

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 February 2023
<b>Application Number</b>	20/09659/FUL
<b>Site Address</b>	Land off Frome Road, Upper Studley, Trowbridge
<b>Proposal</b>	Erection of 50 dwellings and associated access and landscaping works
<b>Applicant</b>	Newland Homes Ltd
<b>Town/Parish Council</b>	SOUTHWICK; TROWBRIDGE
<b>Electoral Division</b>	TROWBRIDGE GROVE (Cllr David Vigar) SOUTHWICK (Cllr Horace Prickett)
<b>Grid Reference</b>	384365 156185
<b>Type of Application</b>	FULL
<b>Case Officer</b>	Andrew Guest/Martin Broderick

### Reason for the application being considered by Committee

This application has been 'called in' for Committee determination at the request of the former local Trowbridge Grove division councillor, David Halik on the 12 January 2021, for the following reasons:

- Scale and neighbouring amenity

### 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved.

### 2. Report Summary

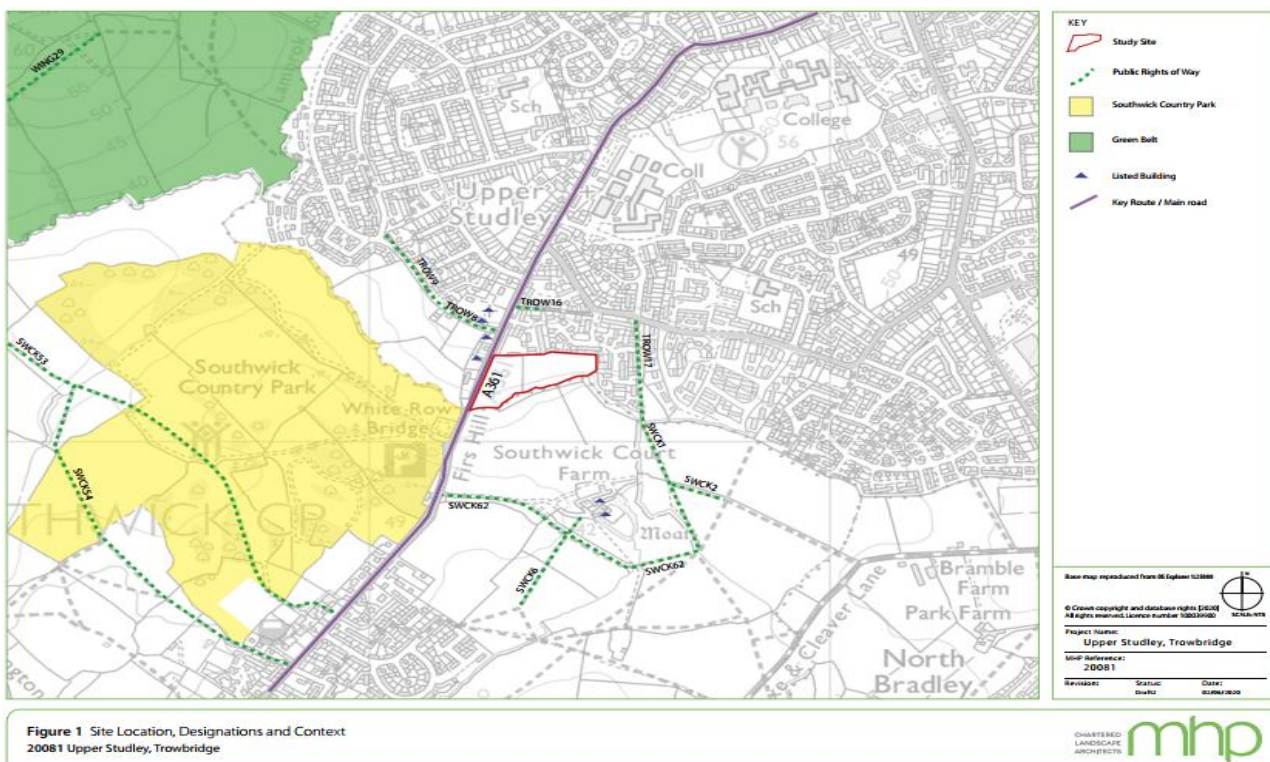
The main planning issues are considered to be:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)

- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

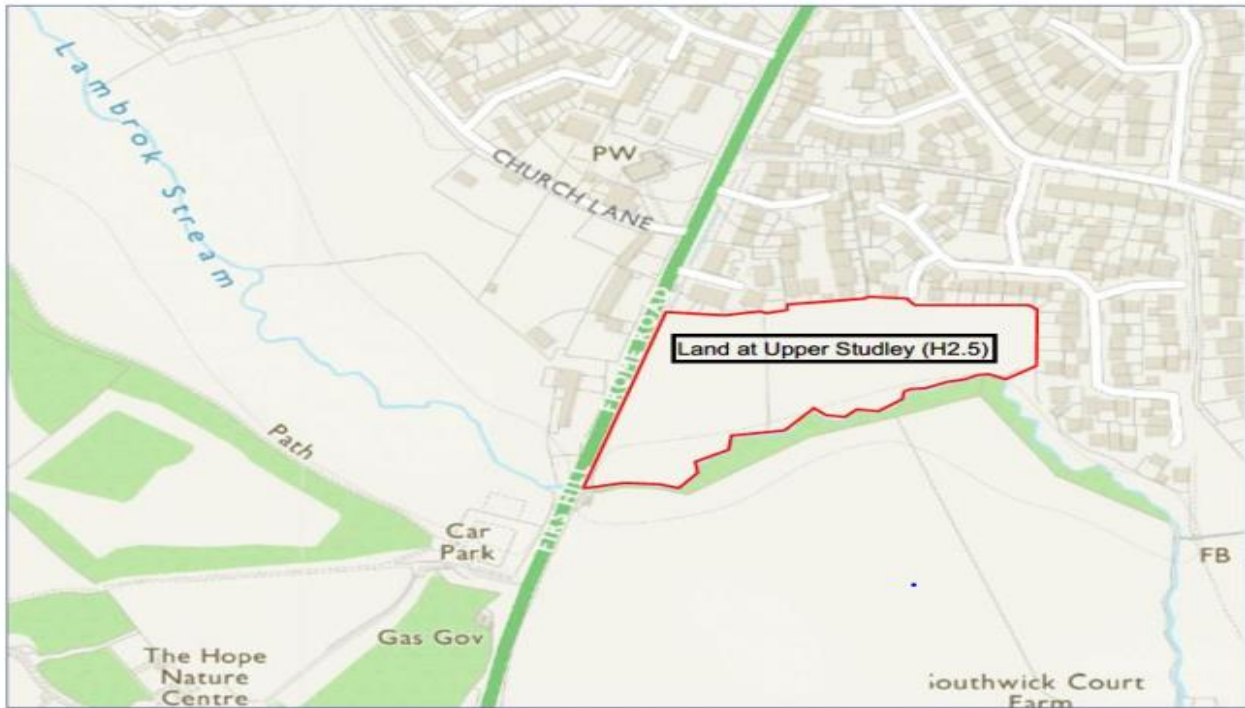
### 3. Site Description

The application site extends to approximately 2.30ha and is surrounded by existing residential development to the north and east, The Poplars and Spring Meadows, and Frome Road and Southwick Country Park to the west, and Lambrok Stream to the south Figures 1 and 2 and Appendix A).



**Figure 1** Site Location, Designations and Context  
20081 Upper Studley, Trowbridge

**Figure 1** Site Location and designations



**Figure 2 Site Location**

The site comprises open agricultural land that has most recently been used as a smallholding. The site slopes from north to south, down to the Lambrok Stream that runs along the southern boundary. There is an existing field gate access onto White Row Hill (A361) to the east.

The site is located in an accessible location on the south-west side of Trowbridge, approximately 2km from the town centre.

Heritage assets near to the application site include:

- The grade II\* listed Southwick Court c.300m to the south and the separately listed associated Gatehouse and Bridge which are also grade II\* listed;
- The grade II listed Rose Villa, 352 Frome Road, Trowbridge lying to the east of the site;
- The grade II listed 344 Frome Road, Trowbridge lying to the northeast of the site; and
- The grade II listed St John's Church School, Hall and School Master's dwelling to the north of the site (north of Church Lane).

#### **4. Planning History of Application site**

There is no recorded planning history relating to the application site. However, the following live undetermined applications on the following adjacent sites are (see Figure 3) relevant:

Reference	Description	Decision
18/10035/OUT	<b>Land at Church Lane (H2.4):</b> Outline application for residential development (up to 55 dwellings) with the creation of new vehicular access off Frome Road and removal/demolition of all existing buildings (all matters aside from the formation of the new vehicular access are reserved)	Pending
20/00379/OUT	<b>Land adjacent to Southwick Court (H2.6):</b> Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.	Pending

The site was initially promoted for development at the outset of the Wiltshire Housing Site Allocation Plan (WHSAP) making process, which commenced in 2015. Representations were submitted in response to all stages in the subsequent plan-making process which culminated in an Examination in Public that took place in April 2019. Trowbridge Town Council supported the scheme at the Examination. The Inspector's Report dated January 2020 endorsed the allocation of site H2.5. The WHSAP was formally adopted in February 2020.



*Figure 3 Related WHSAP allocated sites*

## 5. The Application

The application is for 'full' planning permission for a scheme of 50 residential units and associated access and landscaping works. A full description of the proposals is set out in the applicant's Design and Access Statement and Landscape Strategy. Appendix B and Figure 4 below shows the site layout.



Figure 4 Site layout

The extent of developable area has been dictated by the flood plain associated with Lambrok Stream to the south and the formation of a communally managed buffer around the north and eastern boundaries as the development abuts existing residential properties. This has enabled a set piece design to be created along the southern boundary, which will create a new 'designed' edge to this part of southwest Trowbridge.

