extension to an existing Gypsy / Traveller site.

Key details were stated to include the following, the principle of development; impact on the character, appearance, visual amenity and openness of the locality; impact on residential amenity; impact on Ecology/County wildlife site, impact on drainage/flooding and impact on Highways safety.

Attention was drawn to the late representation from Edward Rawlings which had been circulated to the Committee. All the points raised in the representation were covered in the officer report or in the presentation.

The officer explained that the application would provide an extension to an existing Gypsy / Traveller site, with the addition of 5 more pitches. Slides were shown to the Committee (published in supplement 1) detailing the site and the plans. There was reasonable visibility at the access to the site; there was woodland to the rear and hedgerows to the front and there would be open space on either side of the new pitches. Each pitch would consist of a mobile

home, a touring caravan and a day room. Additionally, there would be car parking, a turning area, a sewage treatment plant and a children's play area.

In March 2022 the Council published a new Gypsy and Traveller Accommodation Assessment (GTAA) which covered the need for pitches up to 2038. There was a need for 120 new pitches which met the definition in the Planning Policy for traveller Sites (PPTS), 61 for those that did not meet the definition and a further 18 for households which could not be determined.

A Gypsy and Traveller Development Plan was being developed, as part of the new Local Plan, but it was not ready yet. Under planning policy applications should be assessed in accordance with a presumption in favour of development.

Details were given on Wiltshire Council Strategy (WCS) Core Policy 47 and the criteria that were used to assess sites as detailed in the agenda. In this case there was a demonstrable need and the criteria were met, hence the recommendation for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the definition of a caravan. It was explained that under the definition a caravan could be a mobile home, park home and touring caravan. They were all mobile.

Members also queried the need described in the GTAA, which would only equate to about 10 pitches a year. It was clarified that planning appeal decisions meant that the council was under delivering on what was required at present so there was a need.

In response to further questions, it was explained that the planning permission went with the land, so if the families occupying the pitches moved on, another Gypsy or Traveller family could move in. It was also confirmed that stables had their own stand-alone planning permission and the site was a Gypsy / Traveller site not an equestrian site.

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

The unitary division member, Councillor Steve Bucknell, spoke in objection to the application. His main points covered that the application conflicted with several core policies such as CP 1, 2, 19, 50 and 60. He felt that it also did not comply with criteria i, ii, iii, v, vi and viii within CP 47. He therefore urged the Committee to refuse the application.

In response to public statements the officer stated that none of the consultee responses objected to the application, as any issues were covered by conditions. Apart from the Highways officer, however they had noted that they would leave the decision to the case officer and did not have an objection to parking or access. The national policy for traveller sites stated that sites in rural areas should respect scale and not put undue pressure on infrastructure, the

application met those requirements so that could not be a reason for refusal. Drainage and sewage were covered by the conditions.

The Chairman proposed a motion to grant planning permission, with conditions as per the officer's recommendation. This was seconded by Councillor Tony Trotman.

A debate followed where the Chairman stated that he had led on the GTAA for North Wiltshire prior to the council becoming unitary and they had woefully underdelivered on pitches then, as the council was now. He understood the division Member and Parish Councils views but highlighted that the site was exceptionally tidy and that what was proposed in policy (such as the site being near local schools and health facilities), was not always what Travellers wanted or needed.

Concerns were raised regarding nearby applications which had been refused. Councillor Trotman highlighted that there were different policies applied to Gypsy and Traveller sites so they could not be compared to other developments.

Other issues discussed included that the criteria were conditioned for, that there were adequate services within a certain distance, it was already a pitched site that the family had been living on for many years without problems, the acreage was adequate for 5 pitches, that it was a very neat and tidy site and that there had been a lack of provision for pitches over the years and that this was something the council needed to get to grips with.

Further clarification was sought regarding whether Gypsy / Traveller sites had to be within 3 miles of amenities. The officer confirmed that there was currently no such policy regarding sustainable development.

Concerns were raised regarding the stable block, whether it had planning permission and where horses, if there were any, would be grazed if permission was given. The officer confirmed that the history of the stable was not known but that was not relevant to the proposal before the Committee, was lawful development and that there were other paddocks that any horses could be grazed on.

Further concerns were raised regarding the ecological buffer described by the agent in their statement and shown by the blue line on page 6 of the agenda supplement. The officer confirmed that the site being considered was within the red line, so further development could not take place outside of that without a further application. Members discussed making the ecological buffer a condition or informative if approval was granted.

The Chairman proposed an amendment to his motion to grant planning permission with conditions as per the officer recommendation, to add an informative that the land contained within the blue line on the plan on page 6 of the agenda supplement should be an ecological buffer. This amendment was

accepted by the seconder of the motion Councillor Tony Trotman. This therefore became the substantive motion.

The Committee voted on the motion, and it was,

**Resolved:**

**To grant permission subject to 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: dwg no.FL21-SLP (location plan) & dwg no.21033/01A (proposed site plan) [Received by the LPA on the 16<sup>th</sup> of November 2021]**

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

- 3. The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.**

**REASON:** The site is in an area where residential development other than accommodation for Gypsy and Travellers is not normally permitted and the development must therefore be defined for use as a Gypsy and Traveller site only.

- 4. No development above ground floor slab level shall commence on site until details and samples of the materials to be used for the external walls and roofs of the new day rooms have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained with those materials in perpetuity 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, in the

interests of visual amenity and the character and appearance of the area.

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

**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.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the 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.

7. 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site.

**REASON:** To safeguard the character and appearance of the area.

8. 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 gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

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

9. There shall be no more than 5 commercial vehicles kept at the application site (one commercial vehicle for each of the 5 pitches), and they shall not exceed 3.5 tonnes in weight.