### Housing Mix

Following engagement with the Council's Housing Team to determine the affordable housing mix, the proposed mix for the site is set out in the Table 1 and Figure 5 below (see also Appendix C). This makes provision for the full policy requirement provision of 30% of affordable homes, comprising social housing and an element of shared ownership. The open market mix has been determined through local agent advice, and the applicants own experience of the local market arising from the enquiries and transactions completed on their Bradley Road site in Trowbridge.

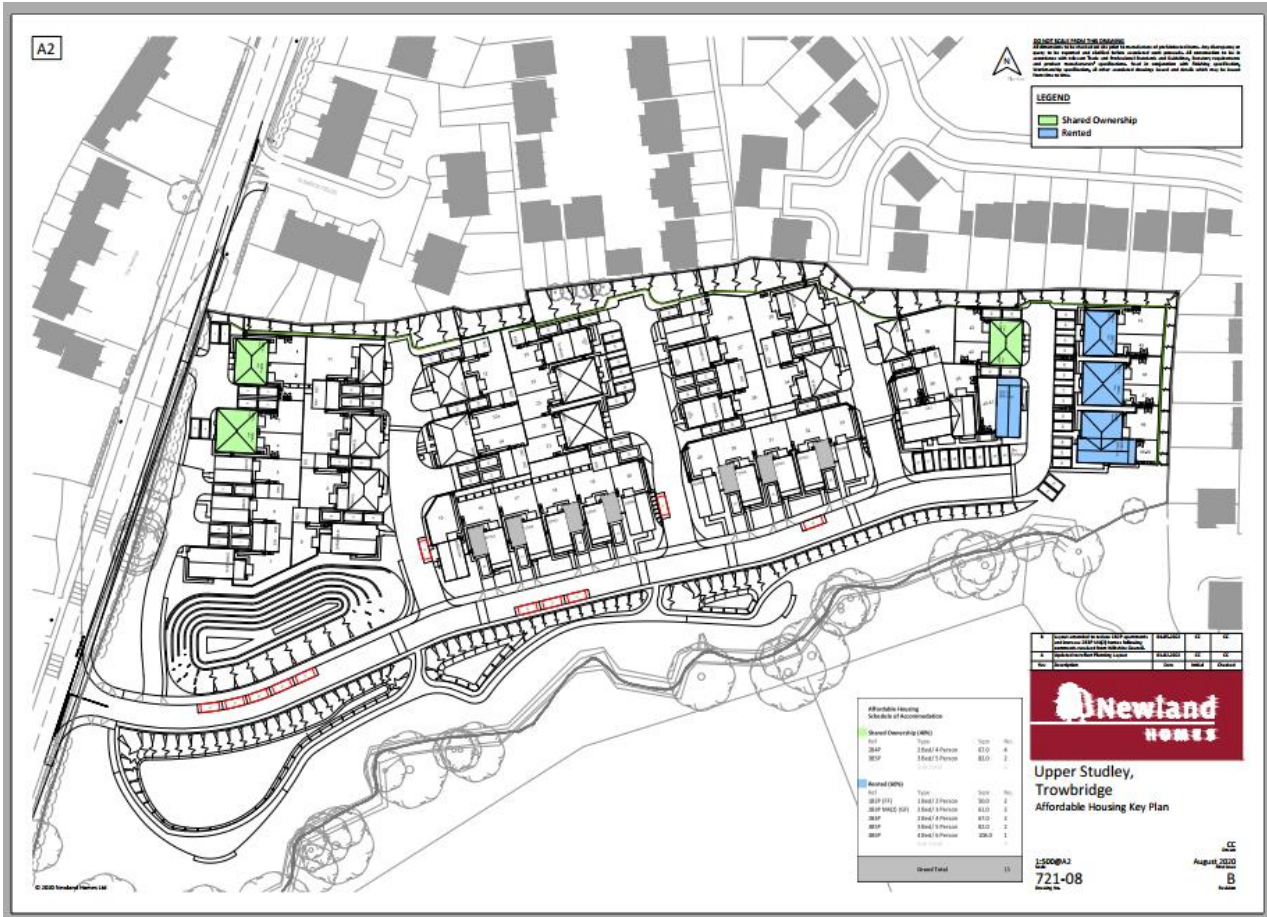


Figure 5 Affordable housing plan showing shared ownership (green) and affordable rent (blue) units

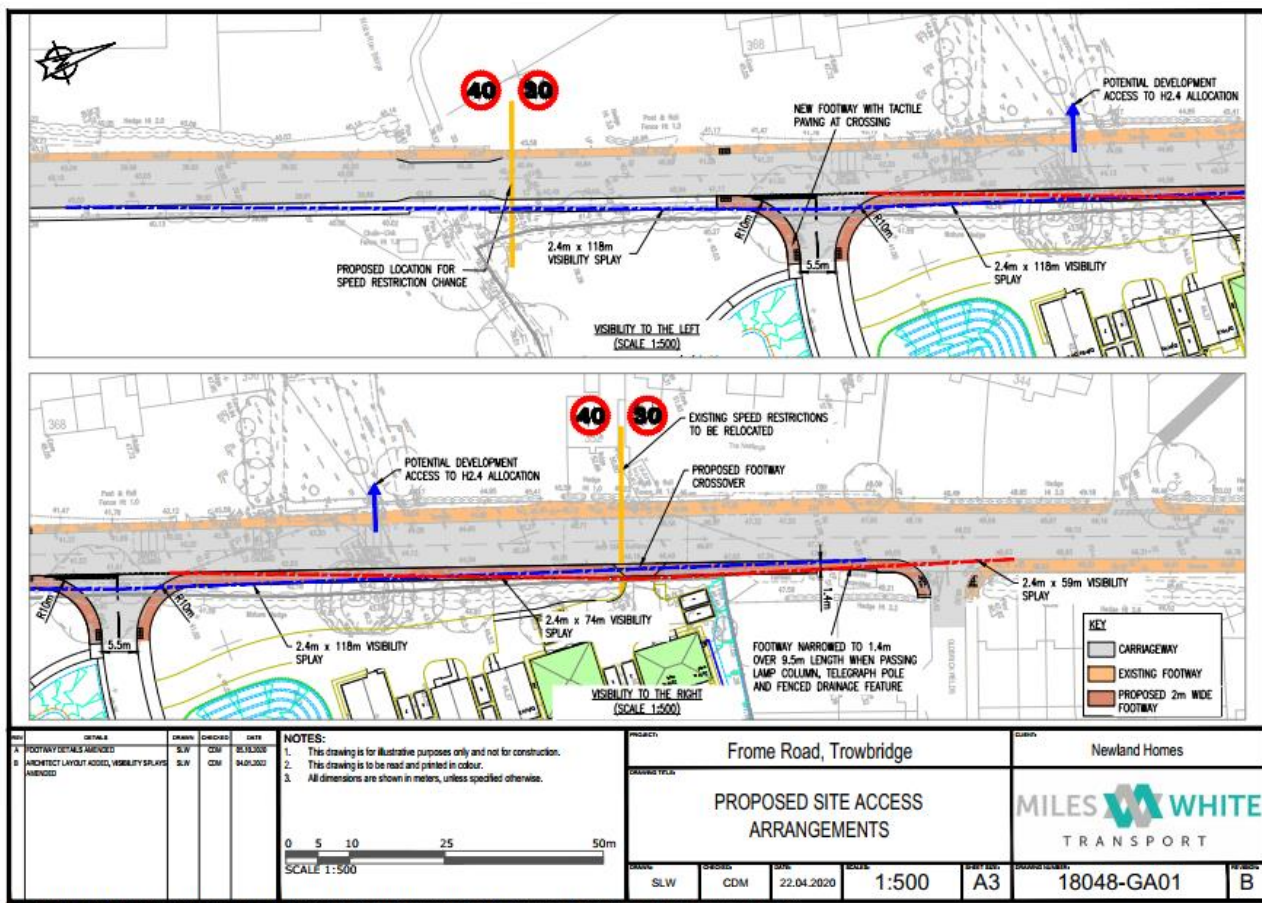
Schedule of Accommodation	
<p><b>Open Market Housing</b></p> <p><b>Ref Type No.</b></p> <p>SP2 2 Bed/ 4 Person 4</p> <p>AT2 2 Bed/ 4 Person 2</p> <p>HO3 3 Bed/ 5 Person 2</p> <p>HO3 DA 3 Bed/ 5 Person 1</p> <p>HN3 3 Bed/ 5 Person 6</p> <p>CR3 3 Bed/ 5 Person 3</p> <p>TH3 3 Bed/ 6 Person 7</p> <p>HA4 (SUN) 4 Bed/ 7 Person 3</p> <p>SH4 (SUN) 4 Bed/ 7 Person 5</p> <p>PB4 DA (SUN) 4 Bed/ 7 Person 2</p> <p><b>Sub-Total 35</b></p>	<p><b>Affordable Housing</b></p> <p><b>Ref Type No.</b></p> <p>1B2P (FF) 1 Bed/ 2 Person 2</p> <p>2B3P M4(2) (GF) 2 Bed/ 3 Person 2</p> <p>2B4P 2 Bed/ 4 Person 6</p> <p>3B5P 3 Bed/ 5 Person 4</p> <p>4B6P 4 Bed/ 6 Person 1</p> <p><b>Sub-Total 15</b></p>
<b>Grand Total 50</b>	

Table 1 Schedule of Accommodation

## Vehicular Access and Car Parking

It is proposed to form a new priority junction from the Frome Road (A361). The siting of the new junction is in the optimum location in terms of highway safety and affords a full standard of exit visibility in both directions (Figure 6 and Appendix D). A secondary access from Frome Road, in the location of the current field gate access, is proposed to service 4 No. plots as a private drive.