**REASON:** In the interests of residential amenity, highway safety and the character of the countryside.

10. Except for the keeping of commercial vehicles as defined in condition 9, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

**REASON:** In the interests of residential amenity, highway safety and the character of the countryside.

11. There shall be no more than 5 pitches on the site hereby approved and on each pitch there shall be no more than 2 caravans stationed at any time, of which only 1 caravan shall be a mobile home/static caravan (caravan(s) as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968).

**REASON:** To comply with the terms of the application and safeguard interests of visual and residential amenity in accordance Core Policy 57 of the Wiltshire Core Strategy.

12. The development hereby permitted shall not be occupied until details of the proposed domestic waste storage and collection arrangement have been submitted to and approved in writing by the Local Planning Authority.

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

13. No waste shall be burnt on the site at any time.

**REASON:** In the interests of the amenities of the area.

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



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

- 15. No external lighting shall be installed/erected on site unless details of the lighting scheme/location are 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: To minimise light pollution and in the interests of the amenities of the area.**

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

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

- 17. 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, and demonstrating at least 1.0m from the bottom of the proposed soakaways to the highest point of the groundwater variance, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme**

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

- 18. No development shall commence on site until a scheme for the discharge of foul water from the site, including all necessary consents from the sewerage undertaker as required, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**

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

- 19.** Prior to first occupation of the development hereby approved the entrance gates at the site access adjacent to the public highway shall be set back 7 metres from the edge of the carriageway, and permanently retained as such thereafter.

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

**20. 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.

**21. 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.

**22. 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.

**23. 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.

**24. INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we

can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

#### **25. INFORMATIVE TO APPLICANT:**

The applicant is reminded that the 'blue-edged' areas of land shown on the Site Location Plan (no. PL21-SLP) lie outside the 'red-edged' approved development area, and so do not benefit in any way from this planning permission. As set out in the Preliminary Ecological Appraisal & Impact Assessment by Co-ecology which accompanies the planning application, the blue-edged areas are to remain permanent un-developed 'buffers', separating the approved development area from Webbs Wood ASNW/LWS to the south and Oaklands LWS to the north. It follows that the blue-edged areas should not be used for any other purpose other than as buffers; (with use for any other purpose – including, for example, open storage – likely to require further planning permission in any event).

The applicant is also reminded of the 'Mitigation' and 'Biodiversity Gain' recommendations set out in the Preliminary Ecological Appraisal & Impact Assessment at paragraphs 6.3 to 6.9 – in particular, those relating to mitigation for great crested newts and the related requirement for a separate Mitigation Licence from Natural England.

*The Chairman called for a short 10 minute recess, prior to commencement of the next agenda item.*

#### **9 15/04736/OUT - Land south east of Trowbridge**

*The Committee reconvened at 12.15pm.*

##### Public Participation

Anne Henshaw, Chairman of the Wiltshire CPRE spoke in objection to the application

Francis Moreland spoke in objection to the application.

Chris Minors of Persimmons spoke in support of the application.

Andrew Guest, Head of Development Management presented a report which recommended that the Strategic Planning Committee continued to authorise the Head of Development Management to either grant planning permission, with conditions, subject to S106 legal agreements being entered into, or to refuse

permission if the S106 legal agreements were not completed by 30 September 2023.

Attention was drawn to late representations from Ken McCall, Co-ordinator for the Campaign for a Better Trowbridge, which had been circulated to the Committee. The officer would deal with the issues raised within his presentation.

It was explained that this application was back before the Committee as the latest deadline for the S106 legal agreement was approaching (on 31 January 2023). Whilst the S106 was progressing very well, there was work still to do, which it was not thought possible to complete prior to the deadline. Therefore, an extension to the deadline to complete the legal agreements was being sought.

The applicants had also requested an extension until 30 September 2023, due to the changing market conditions which they felt affected the viability of the project.

The officer highlighted that if the Committee refused the application, this would likely result in an appeal, resulting in considerable costs to the council.

The Chairman highlighted that this application had first been considered in April 2018, where delegation to grant permission was given, subject to successful completion of S106 legal agreements, and it had been back to the Committee at various points since then for extensions to the deadline to complete the agreements. It was now back before the Committee again due to commercial constraints. The Chairman was anxious that the Committee ask as many questions as possible in order to get the decision right. He was keen that the application should not come before the Committee again.

Members of the committee then had the opportunity to ask technical questions of the officer.

Members questioned the difference that 8 months would make to the economic environment and the rationale behind that argument.

Members also queried what affect the delay would have on the Housing Infrastructure Fund (HIF). The officer stated that the answer to that was not known, if the HIF fell away it would not be make or break for the applicant in terms of viability. If the economy was in a better place, then the proposal should be viable. However, from a Wiltshire Council point of view it would be unfortunate if HIF funding (approximately £8.5 million) was lost. The deadline for the HIF funding was the end of March 2023 and discussions were ongoing as to whether the deadline for that would be extended.

Nic Thomas, Chief Planning Officer explained that the 8 month extension was to allow the applicant to negotiate with the land owners. So, it was not to say that the economy would be recovered in 8 months. The applicant had also stated that they would progress the first phase of the reserved matters application

during that period, so time would not be lost. It was explained that it was unusual for planning committees to grant permission to applications of this type and then impose a timescale on completion of the S106 legal agreements. These were usually open ended and could go on for many years. The deadline had been imposed originally for good reasons, in order to progress the 5 year Housing Land Supply (HLS) which the development was crucial to. If the application was refused there would be significant consequences regarding the 5 year HLS and the Local Plan.

Members queried whether resources / staff shortages had contributed to the delays with the S106 and could do so again going forward. Mr Guest stated that it was possible they had.

Sarah Hickey, Wiltshire Council Solicitor gave clarification on the capacity within the legal team. Her understanding was that the S106 may already be with the council's external solicitors, therefore there was capacity to move it forwards. There were matters of process which had to be followed and took time, and issues with signing the agreement, which involved many different landowners, some of whom lived offshore.