The internal access road runs parallel to the watercourse, outside the 1:1000 floodplain, and will be built to adoptable standards terminating at a turning head sufficient to accommodate turning for a refuse vehicle. Private drives are connected to the end of each termination point of the adopted internal access road.



**Figure 6 Proposed site access arrangements**

Car parking is proposed in accordance with the Council's standards along with the required provision for visitor parking and secure cycle storage as follows:

- 118 No. allocated spaces (NB. 109 spaces required)
- 11 No. visitor spaces (NB. 10 spaces are required)

## **6. Planning Policy**

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,
- CP29 – Spatial Strategy Trowbridge,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP56 – Contaminated Land,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1<sup>st</sup> Alteration):

U1a Foul Water Disposal and U2 Surface Water Disposal

Trowbridge Neighbourhood Plan (Area Designation June 2018)

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework July 2021 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- Trowbridge Bat Mitigation Strategy (TBMS) SPD

## **7. Consultations**

Trowbridge Town Council – Objection

The WHSAP Inspector required this site (WHSAP 2.5) to be considered together with two other sites (WHSAP 2.4 & 2.6) as linked sites with common issues and to that end requested a masterplan approach to address a number of aspects including landscape, ecology and heritage.

This joint approach is evidently lacking in this application.

There also is a failure by Wiltshire Council to provide the necessary guidance to the applicants for the three sites in respect of such Masterplanning matters as requested by the Inspector and until such guidance is provided and published none of the applications should be permitted.



Whilst it is recognised that the applicant for this site has done more than the other two to address such matters, including landscape and ecology, the lack of a joint plan which demonstrates that such matters have been considered jointly with the other two sites is unsatisfactory.

The lack of a flood risk assessment which clearly recognises the joint impact of the three sites on the Lambrok Stream and the potential to exacerbate flooding down-stream between Southwick Court and Cock Hill/Bradford Road, where the Lambrok joins the River Biss is also of concern and a reason for objection at this stage.

Environment Agency – No objection subject to conditions.

Historic England – No objection.

Wiltshire Council Highways – No objection subject to conditions and S106 contribution. Heads of Terms (HoTs) agreed.

Wiltshire Council Archaeology - No objection. It was recommended that a programme of archaeological and geophysical investigation is carried out in order to excavate and record these remains considered to be of archaeological interest. This is in line with the National Planning Policy Framework. This was reported in August 2022 and Wiltshire Council's archaeology officer was satisfied with its findings.

Wiltshire Council Drainage – No objection subject to the proposed development being subject to the drainage suggested conditions (and their previous comments being addressed within the detail submitted to discharge these conditions).

Wiltshire Council Arboricultural Officer – No response.

Wiltshire Council Leisure Strategy and Play Officer – No objection subject to S106 leisure contributions. HoTs agreed.

Wiltshire Council Public Protection Officer – No objection.

Wiltshire Council Environmental Health Officer - No objection subject to conditions.

Wiltshire Council Public Rights of Way Officer – No response.

Wiltshire Council Landscape Officer – No objection. They agree with the conclusions of the landscape technical note on cumulative effects. The sites are well buffered by open spaces and ecological corridors, in combination with the topography and proposed/retained vegetation. They note that there is little opportunity to view the sites in combination from PROWs, therefore *'it is considered that cumulatively these developments will not have an adverse impact on the landscape setting'*.

Wiltshire Council Education Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Affordable Homes Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Urban Designer – No objection subject to conditions.

Wiltshire Council Conservation Officer – No objection.

Wiltshire Council Spatial Planning – No objection.

Wiltshire Council Waste Collection – No objection subject to a S106 contribution. HoTs agreed.

Wiltshire Council Public Arts Officer - S106 contribution is required. HoTs agreed.

Natural England - As submitted, the application could have potential significant effects on Bath and Bradford on Avon Bat SAC. Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. The following information was required: *Habitats Regulation Appropriate Assessment (AA)*.

On the 20 December 2022 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) on the Bath and Bradford on Avon Bat SAC.

Ecology – No objection subject to s106 contributions and conditions. S106 HoTs agreed.

Salisbury and Wilton Swifts – No objection subject to condition.

## **8. Publicity and Subsequent Representations**

The application was advertised by:

- press notice,
- site notice,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

The deadline for any correspondence was 12<sup>th</sup> April 2022. 57 letters of objection were received on the amended plans. The application has been the subject of consultation exercises, and the following is a summary of the position reached following these. This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

### Principle

- Why is the proposal so densely populated with houses?
- Why not use brownfield sites?
- Lack of master-planning of cumulative effects with H2.4 and H2.6

### Impact upon the area

- Flooding and drainage
- Reduction in biodiversity
- Impacts on bats
- Historical Aspects - The area has a number of Graded properties including Soutwick Court, St Johns Church and cottages around the church.
- Adequacy of infrastructure

### Impact on Amenity

- Inadequate landscaping

### Access

- Frome Road is very busy
- No indication for the charging of electric cars

## Other

- Why is there no school being provided on this site
- An irreversible loss of open countryside;
- Loss of open space for wildlife, potentially destroying natural roosting and food habitat for numerous birds and other wildlife.
- Increased flooding along the Lambrok Stream and beyond,
- Create more traffic nuisance, air pollution and noise to the area and indeed the town centre,
- Encroach on the buffer between the village of Southwick and Trowbridge,
- Impact upon the provision of local public services.

Friends of Southwick Country Park – Objection on grounds of lack of master-planning, flooding/drainage, biodiversity.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### 9.1 Principle

The principle of this site being used as housing has already been approved through the site allocation policy plan document (the WHSAP) that was adopted by Wiltshire Council in February 2020.

In the WHSAP the site is referred to as 'H2.5' and is subject to Policy H2.5, and this application is to, therefore, determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF. Policy H2.5 states that the site has been allocated for a development comprising of the following elements:

- *approximately 45 dwellings;*
- *vehicular access via a new junction arrangement off the A361; and*
- *improvements to cycling and walking routes through the site to link into the existing network.*

The current application seeks up to 50 dwellings, improved open space improved junction and improvements to cycle and walking routes and as such, in principle, would comply with Policy H2.5.

The site allocation policy document also states that the development will be subject to the following which will be assessed later in the report:

*Development will be subject to the following requirements:*

- *Core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate survey, impact assessments and the Trowbridge Bat Mitigation Strategy(TBMS);*
- *Appropriate mitigation to protect bats, including financial contributions towards management, monitoring and off-site measures as necessary, as informed by the TBMS;*
- *An attractive frontage to A361 and enhancement of this approach to the town;*

- *Retention and enhancement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements, and the creation of a publicly accessible Green Infrastructure corridor along the Lambrok Stream to protect and enhance the character, biodiversity and amenity provided by Southwick Country Park in conjunction with development at Southwick Court and Church Lane; and*
- *A Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Objections have been received as to why there are so many houses being built on the land subject of this application. Policy H2.5 requires approximately 45 dwellings. The proposal requests up to 50 dwellings which is marginally greater but within the 'approximately' parameters of the policy. The application demonstrates how 55 dwellings can be accommodated without causing harm; this is discussed later in the report.

## 9.2 Master-planning

Nearby to the application site are two further sites allocated in the WHSAP – referred to as H2.4 ('Church Lane') and H2.6 ('Southwick Court') with respective policies Policy H2.4 and Policy H2.6. Common to, and within, Policy H2.4, Policy H2.5 and Policy H2.6 are the following final requirements –

*Development will take place in accordance with a masterplan approved by the Council as part of the planning application process. The design and layout will take account of all policy requirements, including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site. Any cumulative issues associated with heritage, landscape, biodiversity and highway access should be considered on a comprehensive and consistent basis for allocations H2.4, H2.5 and H2.6 to ensure that new development sensitively addresses the urban edge of the town.*

The WHSAP has established the principle of development for the sites and highlighted areas that planning applications will be required to address, including flood risk and design.

The Town Council and a number of third parties have expressed the view that the above paragraph in the policies for each of the sites requires a comprehensive masterplan to be developed and approved by the LPA that covers all three sites and therein 'binds' each applicant/landowner/developer to an agreed set of 'parameters'. In actuality this is not the case, as is evidenced in the Inspector's report for the WHSAP.

The Inspector sets out in his report (at paragraphs 69 and 70) his expectation for the planning applications for each site to have regard to the other sites – this in view of their close physical relationships – and more specifically for any cumulative issues associated with heritage, landscape, biodiversity and highway access to be considered on a comprehensive and consistent basis. This does not mean that all three sites must be master-planned as one. The Inspector's report said/says –

*"...While all these [sites] are likely to come forward independently of each other, their close physical relationship could have particular implications, particularly for heritage, landscape, biodiversity and highway access if they do not take account of each other in terms of layout and the provision of mitigation measures. To be effective, each policy should make it clear that regard must be had to development taking place in other sites. Furthermore, both individual and cumulative effects on the Country Park must be taken into account." [Emphasis applied].*

It is clear from this statement that the Inspector recognised the close proximity of the three sites and the need to plan for potential cumulative effects associated with their development. At para. 70 he goes on to state:

*“This approach should not prejudice the delivery of each site. The recommended modifications make it clear that mitigation measures must be considered on a comprehensive and consistent basis. All this is likely to mean in practice is that schemes coming forward must have regard to other proposals in the development pipeline and ensure they are not mutually exclusive or prejudicial to each other.”* [Emphasis applied].

Again, the Inspector’s considerations are clear. He recognised/s that planning applications for each site would in all probability come forward through the planning system at different times, and schemes for developing each site should address impacts and mitigation measures on a consistent basis. But what is also clear is that development schemes on any, and all, of the three sites should not individually or collectively prejudice one another.