Several statements or questions were raised which needed to be addressed by the applicant rather than officers. The Chairman requested that the applicant make a note of these and address them in their public speaking slot.

Members queried the logic of having their hands tied by the lack of a 5 year housing land supply when there were possible changes to the legislation afoot. Officers explained that it was critical to get a Local Plan adopted to help address the 5 year HLS and that the government proposal was just that. It was not known if or when any changes would come into effect.

Members also asked if the percentage of social housing on the site could be increased if they were to consider an extension. It had previously been reduced to make the proposal more viable. Officers explained that this was not recommended. Any changes would delay the whole process and require renegotiation.

Members queried whether it would be possible to extend the deadline for the S106, but only to March 2023, or to extend it co-terminus with the expiry of the HIF agreement, in case the expiry for that was extended. Officers highlighted that the request from the applicant was to extend until September 2023 and if that was changed, they may not have enough time to renegotiate land option agreements with landowners. Officers felt that changing the deadline would not affect what happened with the HIF. Officers also felt that to extend co-terminus with the expiry of the HIF was inadvisable, as this would tie the date to a deadline we were not in control of.

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

Objectors raised concerns with the developers requesting a longer extension due to the market conditions as it was not thought these would improve enough within the timescale to make any difference. Other issues raised included the previous reduction in affordable housing; concerns that other deliverables such as highways improvements and schools may also be reduced or fall by the wayside; issues with the Wiltshire Core Strategy and the failure to demonstrate a 5 year HLS; that there had already been plenty of time to complete the S106; that this seemed like a developer led process and that any further extension should not exceed 3 months.

Chris Minors of Persimmon spoke in support of the application and responded to points raised by the Members. It was explained that there were two aspects, timing and viability. Irrespective of financial conditions more time was still required to complete the agreements, which it would not be possible to do by the end of January deadline. There were a large number of landowners involved, the agreement required wet ink signatures and some of the landowners resided overseas. Their solicitors would need to examine the agreement prior to signing so this would take time.

Persimmon were progressing a separate agreement with the Wiltshire Wildlife Trust (WWT) regarding the bat habitat and bringing forward mitigation to last in perpetuity. They were also working concurrently on the first phase of the reserve matters application, so the timings for the whole project would not be affected by an extension to the S106 agreement deadline to September 2023.

The affordable housing level had been 30% which after undertaking a detailed viability assessment was determined as unviable, hence the reduction to 20%. The scheme carried a significant infrastructure burden, which they were committed to delivering. The company needed to balance profits, costs and a reasonable return to the landowner, which was a planning consideration in the NPPF.

Persimmon hoped that the financial climate would improve, and inflation was already starting to settle. This would bring more certainty and help the debate with landowners.

Persimmon were asking for the extension to September 2023 as they were sure they could complete by then. If the extension was to the end of March 2023, they could potentially finish the S106 and WWT agreement. However, they did not think that this would give them enough time to discuss matters with the landowners. Regarding the HIF, they had been meeting with various Wiltshire Council officers to explore ways in which the funding could remain secured for the council and they would do what they could to help with that.

Councillor Philip Whitehead, at the discretion of the Chairman, due to Councillor Whitehead's previous role as Leader of the Council and his knowledge of the application, spoke regarding the item. Whilst Councillor Whitehead gave his support to the application, he was very concerned about extending the S106 deadline to September 2023. By the applicant's own admission, the S106 was progressing well. He felt that the council were being asked to consider the

financial position and concerns of the applicant which was not the councils problem. He felt that the economy was stabilising, and viability was not an issue, but rather the issue was a short-term cash flow problem for Persimmon, which again was their problem. Excerpts from comments made by the Chief Executive of Persimmon were read out, which highlighted how well the company were performing.

Cllr Whitehead also highlighted the HIF expiry date. He felt that the Committee should extend the S106 deadline but only until the end of March 2023 and if the application had to come back to the Committee at that point, the applicants should have a better argument for extending the deadline to complete the agreements.

The Chairman opened the debate with a proposal which was the officer recommendation as detailed in the agenda, but with the completion date for the S106 agreements changed to 31 March 2023. This was seconded by Councillor Pip Ridout.

During debate several Members questioned the reasons for the extension given by Persimmon regarding the financial climate and viability as they did not feel that the argument was sensible. If it was not viable now, it was unlikely to be viable by September. It was felt that the homes would sell, and the developer was used to the cyclical nature of the housing market.

Most Members had concerns regarding the HIF and losing the circa £8.5 million if the S106 was not agreed by the March expiry date for the HIF. Members also expressed unease as they felt beholden to the developers due to the shortfall in the 5 year HLS. They also felt they should not be swayed by the possible costs of an appeal.

Others felt that there was fault on all sides and that Wiltshire Council allocating so many houses to Trowbridge and expecting these to be built quickly was unrealistic. The developer did not have a moral obligation to build houses as quickly as possible. They felt that the officer recommendation should be followed.

Most Members stated support for the Chairman's motion, feeling that it was a good compromise, as they wanted the site to go ahead, but had concerns regarding the HIF and the 5 year HLS.