Whilst the policy must be read as a whole, there are three requirements to address in the final paragraph –

1. Development will take place in accordance with a masterplan approved by the Council as part of the planning application process.
2. The design and layout will take account of all policy requirements, [*i.e. the bulleted requirements in the policy see above*] including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site.
3. Any cumulative issues associated with heritage, landscape, biodiversity and highway access should be considered on a comprehensive and consistent basis for allocations H2.4, H2.5 and H2.6 to ensure that new development sensitively enhances the urban edge of the town.

Provided the planning application for H2.5 addresses these points and the rest of the policy requirements in full then it can be determined without the need to wait for schemes on H2.4 and H2.6 to similarly demonstrate how they have considered cumulative effects within their submissions. The key here is consistency and ensuring each development scheme comprehensively addresses policy requirements whilst also not prejudicing delivery on one, or all, of the allocated sites. With specific regard to point 1 the reference here is for a masterplan for H2.5 only – not a multilateral masterplan for H2.4, H2.5 and H2.6.

Therefore, there is a clear and unambiguous policy route through this issue of addressing cumulative effects and that route does not anticipate, or need the submission of a multilateral masterplan.

### 9.3 Design and impact upon the character and appearance of the area

Core Policy 51 states that:

*“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.”*

This advice is echoed in paragraph 174 of the NPPF.

Core Policy 57 states that:

*“New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.”*

The Council's Landscape Officer has made no objections to the proposal. One can therefore conclude that the scheme will meet the requirements of the above-mentioned policies i.e., that it will protect landscape character and not have any harmful visual effects upon the receiving landscape. In any event, it can be argued that this proposal is seeking to provide a better developed edge to Trowbridge, through a more softly treated margin as opposed to the backs of houses with sheds and fences in sight.

Naturally, CP51 allows for mitigation to be taken into account when assessing landscape impact. The applicants have provided detailed landscaping plans covering each section of the site with an illustrative plan covering the whole site to give the full picture. Such details are considered as acceptable mitigation and would need to be conditioned as part of any approval. The strategic planting (the planting not within private gardens) would be subject to further controls via the Landscape and Ecological Management Plan.

Core Policy 57 requires a high standard of design in all new developments. It requires developments to demonstrate that their scheme will make a positive contribution to the character of Wiltshire by amongst other things:

- enhancing the natural and historic environment and existing built form;
- retaining important landscape and natural features;
- responding positively to the existing townscape and landscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines;
- making efficient use of land whilst taking account of site characteristics and context
- having regard to the compatibility of adjoining buildings and uses and the impact on the amenities;
- ensuring legibility throughout the development; and,
- using a high standard of materials.

The scheme is allocated in the plan for approximately 45 units. Whilst 50 have been advanced in the application, it is considered that this number achieves best use of the land without comprising on quality, and so is acceptable. The design meets minimum parking standards, ensuring sufficient private amenity spaces, provision of bin and bike storage, appropriate levels of strategic landscaping and open space as well as sufficient road widths and pavements within the site. As such, it would be difficult to argue that this would be an over-development.

Furthermore, the density of development would not be at odds with established residential developments in Upper Studley. It is also of note that much of the existing housing consists of cul-de-sac style developments, and in that regard the proposal would seemingly blend in. Given that the site would be surrounded by existing housing, there are no concerns regarding its compatibility.

The proposal retains the Lambrook Stream corridor by providing a comprehensive package of landscaping and public open space along the southern side of the development. This ensures that the existing important landscape features on the site are retained and enhanced in line with CP 57 requirements.

Whilst the sole connectivity the site has is with the Frome Road, it has been evidenced during the lifetime of the application what the barriers are to greater connectivity e.g., ransom strips to the north and ecological and flooding issues to the south. With these constraints in mind, it is considered the scheme is acceptable in terms of safety, accessibility, and legibility. Footpath connectivity would link into the existing network along the Frome Road allowing people a safe walking route into the town centre.

The scheme has been the subject of detailed design assessment by the WC Urban Design Officer (UDO). Extensive comments were provided for the application in December 2020 and June 2021. Concerns raised have been addressed by the applicant during the life of the application.

In his final response dated 1 April 2022 the UDO states that:

*“I note the applicant's urban design response and explanations and confirmations as to what has been agreed with other officers and am content to consider most matters settled.”*

The last remaining issues related to amenity/privacy in the north-eastern corner of the site and separate cycle parking provision for upstairs apartment homes. Through amendments to the plans and via conditions, these matters have been resolved to the satisfaction of the UDO.

In light of the comments from the UDO and subsequent amendments to the plans, it is now accepted that detailed design matters have been addressed (e.g., buildings layouts, materials, elevational design, building lines, streetscapes) to ensure that a high-quality scheme will be delivered in line with the requirements of Core Policy 57 and Section 12 of the NPPF.

Other than the issue of neighbour amenity (for both existing and future occupants), which is covered in section 9.8 of this report, it is concluded that the design of the scheme and its impact on the surrounding landscape is acceptable and in-line with local plan policies covering these matters.

#### 9.4 Drainage and Flooding

Core Policy 67 seeks to ensure all new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental factors make these measures unsuitable. The NPPF at paragraph 167 requires all major development to incorporate SUDS unless there is clear evidence this would be inappropriate. The advice also requires recommendations from the LLFA to be taken into account and should have minimum operational standards and maintenance and where possible have multifunctional benefits.

In summary, there is no conflict with Core Policy 67 or guidance contained within the NPPF.

Representations (photos and videos) have been submitted which show that the land to the immediate north of the watercourse is subject to regular flooding. This ties in with the Environment Agency flood map which shows that this land is within EA Flood Zone 3. The proposed layout plan shows that all the planned housing would be outside of this flood zone, including the proposed attenuation basin that would store the site's runoff. The flood zone area is located to the south of the proposed roadway, with all housing being to the north. This south area is already wetland in view of it being within the flood zone. Any planned features within this wetland are for enhancement purposes only and are not drainage features.

Given that no properties or infrastructure is proposed to be constructed within Flood Zone 3, the any existing flooding issues in this area are of little relevance.

The ponds provided in the wetland area form part of the landscaping and amenity features of the proposal. As such they are not drainage features and so cannot be incorporated to provide attenuation as they would likely be flooded in times of extreme rainfall. However, their position would naturally provide low level cut-off in times of blockage, but only when river levels are low.

Modelled flood information provided within the BWB Flood Risk Assessment (FRA), and Hydraulic Modelling Summary Note (HMSN) indicate most of the development site is within Flood Zone 1 (area at low risk of flooding from rivers and sea), with a strip along the bank of the Lambrok Stream being Flood Zone 3, principal flood plain. The FRA also identifies the site as being at low risk from Pluvial (Surface Water), groundwater, sewer, and canal /reservoir sources of flooding.

To mitigate against flooding of the proposed dwellings a condition has been agreed for Finished Floor Levels to be set at 600mm above the 1 in 100-yr (+35% climate change allowance) flood level 40.43m AOD.

In response to comments during the planning consultation period BWB provided a response letter to address concerns that had arisen, dated 18 January 2022. The response letter spells out how the FRA they produced dated September 2020 conforms to current policy context set out within the Wiltshire Core Strategy, Policy 67: Flood Risk, as well as Wiltshire Housing Site Allocations Plan (WHSAP) Policy H2.5 "Upper Studley".

BWB further reviewed how the development site does not negatively affect the surrounding catchment, referring to the mapping information and guidance set out in the May 2019 Wiltshire Level 1 Strategic Flood Risk Assessment (SFRA).

Surface water runoff from the development's impermeable areas will be positively drained via a piped sewer network that will outfall the runoff to Lambrok Stream. Discharge rates will be limited from the development to Qbar 4.1 l/s.

Surface water runoff from the site's impermeable areas will be attenuated within a pond located to the lower south-western part of the development and will be sized to accommodate the 1 in 100-yr (+40% CCA) storm event.

Specifically chosen planting within the attenuation basin will help to provide biodiversity and amenity benefits through encouraging wildlife and helping to cleanse the runoff.

The Environment Agency commented:

*"Following review of additional information provided by Rachel Meredith (BWB Consulting) confirming there had been no new structures since approval of the previous flood model, we are in a position to withdraw our objection provided the following conditions are included in any planning permission."*

The EAs conditions were accepted by the applicant.

In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area through suitable management of surface water runoff discharging from the site.

## 9.5 Biodiversity

Wiltshire Core Strategy CP50 states that:

*"Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services."*

*All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development."*



*Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 of Wilshire Core Strategy where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.”*

There are ecological constraints on this site and any development must accord with the Trowbridge Bat Mitigation Strategy (TBMS).

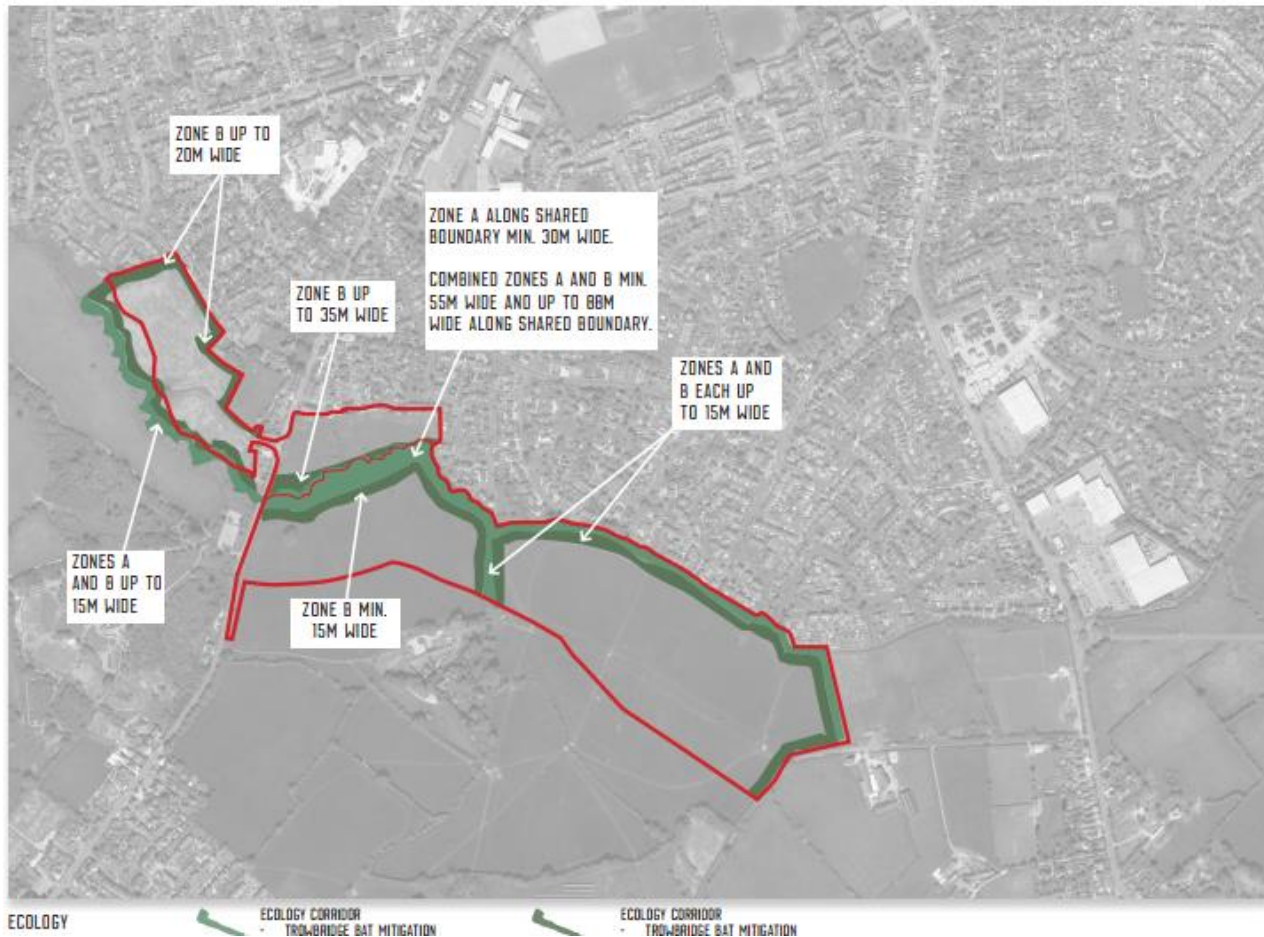
The application is accompanied by an ‘Extended Phase One Ecology Survey’, an ‘Ecology Masterplan’, and the ‘Ecology Cumulative Impact Assessment’. The Survey demonstrates that the site supports semi-improved poor grassland, hedges, a low population of slow-worm, common toads and potential for nesting birds and hedgehog. Otter and water vole are also present in Lambrok Stream at the southern boundary, which in accordance with the TBMS is also recognised as ‘core habitat’ for foraging and commuting bats.

Proposed mitigation and improvement proposals include:

- Species-rich neutral grassland (0.50ha);
- Hedgerow (0.33km);
- Shrub, tree, and broadleaved woodland (0.05ha) planting; and
- Wetland features.

With the exception of hedge planting (refer to BNG section below) these proposals are acceptable to the WC Ecologists.

A masterplan ‘Coordinated Strategy Masterplan – H2.4/ H2.5/ H2.6 allocation’ prepared by Greenhalgh (21/04/2021) has also been submitted (Figure 7). The Masterplan details a strategy that seeks to ensure compliance with the TBMS, specifically the location of ecology corridors, required to accommodate zones A and B. The site layout is compliant with the Coordinated Strategy Masterplan, and incorporates habitat buffers along ‘core area’ as required in the TBMS.



**Figure 6 Coordinated Strategy Plan**

New hedge planting is to be provided along the whole northern boundary, eastern boundary and along the western half of the access road (refer to detailed planting plans and Ecological Mitigation Plan). Once established this would provide connectivity along the northern and eastern boundaries. However, the proposal is unable to achieve no net loss in biodiversity with the submitted DEFRA metric calculation (Upper Studey Defra Metric 2.0) predicting a short fall of 3.37 habitat units. Off-site mitigation is, therefore, proposed to address this through financial contributions to a Council led scheme. They would be secured via the S106 agreement.

Construction-stage impacts on ecology would be avoided through the implementation of a Construction and Ecological Management Plan (CEMP). Long term impacts on wildlife would be avoided through the provision of new habitat and the retention and enhancement of existing habitats.

#### Habitat Regulations – Appropriate Assessment –

The proposal could have had significant effects on the Bath and Bradford on Avon Bat SAC. However, in view of all the additional supporting information provided which sets out how effects can be satisfactorily mitigated, both the WC Ecologist and Natural England have concluded that the proposal will not result in adverse effects on the integrity of the SAC. Accordingly, a positive Appropriate Assessment decision has been made.

#### 9.6 Archaeology

Trial Trenching in accordance with the Written Scheme of Investigation, as approved by the WC Archaeologist, has been completed. An Evaluation Summary was provided in August

2022. This confirmed the Desk Based Assessment findings that the site has no archaeological interest.

The WC Archaeologist has confirmed that there is no reason for any further archaeological work to be carried out.

### 9.7 Impact on the setting of Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 199 of the NPPF states that:

*"... when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 200 of the NPPF states that:

*"Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification."*

Paragraph 201 of the NPPF states that:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

Core Policy 57 of the Wiltshire Core Strategy states:

*"A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"*

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

Wiltshire Council's Conservation Officer is in agreement that there has been co-ordination between the promoters of the three allocated sites in this location (H2.4, H2.5 and H2.6) in respect of heritage considerations.

The closest heritage assets to the application site are the Listed buildings in Frome Road, notably Rose Villa. The proposal would have a neutral impact on these assets. Proposed works within their vicinity include the creation of a new footway on the east side of the road and the formation of the vehicular access into the site. The main access would be constructed to normal adoptable highways standards including lighting, with more low-key treatments within the site. The supporting information commits to the retention and reinforcement of the perimeter vegetation around the site, and this would maintain the character of Frome Road.

According to the WC Conservation Officer, the works within and adjacent to Frome Road are limited to that essential to allow the development of the site, and would not have a significant impact on the Listed buildings. The Conservation Officer, therefore, raises no objections to the proposal, finding the impact of the proposal to be neutral. The proposal is therefore in accordance with CP58 of the WCS.

## 9.8 Impact upon neighbouring amenity

Core Policy 57 point vii. requires development to have regard to

*“...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution...”*

With the above in mind, sufficient separation distances have been provided between the proposed dwellings and existing houses in the adjacent established residential area to ensure no loss of privacy, loss of light or overbearing impacts. In some areas there are level changes between the site and existing properties (the existing properties being higher), and this would further safeguard the amenities of the existing residents.

As for the new residents (at the lower level), the separations between the buildings would also safeguard their privacy. Some landscaping (tree planting) is also proposed on the common boundaries to soften and, to some extent, provide a screen.

With regards to the amenity impacts within the development site itself, no objections have been raised by the WC Urban Design Officer. The layout meets usual standards for new residential developments.

Regarding noise, a noise assessment has been submitted. It concludes no issues with the proposal that would impact negatively on the amenity of future or existing occupants. Noting that potential short-term disruption and disturbance from construction is not a ground to refuse an application, and can be controlled c/o a construction management plan.

## 9.10 Highways

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the stated ways of achieving this is by planning developments in suitable locations.

Paragraph 111 of the July 2021 NPPF states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Summary –

The site is allocated for residential development within the Wiltshire Housing Site Allocations Plan. The site is located in an edge of town location but within an accessible walking distance of a wide range of day-to-day services and facilities.

Development of the site would bring with it a new length of footway (approximately 110m) running north to connect with the existing footways that continue north towards Trowbridge town centre. Landscape and ecological constraints prevent delivery of a wider shared use path along this length.

The whole of the Trowbridge built up area is within a 5km distance of the site meaning that all services, facilities and employment opportunities available within the town are accessible by cycling.

Public transport services pass the site with bus stops available within a short walking distance. Buses operate to a 30-minute frequency on the route that links Frome, Trowbridge, Melksham and

Chippenham and are timed such that the bus can be used for a range of employment, retail, leisure and educational purposes.

A new site access junction would be introduced on Frome Road in the form of a simple priority T-junction. This would be located such that it is compatible with the proposed access arrangements associated with other allocated development sites in the local area. Visibility splays on egress from the proposed access would comply with the existing 85<sup>th</sup> percentile traffic speeds recorded through previous surveys.

The proposed site layout provides car and cycle parking in full accordance with Wiltshire Council's standards. It also allows appropriate access for service vehicles.

Trip generation analysis suggests that peak hour traffic flows to and from the proposed development site would likely be a maximum of 29 two-way vehicle movements in the highway peak hours with 63.3% travelling to and from the north and 36.7% travelling to and from the south. Based on previous traffic surveys, the additional traffic generated by the site would be likely to represent an increase of up to 2.1% in the highway peak hours and 1.6% across a typical weekday. This level of flow increase is considered small and would not have adverse implications on the existing operation or safety of Frome Road or the local area.