*Note: Councillor Sarah Gibson left the meeting at 1.40pm due to a prior commitment.*

At the conclusion of the debate it was;

**Resolved:**

**That the Strategic Planning Committee continues to authorise the Head of Development Management to ....**

**Either GRANT planning permission, this subject to the following ‘legal agreements’ being first entered into:**

**1. an obligation under Section 106 of the Town and Country Planning Act 1990 between the applicant and Wiltshire Council requiring provision of the following:**

- **minimum 20% affordable housing provision in the first 500 units; minimum 25% affordable housing provision in the next 500 units; and minimum 30% provision in all units thereafter;**
- **Two new primary school sites of at least 1.8 ha each. Primary education financial contribution (of £9,509,390 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) completion of two schools;**
- **One new secondary school site of 5.24 ha. Secondary contribution (of £8,463,708 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers);**
- **‘Early Years’ education contribution (of £3,863,313 (2017 figure) based on 2,500 dwellings; adjusted accordingly depending on final numbers) or on-site provision;**
- **Health / dental care contribution of £1,108,500 (2015 figure, to be adjusted for indexation), to be used for sites in Trowbridge Community Area only and subject to such sites remaining in NHS/public ownership;**
- **Elements of open space (equipping/phasing/maintenance contributions/etc.);**
- **Ecological mitigation, to be set out in a Biodiversity Management Plan covering the management, mitigation, monitoring and enhancement of all habitats and species affected by the development during the pre-construction, construction and operational phases, both within the application boundary and on land owned by Wiltshire Wildlife Trust. To include –**
  - **Provision of, and/or provision of funding for, a Steering Group to oversee implementation of the Biodiversity Management Plan;**
  - **Provision of, and/or provision of funding for, visitor facility, and related land transfer arrangements;**
  - **Provision of ecology Green Infrastructure, related maintenance/long term management contributions, ecological monitoring including remedial works triggered by monitoring and related land transfer arrangements;**



- Provision of, and/or provision of funding for, full time wildlife warden, and mechanism for his/her perpetual funding;
  - Agreement that no public access will be allowed through the agricultural land identified for employment use other than to areas which have been developed for that purpose. An impenetrable barrier will be maintained between housing and employment land on the east side of West Ashton Road until at least 75% of the employment site has been completed at which point a public footpath will be provided between the two which will breach the impenetrable barrier at a single point.
  - Financial contribution towards the cost of monitoring implementation and maintenance of mitigation, with bond or other means of security secured against non-delivery and/or non-maintenance of mitigation.
  - Provision for revision of the Green Lane and Biss Woods Management Plan to incorporate requirements arising from the Biodiversity Management Plan and the Habitats Regulations Assessment (including Appendix 2).
- Elements of transport infrastructure in line with the Trowbridge Transport Strategy, notably –
    - Completion of funding agreement with Wiltshire Council for the provision of YWARR and commuted sum for structures maintenance;
    - Provision and completion of Yarnbrook and West Ashton Relief Road (including works to redundant A350 and all other associated highway works), phased or in entirety, subject to the timescales set out by the HIF and LEP;
    - Provide and deliver a Bus Strategy for the site, identifying how a half hourly service between the site and the town centre can be achieved, firstly through the negotiation with commercial operators for a commercial service, or, secondly, and in the event that a commercial service cannot be initiated and/or maintained, by a supported service, funded at the reasonable cost of the developer. The bus service shall be provided for a period from occupation of the 50th dwelling to up to three years following occupation of the 2,450th dwelling, the exact period dependent on the commercial viability or otherwise of the service at the time. The Bus Strategy shall set out how the funding arrangements will work in the event that a supported service is required;
    - Provision of travel plans for the separate land uses on the site;
    - Financial contributions towards the legal costs associated with making of traffic regulation orders at a cost of £6,000 per identified TRO;

- Implementation of all made legal orders relating to highways and transport issues associated with the site;
  - 'Contingency Plan' for planned diversion of public footpaths NBRA9 and NBRA11;
  - Design and provide a wayfinding scheme aligned to the phasing of the development;
  - Construction and improvement of off-site highway works associated with the Yarnbrook and West Ashton Relief Road, alterations to West Ashton Road and improved connectivity to the town centre and to the White Horse Business Park;
  - Connectivity (vehicular) between Drynham Lane and site, unless secured by alternative means;
- Waste collection facilities contribution.
2. A legal agreement between Wiltshire Wildlife Trust and Wiltshire Council to achieve implementation and maintenance of ecology mitigation measures relevant to the Trust via a revised Management Plan for Green Lane and Biss Woods covering the following:
- To provide an account of the role the site plays in achieving the conservation objectives of the Bath and Bradford on Avon Bats SAC, and a specific objective to maintain the population of Bechstein's bats through maintenance of the structure and function of the habitats within the plan area;
  - To incorporate all relevant land transfers to WWT and commit the trust to managing these in line with the objectives of the revised plan;
  - To define the operating constraints for the ecological visitor centre and car parking arrangements which arise from the potential for recreational pressure to reduce the value of the site for Bechstein's bats;
  - To set out types and levels of acceptable amenity and educational use and the means by which these will be monitored and reviewed;
  - To set out what constitutes acceptable and unacceptable fire making and a protocol to be followed to minimise and deal with the latter;
  - To include an objective regarding the maintenance, and where necessary, replacement, redesign and / or repositioning of bat boxes for Bechstein's bat use;
  - To recognise the role of the Steering Group in reviewing the implementation of relevant aspects of the management plan, monitoring results and implementation of remedial measures;
  - To anticipate the potential effects of increased visitor numbers and identify monitoring to be undertaken, thresholds for unacceptable change and remedial measures.