Cumulative issues associated with planned delivery of the adjacent Church Lane and Southwick Court developments have been considered and appropriate access arrangements for all three identified in accordance with the WHSAP. These can be delivered separately but also provide suitable overall arrangements for the A361 Frome Road corridor as it passes the sites.

Transport Statement –

A revised Transport Statement (TS) was submitted and published online on 17 March 2022. The Highways Officer broadly agrees with the majority of the TS, excluding consideration of accessibility to local services which may be enhanced through connectivity with adjacent sites; this is considered in the TS and dismissed, and also considered further below. With regards to cumulative impacts, the TS considers the impact of sites H2.4, H2.5 and H2.6 together which is the correct approach and in accordance with the WHSAP.

The TA does not consider the wider growth agenda for Trowbridge. But in any event the application proposes financial contributions towards proposals set out in the Trowbridge Transport Plan, notably relating to improving pedestrian accessibility to the town centre.

Detailed matters –

The WC Highways Officers final response to the application is set out below –

*In light of Policy H2.5 and the consideration of adjacent sites H2.4 and H2.6, Miles White Transport drawing 18048-GA03 provides a summary of the 3 sites access junction arrangements onto Frome Road. Whilst a number of access points in a short distance would be typically objected to on the basis of multiplicity of access points, which may present safety issues, in this instance, it is intended to have the opposite effect through identifying to drivers that they are entering an urban fringe with greater activity thereby eliciting greater caution.*

*The site-specific access details are illustrated on drawing 18048-GA1 Rev B, and this displays the principal vehicle access serving the site which is presented as a typical minor/major priority junction with 5.5m minor arm carriageway width and 2.0m footways on either side of the access road. The access is served by sight stopping distance visibility of 2.4m by 118m, which has been illustrated to be sufficient with the recorded road speed. The 5.5m width is also typical of a residential road and allows for the passage of a large vehicle, such as a refuse vehicle, and a typical car at 30MPH.*

*An additional vehicle crossing is also provided and located just within the existing 30MPH limit. Because drivers exiting the vehicle crossing will observe cars approaching the 30MPH limit at a decreasing speed, but likely to be faster than 30MPH, the designer has been mindful to ensure that a 40MPH vehicle on the major road can be accommodated coming from the south (74m visibility splay) and a 37MPH car accelerating within the 30MPH limit from the north (59m visibility splay). Both access points are considered sufficient for the intended use and further allow the accommodation of existing road speeds.*

*Miles White Transport drawing 18048-GA03 further illustrates the delivery of a footway connection along the A361 to Old Brick Fields, with dropped ped crossings (tactiles) on both sides of the junction. On the approach to Old Brick Fields, it is noted that a fenced drainage structure prevents the delivery of a 2m width path, which is reduced to 1.4m width. Rather than commit to the reduced width route at outset, it is suggested that a study is carried out with Wiltshire Council Drainage Team to establish what alterations may be made to the drainage feature to allow a full 2m width footway to be delivered. In this regard, a condition is proposed by highways.*

*The applicants assert that The Disability Discrimination Act 1995 (2015 addendums) requires that a minimum 1200mm wide footway should be applied to new developments. They state that there is currently no Wiltshire Council Highways Design Guide that would contradict this and therefore a 1400mm wide footway should be acceptable. This is noted in both of their drawings and Transport Statement. It is also asserted by the applicants that they have done studies into the possibility of widening this section of pavement and have provided information on its feasibility. However, given this will be the sole access into the site for pedestrians, this footway does become of elevation importance. Accordingly, officers consider the condition necessary and would therefore recommend it is imposed. It is noted that the LHA consider that it would be feasible to deliver said footway width.*

*The delivery of the footpath along Frome Road provides access to a number of amenities and facilities but does not provide cycle access and is not considered as attractive as routes through the adjacent existing housing estate and through the adjacent development site to the southeast (H2.4). The attractiveness of the alternative routes is generated through the reduced levels of traffic presenting a quiet road network that facilitates cyclists sharing the carriageway safely and removes many of the environmental factors that make walking along a busy thoroughfare unappealing; Frome Road does not present similar opportunities. With consideration for this, the Local Highway Authority (LHA) have been consistent in their requests for alternative footway/cycleway connections through to the northeast of the site.*

*Two further points of connectivity were initially requested; access to Spring Meadows and access through site H2.6 to Westmead Crescent and alternative Public Rights of Way connections to the east. Access to Spring Meadows has been dismissed by the applicant due to the potential for a marginal ransom between the application site and the highway boundary. Whilst the potential for ransom exists, this has not been clearly evidenced by a Land Registry Search and thorough assessment of the highway boundary. However, rather than pursue this matter, the LHA concede this point due to high gradients, but advise the applicant to avoid the application of site boundary treatment around Spring Meadows to allow future connections to be made; the LHA choose not to condition this matter, to avoid any assertion that the LHA are advocating or advising the use of a route to Spring Meadows in its current condition.*

*With regards to access to Westmead Crescent via H2.6, this would require a footpath/cycle path connection in the location of the break in vegetative screen between the sites crossing the Lambrook Stream. The applicants has made the following comments against the delivery of such a footway, namely:*

- that the area for the footway lies within Flood Zones 2 and 3;*
- that the suggested link is not a planning policy requirement and would not deliver any meaningful functional benefit in terms of desire lines from the application site to existing facilities and services in Trowbridge;*

- *that it is not necessary to make the development acceptable in planning terms;*
- *that there are ecological constraints to its delivery as well as impacts from engineering works required; and,*
- *that there would be significant costs associated with its delivery.*

*It is for these practical reasons, combined with the limited benefit of provision, that the applicant is not willing to provide the footway connection. Your officers have considered these reasons, including whether they themselves feel that the connection would be necessary to make the development acceptable, and have reached the conclusion that it should not be insisted upon. Although this issue of connectivity was initially raised by the LHA, they are no longer actively pursuing this connection.*

*With regards to materials, the planning layout (721-06 Rev C) illustrates the proposed delivery of pedestrian priority across side junctions as a function of material continuity with footways and side road shared surfaces; this approach is fully advocated. Whilst the LHA will broadly defer to their colleagues in Urban Design to determine the aesthetic of material choice, the engineering will need to be defined against agreed specification between Wiltshire Council and the developer. The LHA are also mindful that elements of engineering detail for road adoption have also been submitted and like material choice, this will require wider consultation beyond planning legislation and will need to ensure that the submission broadly comply with both the subsequent planning approval and provisions within the Highway Act 1980 and relevant engineer approval. In this regard, a condition has been proposed and accepted by the applicants to cover the submission of these details.*

*With further regard to site layout, it is acknowledged that the site does not afford full circulation by a refuse vehicle and that bin collection points are necessary. In order to avoid unnecessary large vehicle turning manoeuvres a condition has been agreed with Wiltshire Waste Services.*

*The LHA support the scheme coming forward, subject to the conditions identified above and to s106 contributions towards the Trowbridge Transport Strategy and bus shelter upgrades.*

To conclude on highways, the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development.

## 9.11 Other Matters

### Section 106

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed (see appendix C) to provide the following (The calculation is based on the net addition of dwellings as 50):

## Affordable Housing

CP43 states that on dwellings of 5 or more affordable housing provision of at least 30% will be provided and transferred to a Registered Provider. CP45 also requires affordable dwellings to address local housing need and to incorporate a range of different types, tenures, sizes of homes in order to create a balanced community. CP46 requires in suitable locations, new housing to meet the needs of vulnerable people will be required.

The proposal would therefore be required to provide 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.

The proposed units have been considered acceptable by the Councils Housing Officer.

## Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. In order to ensure this, Core Policy 3 lists the provision of education as a priority 1 theme where it is required due to the impacts of a development proposal.

In order to achieve this requirement, the proposed development is required to fund:

- Early Years Contribution – 7 places totalling **[£122,654]** with timing of payment of contribution TBA
- Primary Education Contribution – 14 places totalling **[£262,612]** with timing of payment of contribution TBA.
- Secondary Education Contribution – 10 places totalling **[£229,400]** with timing of payment of contribution TBA.

## Waste

A contribution of £91 per dwelling would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1. The total sum for the 50 dwellings would therefore result in £4,550.00.

## Leisure and Play

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

A public open space leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground has been agreed.

## Public Art

A public art contribution of £300 per dwelling is requested for the applicant to deliver the integration of public art for this site and no more than 10% of this should be spent upon the production of a public art plan. The total sum for 50 dwellings would therefore be £15,000.00.



Art and design in the public realm will help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development.

The above contribution is considered reasonable and necessary in line with the following policies of the development plan:

- Core Policy 3 promotes and defines public art as a type of place-shaping infrastructure and states that the cost of providing infrastructure can be met through the use of planning obligations.
- Core Policy 57 promotes “the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm.”
- Saved West Wiltshire District Plan 1st Alteration Policy I2 also makes reference to The Arts.
- The Planning Obligations Supplementary Planning Document (October 2016) refers to the 2011 guidance note of art and design in the public realm [page 31, paragraph 10]. This guidance note is attached for reference.

In addition, the NPPF recognises that cultural wellbeing is part of achieving sustainable development and includes cultural wellbeing within the twelve core planning principles that underpin both plan-making and decision-taking. The PPG complements the NPPF and states that *“Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.”*

The sum has been agreed with the applicants. However, they wish to retain the option of delivering a scheme themselves as Newland Homes have done on their recently built out Bradley Road site (application refs: 17/05669/FUL & 18/11915/VAR). Officers have no concerns with an either or clause within the s106 provided any art scheme delivered by Newland Homes has the prior approval of the Council’s Public Arts Officer.

### Highways & Public Right of Way

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives. CP 63 identified transport strategies for Wiltshire’s principal settlements (Trowbridge being one of them) which seek to achieve a major shift to sustainable transport by helping to reduce reliance on the private car and by improving sustainable transport alternatives. Part of the funding for these strategies is to be derived from developer contributions. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The following planning obligations are sought by the LHA:

- A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
- Bus stop shelter – White Row Park - £11,429

More detailed breakdowns of the contributions are detailed in the LHA consultation response. The transport strategy contribution is based upon infrastructure that is directly related to the impacts of housing growth caused by sites H2.4, H2.5 and H2.6, with the sum identified above being a percentage of the total figure covering all three sites.

Such contributions are necessary to mitigate the impacts of the development on the surrounding highways network and to encourage more sustainable travel movements to and from the development.

### Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be  $55 \times £777.62 = £38,881$ .

The contribution towards the TBMS, are to be paid before commencement, with no option for return after ten years. Setting up and remit of management company is also required for maintaining the bat habitat (marked on a plan) in a suitable condition for bats in terms of the ability of habitat to support invertebrate prey for bats and maintaining it in a dark condition.

As the site cannot deliver no biodiversity net loss (a requirement set out in TBMS policy), the applicants are required to pay an off-site contribution of £232,537 to account for the loss of 3.37 habitat units. The money will be used by the Council to fund the purchase of land to deliver the 3.37 habitat units. The land in question must be within the yellow zone of the TBMS. The planning permission is unable to deliver this on site and in the absence of the contribution would not be supported due to non-compliance with the TBMS (i.e., a breach of the habitat regulations).

The S106 must also:

- Secure appointment of ECoW prior to construction commencing.
- Where a Management Company is being required through the S106 agreement to manage open space across an application site and a LEMP has either been submitted or will be submitted by condition, the S106 should make clear that the Management Company is obliged to manage open space in accordance with the LEMP as approved by the LPA.
- Secure provision of off-site mitigation area Zone A in accordance the Ecological Mitigation Plan embedded in the Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts prepared by Clarkson and Woods, (May 2022).

These requests are considered under Core Policy 3 of the WCS as an infrastructure priority theme 1: specific projects needed to ensure compliance with the Habitats Regulations. As there is a direct link between the residual effects of additional housing on bat habitats the money is necessary to make the development acceptable and it also shows how it directly relates to this development. It is reasonable in scale and kind as it directly relates to the number of dwellings proposed for the site.

## **10. Conclusion (The Planning Balance)**

The site the subject of this planning application is an allocated housing site known as 'H2.5' in the Wiltshire Housing Site Allocations Plan (WHSAP), and accordingly its development for residential purposes is already established as acceptable as a matter of principle. In essence this planning application is to, therefore, 'just' consider the finer detail, and specifically the compatibility of the proposal with Policy H2.5 of the WHSAP and the wider Wiltshire Core Strategy. This report demonstrates that there is compatibility.

Regarding the 'benefits' and 'harms' resulting from the proposal – firstly, the benefits are:

- the boost to the supply of land for housing; and
- the provision of affordable housing

both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H2.5.

In addition, the proposals result in some economic benefits through construction and the additional spending of the new population supporting services and facilities in the locality, and these can be afforded a little weight.

It is considered that the proposal in principle would not cause a detrimental impact upon the amenity of existing or future occupiers subject to relevant conditions. The fully detailed proposal (this is a 'full' application) shows a well-designed layout which would introduce a softer edge to the countryside than presently exists; this is a positive benefit of the proposal.

Other matters to be considered on the planning balance are summarised as follows:

- **Drainage and Flooding -**  
The Council's Drainage Team and Wessex Water in their responses have confirmed that the level of detail provided as part of this application proves that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk, and therefore support the application in principle. This is therefore a neutral consideration on the planning balance.
- **Biodiversity -**  
There are ecological constraints on this site and any development must accord with the Trowbridge Bat Mitigation Strategy. The application demonstrates mainly positive outcomes for ecology, with the slight negative consequences for hedgerows addressed by an off-site financial contribution.

As submitted, the application could have had potential likely significant effects on Bath and Bradford on Avon Bat SAC. But Natural England required further information in order to determine the significance of these impacts and the scope for mitigation. In conclusion Natural England concurred with the conclusion of the AA to determine no adverse effect on Integrity (AEoI) of the Bath and Bradford on Avon Bat SAC.

This is therefore a neutral consideration on the planning balance.

- **Archaeology -**  
Wiltshire Council Archaeologist confirmed that there was no reason for any further archaeological work to be carried out in regard to this proposal and do not see a need for an archaeological condition to be attached to any planning permission that may be issued. This is therefore a neutral consideration on the planning balance.
- **Listed building setting -**  
Wiltshire Council Conservation Officer has no objection to a recommendation for approval subject to the usual controls to secure good design. This is therefore a neutral consideration on the planning balance.
- **Neighbour Amenity -**  
The well-designed layout which complies with relevant privacy and amenity standards means that this consideration can be given only very limited weight on the planning balance.
- **Highways -**  
It is considered that the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development. This is therefore a neutral consideration on the planning balance.

**Final Balance –**

On balance, it is considered that the proposal would result in no measurable 'harm' to the matters of acknowledged importance, but would have positive benefits in terms of delivering housing. Accordingly, permission is recommended.

**RECOMMENDATION:**

**That the Head of Development Management be authorised to grant planning permission, subject to first completion of a planning obligation / Section 106 agreement covering the matters set out below, and subject also to the planning conditions listed below.**

**S106 matters –**

- Affordable housing – 30% provision of 15 No. affordable units on site split between 6 No. shared ownership units and 9 No. affordable rented units. Mix and tenure of Affordable Housing as agreed by exchange of email on 3rd May 2022.
- Education –
  - Early Years Contribution – 7 places totalling [£122,654] with timing of payment of contribution TBA [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
  - Primary Education Contribution – 14 places totalling [£262,612] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
  - Secondary Education Contribution – 10 places totalling [£229,400] with timing of payment of contribution TBA. [NB. the applicant also requires a full breakdown of the contribution requests before the sum can be agreed]
    - All payment is required in full, upon or prior to commencement of development. Phasing of payments is not applicable here, and in view of that, no bond is required. All contributions are to be subject to indexation to the BCIS All In Tender Price Index from date of completion of agreement until payment.
    - The Council require 10 years from the date of receipt of the contributions by the Council, in which to spend/commit in accordance with the S106, before they qualify to be returned.
    - Since the abolition of the CIL pooling limit for S106s the Council does not quote the names of individual schools.
    - A 30% discount is applied to the affordable housing element of an application. This is applied as a reduction to the number of AH units proposed/approved, as part of the process of calculating the number of places generated by the development from the qualifying properties. It is therefore reflected in the standard formulae.
- Open space – A leisure contribution of £11,800 towards an upgrade of Woodmarsh Recreation Ground.
- Biodiversity - Biodiversity Contribution towards Trowbridge Bat Mitigation Strategy – £777.62 x 50 = £38,881.

Off-site biodiversity to include planting on local receptor site to deliver off-site biodiversity net gain. Details of scheme planting and subsequent maintenance regime to be agreed by the Council prior to first occupation of the development.  
£232,537 BNG contribution.
- Highways -
  - A contribution of £28,374 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.
  - Bus stop shelter – White Row Park - £11,429
- Waste Collection Services- £5,050
- Public Art Provision - £15,000 based on £300/dwelling.

## CONDITIONS

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

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

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

### Design and Planning:

- 721\_B\_Design and Access Statement\_A3
- 721-01\_\_Location Plan\_A3
- 721-06\_C\_Planning Layout\_A2
- 721-07\_B\_Building Height Key Plan\_A2
- 721-08\_B\_Affordable Housing Key Plan\_A2
- 721-09\_A\_Boundaries & Enclosures Key Plan\_A2
- 721-10\_B\_External Material Finishes Key Plan\_A2
- 721-11-01\_B\_Site Sections\_A1
- 721-11-02\_A\_Site Sections\_A1
- 721-12\_B\_Street Scene\_A0
- 721-100\_B\_External Materials Schedule\_A3

### House Types/ Garages:

- 721-30-01\_\_AT2 & CR3\_A3
- 721-30-02\_\_AT2 & CR3\_A3
- 721-30-03\_\_AT2 & CR3\_A3
- 721-31-01\_\_SP2\_A3
- 721-31-02\_\_SP2\_A3
- 721-32-01\_\_HN3\_A3
- 721-32-02\_\_HN3\_A3
- 721-33-01\_\_HO3\_A3
- 721-33-02\_\_HO3\_A3
- 721-33-03\_\_HO3 DA\_A3
- 721-33-04\_\_HO3 DA\_A3
- 721-34-01\_\_CR3\_A3
- 721-34-02\_\_CR3\_A3
- 721-35-01\_\_TH3\_A3
- 721-35-02\_\_TH3\_A3
- 721-36-01\_\_HA4\_A3
- 721-36-02\_\_HA4\_A3
- 721-37-01\_\_SH4\_A3
- 721-37-02\_\_SH4\_A3
- 721-38-01\_\_PB4\_A3
- 721-38-02\_\_PB4\_A3
- 721-39-01\_A\_1B2P 50 & 2B3P 61 & 4B6P 108\_A3
- 721-39-02\_A\_1B2P 50 & 2B3P 61 & 4B6P 108\_A3
- 721-40-01\_A\_1B2P 50 & 2B3P 61\_A3
- 721-40-02\_A\_1B2P 50 & 2B3P 61\_A3
- 721-41-01\_A\_2B4P 68\_A3
- 721-41-02\_A\_2B4P 68\_A3
- 721-42-01\_\_3B5P 83\_A3

- 721-42-02\_\_3B5P 83\_A3
- 721-43-01\_A\_Garages\_A3
- 721-43-02\_A\_Garages\_A3