**Management Plan to be implemented by Wiltshire Wildlife Trust with governance of relevant elements by the Steering Group.**

**The agreement will also commit the Trust to employ a full time warden to implement the plan and to engage with local residents in order to enhance understanding of local ecological features with a view to reducing impacts from potentially damaging behaviours.**

**Or in the event that the S106 legal agreements are not now completed in accordance with the above terms by 31 March 2023, to authorise the Head of Development Management to then – in these circumstances – REFUSE planning permission for the following reason –**

- 1. The planning application fails to make provision for essential infrastructure made necessary by the proposed development – namely, affordable housing, education facilities, health facilities, open spaces, ecology mitigation, highways infrastructure and waste collection facilities. With particular regard to affordable housing, the planning application fails to make adequate provision for affordable housing in accordance with adopted affordable housing policy and/or fails to offer a means of achieving compliance with adopted affordable housing policy over the lifetime of the development.**

**This is contrary to Core Policy 3 ('Infrastructure Requirements') and Core Policy 43 ('Providing Affordable Housing') of the Wiltshire Core Strategy and national planning policy (paragraph 57 of the National Planning Policy Framework and 'Viability' guidance in the Planning Practice Guidance).**

**A planning permission will be subject to the following planning 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 development;**

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(s) for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of fifteen 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 outline element of the development hereby approved shall make provision for the following:

- (i) At least 13.6 ha of land for employment purposes (Class E ('Business' only), B2 and/or B8 uses);
- (ii) Two separate sites of at least 1.8 ha each and two separate 14-class primary schools thereon, and a single serviced site of at least 5.24 ha for a secondary school;
- (iii) Two separate sites of at least 1 ha and 0.2 ha respectively for two separate 'local centres'; in combination the local centres to provide suitable premises which could include a mix of convenience shops and small other shops, community facilities, 'early learning' facilities and 'food & drink' premises (Class E), 'drinking establishments' (Class A4) and 'hot food & takeaway' uses (Class A5);
- (iv) Sites for public open space to be sited, laid-out and equipped in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6.35 ha of formal sports pitches with pavilion / changing rooms / parking, at least 1.2 ha of 'destination play' area, at least 44.4 ha of major open space or country park (to include an Ecological Visitors Facility), at least 14.4 ha of natural and semi-natural open space including structural planting, and at least 0.9 ha of allotments;
- (v) An 'Ecology Visitors Facility'; and
- (vi) Up to 2,500 dwellings of which no more than 315 (including within the 'local centre') are to be provided on the north-east side of West Ashton Road.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the 'Indicative Masterplan' (drawing no. A.0223\_77-01 Rev AB) dated 20/04/17 and the related parameters plans set out in the Design and Access Statement.

**REASON:** To ensure the creation of a sustainable and balanced urban extension, in accordance with the requirements of the Wiltshire Core Strategy and the intentions of the Design and Access Statement accompanying the planning application.

- 5 The development hereby approved shall be carried out substantially in accordance with the following approved plans:

Indicative Masterplan - A.0223\_77- 01 REV: AC; Movement and Access Parameter Plan – A.0223\_17-2G; Building Heights Parameter Plan – A.0223\_19-1L; Green Infrastructure Parameter Plan – A.0223\_16-1M; Land Use Parameter Plan – A.0223\_19-1N; Design and Access Statement – A.0223\_26-2N dated September 2017; 889\_200 rev C Phasing Plan

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

- 6 With the exception of the Yarnbrook & West Ashton Relief Road, before any other parts of the development hereby approved are commenced the following shall have been carried out:

(a) The submission to the local planning authority for approval in writing of detailed schemes for 'advance ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -

(i) a scheme for strengthening of the hedgerow alongside West Ashton Road to the south-west corner of Biss Woods with thorny planting and fencing, and provision for future maintenance;

(ii) schemes for the 100m buffer between Biss Woods and the employment land and between the employment land and the east of West Ashton Road housing land, to include landscaping with appropriate impenetrable fencing and hedge planting and provision for future maintenance in accordance with Figure 6.2 of the ES Addendum Volume 1;

(iii) a scheme for the Attenuation pond based on Figure 6.1 of the ES Addendum Volume 1, creating a barrier to pedestrian access between the Green Lane Nature Park Extension and the east of West Ashton Road residential area to include landscaping, fencing and provision for future maintenance;

(b) The implementation and completion of all of the above schemes as

approved and continuing maintenance thereafter in accordance with the maintenance elements of the schemes.

Before 150 of the dwellings on that part of the application site to the east of West Ashton Road are first occupied the following shall have been carried out:

- (a) The submission to the local planning authority for approval in writing of detailed schemes for 'further ecology mitigation', broadly in accordance with the Green Infrastructure & Biodiversity Strategy dated September 2017, as follows -
  - (i) A scheme for a circular pedestrian footpath route which will be at least 3km in length and link the Green Lane Nature Park with the River Biss (with minimal use of roads). The scheme will include details of the footpath - its width, surfacing materials, fencing and signposting.
  - (ii) a scheme for the laying out and equipping of the 'Biss River Corridor' and enhanced planting between Biss Woods and the River Biss and the Green Lane Nature Park Extension, to include landscaping, boundary treatments and provision for future maintenance, where relevant in accordance with the specifications set out in the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD);
- (b) The implementation and completion of all of the above schemes as approved.

**REASON:** To safeguard ecological interests, and specifically bats and their habitats.

- 7 The 'means of access' to the site (which for the purposes of this condition includes the entire proposed Yarnbrook & West Ashton Relief Road and its related new roundabout junctions, the alterations to the existing West Ashton Road/Bratton Road/A350 junction, the new roundabout 'R4', the new spur roads and related bridges (from West Ashton Road and new roundabout R2), and the West Ashton Road Cycleway Provision) shall be constructed substantially in accordance with the following 'PFA Consulting' drawings:

- P480/100 Figure 6.5 Rev F (Yarnbrook & West Ashton Relief Road Sheet 1 of 4) dated 18/08/17
- P480/101 Figure 6.6 Rev G (Yarnbrook & West Ashton Relief Road Sheet 2 of 4) dated 18/08/17 (as amended through an email from Aspect Ecology (AB to LK) dated 2/3/18)
- P480/102 Figure 6.7 Rev F (Yarnbrook & West Ashton Relief Road Sheet 3 of 4) dated 28/07/17
- P480/103 Figure 6.8 Rev E (Yarnbrook & West Ashton Relief Road Sheet 4 of 4) dated 18/08/17

- P480/104 Rev D (Central Roundabout (R4) Access on West Ashton Road) dated 18/08/17
- P480/105 Rev E (Northern Site Accesses & Cycleway Provision) dated 08/09/17
- P480/106 Figure 6.4 Rev F (Yarnbrook & West Ashton Relief Road Overview) dated 18/08/17
- P480/107 Rev E (Northern Junctions & Cycleway Provision Overview) dated 08/09/17
- P480/108 Figure 6.9 Rev B (Typical Section H-H through Relief Road with Elevation of Culvert) dated 07/07/17
- P480/109 Rev C (West Ashton Road Northern Cycleway Improvements) dated 09/09/17
- P480/110 Figure 6.10 Rev E (Yarnbrook & West Ashton Relief Road. Possible Planting Along Existing A350) dated 18/08/17
- P480/111 Rev C (Typical Section Through Relief Road (Roundabout R1-R2)) dated 18/08/17
- P480/112 Rev F (Primary Highway Works Plan) dated 08/09/17
- P480/113 Rev C (Access Junctions Swept Paths) dated 18/08/17
- P480/26 Figure 6.11 Rev D (Yarnbrook & West Ashton Relief Road Indicative Bridge General Arrangement) dated 18/08/17
- P480/41 Figure 6.12 Rev D (Yarnbrook & West Ashton Relief Road Southern Access Bridge General Arrangement) dated 18/08/17
- P480/51 Figure 6.13 Rev A (Northern Access Bridge General Arrangement) dated 02/04/14
- P480/114 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P480/115 Rev B (Highway Long Sections Sheet 2 of 4) dated 07/07/17
- P480/116 (Highway Long Sections Sheet 3 of 4) dated 04/14
- P480/117 Rev A (Highway Long Sections Sheet 1 of 4) dated 07/07/17
- P843/08 Rev A (Biss Wood Scout Camp Site Access Visibility) dated 02/01/18
- P480/118 (Yarnbrook and West Ashton Relief Road. Minor amendment to R1 to access Paddock) dated 25/01/18

The means of access shall be provided in accordance with the Phasing Plan and Order of Delivery Schedule to be submitted and approved under condition 5.

**REASON:** To ensure proper and timely delivery of the means of access in accordance with the agreed scheme and in the interests of highway safety.

**8** With regard to the reserved matter relating to the landscaping of the site, the details to be submitted for each Phase shall be in accordance with the following documents forming part of the application:

- Green Infrastructure and Biodiversity Strategy (September 2017);

- ES Addendum Volume 1 Figures 6.1 and 6.2 showing details of design of attenuation ponds and buffer between employment and residential land;
- ES Addendum Volume 1 Figures 6.4, 6.17, 6.18 and 6.19 showing details of dark corridors through mixed use development.

The details themselves shall include where relevant the following:

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

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape and ecology features.

**9** Notwithstanding the landscaping details submitted for the 'access' elements of the application (including the Yarnbrook / West Ashton Relief Road), no development within any Phase or sub Phase relevant to that part of the access shall commence until a scheme of soft landscaping for that part of the access 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;
- minor artefacts and structures (e.g. signs, etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc



indicating lines, manholes, supports etc);

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

- 10** All soft landscaping comprised in the approved details of landscaping for any particular Phase or sub Phase of the development shall be carried out in the first planting and seeding season following the first occupation of any building within the Phase or the completion of the Phase or sub Phase 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.

- 11** No demolition, site clearance or development shall commence on site within any particular Phase or sub Phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within the particular Phase, 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 date of commencement of the Phase or sub Phase].**

**REASON: To safeguard trees to be retained in the interests of amenity.**

**12 Before the first occupation of 1,250 dwellings on any part of the application site (or before a percentage/number to be otherwise agreed in writing by the local planning authority are first occupied) the following shall have been carried out:**

- (a) The submission to the local planning authority for approval in writing of a scheme for the marketing of the 'Proposed Employment' land and the commercial elements of the 'Proposed Local Centres';**
- (b) Implementation of the marketing scheme in accordance with the approval;**
- (c) Construction and operation of the roundabout junction (R4) and at least 20m of the spur road and related services into the 'Proposed Employment' land.**

**REASON: To accord with the proposal and the requirements of the Wiltshire Core Strategy in that it allocates part of the application site for employment development.**

**13 With the exception of the 'Advance Ecology Mitigation', prior to the commencement of the development Stage 2 Road Safety Audit(s) shall be carried out for the Yarnbrook & West Ashton Relief Road and all other elements of the 'access' (either singly or in combination), and this/these shall be submitted to the local planning authority for approval in writing before any highway construction works begin. Thereafter, no development shall commence in any particular Phase or sub Phase of the development until full construction details/drawings of the means of access within that Phase or sub Phase have been submitted to and approved in writing by the local planning authority. Following approval the 'access' shall be constructed in accordance with the approved details/drawings and agreed Stage 2 Road Safety Audit(s).**

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

- 14 Notwithstanding the references in the Design and Access Statement, the development hereby approved shall make provision for vehicle parking in accordance with the Wiltshire Council Local Transport Plan 3 dated 2015. In this Strategy domestic garages will only count towards the parking provision if the minimum dimensions specified in the Strategy are achieved.

**REASON:** To ensure sufficient vehicle parking in the development in the interests of highway safety.

- 15 No development shall commence within any particular Phase or sub Phase of the application site until:

- (a) A written programme of archaeological investigation for the Phase, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** The application contains 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.

- 16 No development hereby approved (save for the construction of the Yarnbrook & West Ashton Relief Road) shall commence in any sub Phase of the development which includes land either adjacent to the railway line or adjacent to the 'green corridor' alongside the railway line until details of measures to safeguard the amenities of future occupants of the development within the sub Phase from potential noise disturbance from trains 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 railway line will be a potential source of noise disturbance to future nearby occupants of the development. This disturbance can be removed and/or reduced to acceptable levels through appropriate design and layout.

- 17 The application is supported by evidence which demonstrates that the potential for significant concentrations of contaminants to be present within the application site is low. However -

- (a) If, during any Phase or sub Phase of the development, any evidence of historic contamination or likely contamination is found,

the developer shall immediately cease work within the Phase or Sub Phase and contact the Local Planning Authority in writing to identify what additional site investigation may be necessary; and -

- (b) In the event of unexpected contamination being identified, all development within the relevant Phase or sub Phase of development shall cease until such time as an investigation has been carried out and a written report submitted to and approved in writing 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 potential land contamination is dealt with adequately in the interests of protecting the environment.

- 18 Prior to the commencement of any Phase or Sub Phase of the development which includes or affects any public rights of way within the Phase or Sub Phase, detailed schemes for the improvement of these rights of way (including widening and/or re-surfacing) and a programme for implementing the improvements shall be submitted to the local planning authority for approval in writing. Thereafter the development shall be carried out strictly in accordance with the approved improvements and the programme.

**REASON:** Improvements will be required to these public rights of way as a consequence of the additional use they will endure due to the development. The improvements will ensure the continued safe use and enjoyment of the footpaths by members of the public

**INFORMATIVE:** The Design & Access Statement indicates that parts of a number of public rights of way may be re-routed due to the development. No works directly affecting any rights of way may commence until a permanent diversion or extinguishment order has come into effect. The applicant must apply separately to Wiltshire Council for such an order, it cannot be presumed that the granting of this planning permission will automatically be followed by the making of the order. If Wiltshire Council makes an order and any objections to it cannot be resolved, the matter will be referred to the Secretary of State for determination. The Planning Inspectorate will make the determination on behalf of the Secretary of State. The LPA may agree to a temporary closure or temporary re-routing of the rights of way on the grounds of safety if necessary.

- 19 Prior to the commencement of development of any residential units in any Phase or Sub-Phase of the development an application for the stopping up and/or diversion of public rights of way NBRA9 and/or NBRA11 shall be submitted to Wiltshire Council. Following which no

residential development within any Phase or Sub-Phase crossed by these rights of way shall commence unless either:

- i) A footpath diversion and stopping up order that incorporates the stopping up of the existing footpath route across the railway at level has been made and confirmed by the local planning authority or the Secretary of State, or
- ii) the Secretary of State, upon consideration of a stopping up order made by the local planning authority as aforementioned in (i) above does not confirm the order.

Upon any confirmed diversion and stopping up order coming into force, the new footpath route shall be fully completed prior to the occupation of units within any Phase or Sub-Phase crossed by public rights of way NBRA9 and/or NBRA11.

**REASON:** To ensure the continued safe operation of the rights of way network.

**INFORMATIVE:** Network Rail will provide the developer with all the appropriate information to ensure railway safety issues concerning the White Horse and Yarnbrook railway level crossings are fully considered before a decision on the stopping up or diversion of the public rights of way NBRA9 and NBRA11 is taken by the local planning authority or Secretary of State.

**20** No development shall take place within individual Phases or sub Phases of the development until a site specific Construction Environmental Management Plan, or Plans, (CEMP(s)) for that Phase or sub Phase, or an overarching CEMP for the entire application site, has been submitted to and approved in writing by the local planning authority. The CEMP(s) must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan(s) should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Public Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall

- be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Construction traffic routing details.
- Ecology mitigation measures to cover -
  - protection of retained habitats;
  - creation of new habitats including provision of bat boxes;
  - management and monitoring of created and retained habitats (until taken over by management company or WWT);
  - precautionary working method statements and works to be overseen by an ecologist; monitoring requirements and details of frequency of monitoring, thresholds, remedial measures and timescales for remediation;
  - monitoring requirements for habitats, mitigation features and species including details of frequency of monitoring, thresholds, remedial measures and timescales for remediation (to cover amongst other things, establishment / width of hop-overs, habitat structure / composition of woodland in Biss and Green Lane Woods, bat use of underpasses);
  - testing and adjusting lighting, in accordance with monitoring results<sup>1</sup>;
  - compliance procedures.
- And with particular regard to the Yarnbrook & West Ashton Relief Road the following specific ecology mitigation information -
  - Long and cross sections for each underpass based on site surveyed; measurements showing the relative positions of hedgerows, existing ground levels, earthworks and underpass;
  - The timetable of works required to complete the culvert works having regard to seasonal ecological and planting constraints;
  - The programme of construction works to demonstrate how the ecological constraints of the culverts works have been fully integrated into the project programme (i.e. Gantt chart) and how it affects the critical path.
  - A protocol for constructing underpasses and hop-overs including exact timescales, demonstrating removal of as little hedgerow as possible, erection of 4m high bat fencing and establishing new planting.

The approved CEMP(s) 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 ecology mitigation and/or compensation measures identified in the CEMP(s) 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 first planting season following this, whichever is the sooner. Any approved remedial works shall then be carried out under the strict supervision of a professional ecologist following that approval.

**REASON:** In the interests of the amenities of surrounding occupiers and of wildlife during the construction of the development.

- 21 A Landscape and Ecological Management Plan (LEMP), or individual Plans, (LEMPs) for the 'River Biss Corridor', the '100m buffer' between Biss Woods and the employment land, the 'Green Lane Nature Park Extension', the 'Attenuation pond ... creating barrier to pedestrian access', other barriers to control access to Biss Woods, dark corridors through the mixed use development, and the Yarnbrook & West Ashton Relief Road shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the relevant element of the development to which the LEMP or LEMPS applies. The content of the LEMP(s) shall include the following 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 (including an annual work plan);
  - 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(s) 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 LEMP(s) shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP(s) are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP(s) shall be implemented in full in accordance with the approved details.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection,

mitigation and compensation for protected species.

- 22 No development in any particular Phase or sub Phase of the development or associated with the Yarnbrook and West Ashton Relief Road in isolation shall commence on site until a scheme for the discharge of surface water from the Phase or sub Phase or from the Relief Road in isolation, incorporating sustainable drainage details, and any related programme for delivery, has been submitted to and approved in writing by the Local Planning Authority. The development within the Phase shall not be first occupied and/or the Relief Road shall not be first used by non-construction traffic until surface water drainage has been constructed in accordance with the approved scheme(s) and related programme(s).**

**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 any phase in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 23 No development shall commence on site (save for the construction of the Yarnbrook & West Ashton Relief Road) until details of the works for the disposal of sewerage, including the point of connection to the existing public sewer and any off-site works, and any related programme for delivery have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved details have been implemented in accordance with the approved plans and related programme.**

**REASON:** To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 24 There shall be no surface water drainage connection from this development to the foul water system.**

**REASON:** To safeguard the integrity of the foul water system.

- 25 No external lighting (other than normal domestic lighting) shall be installed on site within each Phase or sub Phase 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) (or any standards updating or replacing these standards), for that Phase have been submitted to and approved in writing by the Local Planning Authority.**

Where lighting is proposed in ecologically sensitive areas (such as the



'dark corridors' for bats) the lighting details and related scheme shall ensure minimum impact on the ecological interests of these areas and accord with:

- 'Interim Guidance Recommendations to help minimise the impact of Artificial Lighting' (Bat Conservation Trust 03/06/14);
- ES Addendum Volume 1 Figures 6.4, 6.18 and 6.19 showing principles of lighting design;
- Lighting of the Yarnbrook & West Ashton Relief Road to be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.

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

In addition there will be no lighting above or beneath bridges except at B3 where lighting will be in accordance with Figure 6.17 and 6.20 of the ES Addendum Volume 1.

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

- 26 With the exception of the Yarnbrook and West Ashton Relief Road, no development shall commence in any particular Phase or sub Phase of the development hereby approved until a scheme for the provision of fire hydrants to serve the Phase or sub Phase and any related programme for delivery has been submitted to and approved in writing by the local planning authority. Thereafter no dwelling shall be occupied within the Phase or sub Phase until the fire hydrant serving the dwelling has been installed as approved.

**REASON:** To ensure the safety of future occupiers of the dwellings.

- 27 Notwithstanding the information set out in the Waste Management Strategy (May 2015) accompanying the planning application, a further more detailed waste management strategy or strategies shall be submitted to the local planning authority for approval in writing prior to commencement of the development. The more detailed strategy or strategies will add detail to the initial Waste Management Strategy, specifying in particular where and how construction waste (notably the waste material excavated from the site to enable construction works) will be, in the first place, re-used on site (including estimates of quantities to be re-used and where); and, in the second place, removed from the site (including quantities, end disposal locations and transportation routes thereto). Additionally, the detailed strategy or strategies will provide a 'plan' for the management of other waste arising from civil and building construction, including measures to minimise such waste generation in the first place and to re-cycle wherever possible. The development shall

be carried out strictly in accordance with the original Waste Management Strategy (May 2015) and the subsequent approved and complementary more detailed waste management strategy or strategies.

**REASON:** The original Waste Management Strategy contains insufficient detail to enable waste management to be agreed at this stage. The requirement for a more detailed waste management strategy arises from Wiltshire Council's Waste Core Strategy Policy 6 (Waste Reduction and Auditing), and in particular its requirement to demonstrate the steps to be taken to dispose of unavoidable waste in an environmentally acceptable manner and proposals for the transport of waste created during the development process.

**INFORMATIVE:** The reason for allowing the potential for more the one waste management strategy is in the event of the Yarnbrook and West Ashton Relief Road requiring a standalone strategy for the management of its waste.

- 28 Prior to commencement of the development hereby approved a strategic level scheme for the provision of ultra low energy vehicle infrastructure (electric vehicle charging points) and a programme for delivery shall be submitted to the local planning authority for approval in writing. The approved scheme shall inform the subsequent reserved matters applications, and shall be implemented as approved and in accordance with the programme.

**REASON:** In the interests of air quality and reducing vehicular traffic to the development.

**INFORMATIVE:** It is recommended that the ultra low energy vehicle infrastructure should be provided at appropriate publicly accessible locations such as the local centres but not for individual residential dwellings.

- 29 Prior to the commencement of each Phase or sub Phase of the development or commencement of the Yarnbrook and West Ashton Relief Road hereby approved, a scheme or schemes of ecology enhancement measures as identified in the Environmental Statement Addendum Volume 1, to include (as appropriate) designs, locations, numbers and sizes of each measure and a programme for their delivery, for each Phase or sub Phase or the Yarnbrook and West Ashton Relief Road shall be submitted to the local planning authority for approval in writing. The scheme or schemes shall be implemented as approved in accordance with the programme and maintained thereafter.

**REASON:** In the interests of safeguarding other ecological interests.

- 32 The residential development hereby approved in outline form shall be designed to ensure that the new housing does not exceed 110 litres per person per day water consumption level (which includes external

water usage). Within 3 months of each phase being brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

**REASON:** In the interests of sustainable development and climate change adaptation.

- 33** With the exception of the Yarnbrook and West Ashton Relief Road, no development hereby approved shall commence until a scheme setting out a strategy for the control / removal of Himalayan balsam has been submitted to and approved in writing by the local planning authority. The scheme shall include a programme for the implementation of the strategy. The strategy shall be implemented in accordance with the approved scheme and programme.

**REASON:** In the interests of ecology and to ensure compliance with the Wildlife & Countryside Act 1981 (as amended).

**34** **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).

**10** **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.50 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services,  
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