Engineering:

- 721-ER-01 Rev E Drainage Strategy Report (June 2022)
- 721-101 Rev D - S38 Layout
- 721-102 Rev E - S104 Layout
- 721-106 Rev D - Parking Allocation Plan
- 721-107-1 Rev F - Impermeable Areas
- 721-107-2 Rev E - Gully Catchment
- 721-107-3 Rev F - Flood Routing Plan
- 721-111-1 Rev B - S38 Long Sections (Sheet 1)
- 721-111-2 Rev B - S38 Long.Sections (Sheet 2)
- 721-114 Rev - SuDS Sections
- 721-121 - 1 Rev - Adoptable Highway Construction Details - Sheet 1
- 721-121 - 2 Rev A Adoptable Highway Construction Details – Sheet 2
- 721-121 - 3 Rev - Adoptable Highway Construction Details - Sheet 3
- 721-122 - 1 Rev B - Drainage Details - Sheet 1
- 721-122 - 2 Rev A - Drainage Details - Sheet 2
- 721-122 - 3 Rev A - Drainage Details - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)
- 721-131-3 Rev D - Swept Path Analysis (Sheet 3)
- 721-131-4 Rev D - Swept Path Analysis (Sheet 4)
- 721-131-5 Rev D - Swept Path Analysis (Sheet 5)
- 721-131-6 Rev B - Swept Path Analysis (Sheet 6)
- 721-141-1 Rev E - External Works Layout (Sheet 1)
- 721-141-2 Rev E - External Works Layout (Sheet 2)
- 721-141-3 Rev E - External Works Layout (Sheet 3)
- 721-142-1 Rev E - Drainage and Levels (Sheet 1)
- 721-142-2 Rev E - Drainage and Levels (Sheet 2)
- 721-142-3 Rev D - Drainage and Levels (Sheet 3)
- 721-143-1 Rev D - Finished Levels (Sheet 1)
- 721-143-2 Rev D - Finished Levels (Sheet 2)
- 721-143-3 Rev D - Finished Levels (Sheet 3)
- 721-151 Rev A - External Works Details - Walls, Fences and Railings
- 721-152 - External Works Details - Property Threshold
- 721-152 - 1 Rev A External Works Details - Property Threshold - M4(1)
- 721-152 - 2 Rev - External Works Details - Property Threshold - M4(2)
- 721-153 Rev - External Works Details - Retaining Walls
- 721-154-3 Rev - External Works Details - Domestic Drainage
- 721-155 Rev - External Works Details - Drives, Kerbs & Pavers
- 721-181 Rev D Remediation Plan (LABC) (1\_500)

Supporting Information:

Landscape -

- 721\_\_Landscape Visual Appraisal\_A4
- 161-801\_E Illustrative Landscape Plan
- 161-ID-G101\_F Landscape Strategy
- 161-001\_M Landscape Plan
- 161-201\_G Planting Plan 1 of 3
- 161-202\_G Planting Plan 1 of 3
- 161-203\_G Planting Plan 1 of 3
- 161-401 Trees in soft under 20cm girth
- 721\_B\_Landscape Planting Schedules\_A1

- 721\_A Landscape Management Plan\_A1
- 721\_\_Landscape Cumulative Impact Assessment\_A4
- 161-TECH NOTE-001\_Landscape Cumulative\_v2
- 161-804\_C Coordinated Strategy Masterplan
- 161-805\_C Coordinated Strategy Supporting Diagrams

Arboriculture -

- 721\_\_AIA+AMS+TPP\_A4 (Arboricultural Implications Assessment/ Arboricultural Method Statement/ Tree Protection Plan) (July 2022)

Urban Design -

- 721\_\_Building for a Healthy Life Assesment\_A4

Ecology -

- 721\_\_Extended Phase 1 Ecological Survey Report\_A4
- EMP (Ecological Mitigation Plan) (May 2022)
- CEMP\_Biodiversity\_Upper Studley\_v6.0 (Construction Ecological Management Plan)
- EclA\_Upper Studley\_v6.0 (Ecological Impact Assessment)
- LEMP\_Upper Studley\_v6.0 (Landscape Ecological Management Plan)
- Upper Studley\_Defra Metric v2.0 (February 2022)
- Upper Studley\_Defra Metric v2.0\_No Offsite (February 2022)
- HRA\_Upper Studley\_v1.0
- Masterplan\_Ecology\_H2.4-H2.5-H2.6\_v4.0 (May 2022)
- 721-16\_\_The Grove Illustrative Landscape Enhancements\_A3

Lighting -

- 721\_\_Lighting Impact Assessment\_A4 (February 2022)
- 721\_\_Street Lighting Calculation MF0.87
- 721\_\_Street Lighting Calculation MF1
- 721\_\_Street Lighting Strategy Summary MF0.87
- 721\_\_Street Lighting Strategy Summary MF1

Drainage -

- SRT-BWB-EWE-XX-RP-EN-0001\_S2\_P2.0\_FRA (Flood Risk Assessment)
- SRT-BWB-EWE-XX-RP-EN-0002\_HMSN\_S2\_P1.00 (Hydraulic Modelling Summary Note)
- SRT-BWB-HDG-XX-RP-CD-0001\_S2\_P1.0\_SDS (Sustainable Drainage Statement)
- CRM.1791.001.GE.R.001.B – final (Geo-Environmental Report)

Archaeology -

- Historic Environment Desk Based Assessment\_A4
- Heritage Cumulative Impact Assessment\_A4
- Written Scheme of Investigation\_A4 (June 2022)
- Archaeological Evaluation Summary

Acoustic -

- M2201 Frome Road R01b - Noise Assessment

Highways -

- 721\_\_Transport Statement\_A4 (February 2022)

Planning -

- 721\_\_Planning Statement\_A4
- 721\_\_Application Form\_A4
- 721\_\_CIL Form 1 - Additional Information\_A4
- 721\_\_Notice Served\_A4

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

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

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
  - A Traffic Management Plan (including signage drawing(s))
  - Routing Plan
  - Details of temporary/permanent Traffic Regulation Orders
  - pre-condition photo survey - Highway dilapidation survey
  - Number (daily/weekly) and size of delivery vehicles.
  - Number of staff vehicle movements.
- xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
  - Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

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



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

- 4 Notwithstanding the submitted details, no development shall take place on-site until details of the estate roads, footways, footpaths (including surfacing of public 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 by the Local Planning Authority. The development of a phase shall not 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 have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the site highway and transport infrastructure is constructed in a satisfactory manner.

- 5 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments enables more growth with the same water resources.

- 6 The development shall be implemented in accordance with the foul drainage detailed design in accordance with the Drainage Strategy Rev D received on 17th June 2022 and associated list of drawings (below) received 2nd December 2022. No dwelling shall be first occupied until the associated approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

List of drawings;

- 721-102 Rev E S104 Layout
- 721-142-1 Rev E Drainage and Levels - Sheet 1
- 721-142-2 Rev E Drainage and Levels - Sheet 2
- 721-142-3 Rev D Drainage and Levels - Sheet 3

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

- 7 The development shall be carried out in accordance with the submitted flood risk assessment, dated December 2017 (ref: SRT-BWB-EWE-XX-RP-EN-0001\_FRA, version P2) and the mitigation measures it details, including ground floor finished floor are set at 41.03m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

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

- 8 The soft and hard landscaping for the development shall be implemented in accordance with Landscape Plan 161-001-M and Planting Plans 161-201-G & 161-202-G & 161-203-G received on 27th May 2022.

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

- 9 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.

- 10 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protection measures outlined in Appendix 2 of the Arboricultural Implications Assessment and Tree Protection Method Statement by Tree Maintenance Limited and dated August 2020 have been erected in accordance with the approved details.

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

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

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

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

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

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

- 11 Natural play areas for the development shall be implemented in accordance with Landscape Plan 161-001-M and 161-ID-G101\_F Landscape Strategy received on 27th May 2022.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 12 Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: to demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

- 13 The development will be carried out in strict accordance with the following documents:
- Ecological Impact Assessment. Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022 Amended November 2022).
  - Lighting Impact Assessment. (Illume Design, 22/02/2022).
  - Construction Environmental Management Plan: Biodiversity Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, March 2022).
  - Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022).
  - Ecological Mitigation Plan. (Clarkson and Woods, 16/05/2022).

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

- 14 The development shall be implemented in accordance with the site-specific CEMP\_Biodiversity\_Upper Studley\_v6.0 (Construction Environmental Management Plan) received on 27th May 2022. All approved features noted on the plan at Pages 29 & 30 shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. An ECoW will be appointed.

REASON: to protect protected species and existing retained habitat for the duration of the construction process and to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

- 15 The approved Landscape and Ecological Management Plan: Land at Upper Studley, Trowbridge, Wilts. (Clarkson and Woods, May 2022) shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- 16 The development shall be implemented in accordance with the external lighting details contained within 721\_\_Lighting Impact Assessment\_A4 received 17th March 2022 and 721\_\_Street Lighting Strategy MF0.87 & 721\_\_Street Lighting Strategy MF1 received 30th October 2020. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

- 17 On completion of the required remedial works specified in Chapter 7.6 of the Geo-Environmental Report submitted as part of the application, the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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

- 18 Prior to first occupation all works shall be completed in accordance with approved drawing 18048-GA03. Illustrated visibility splays serving each access shall be maintained free of any obstruction exceeding 900mm above the adjacent nearside carriageway level. The access provision and associated visibility splays shall be maintained as such thereafter.

REASON: In the interests of highway safety and in compliance with Core Strategy Policy 60 and 61.

- 19 Notwithstanding the works detail illustrated on drawing 18048-GA03, revised details of footway/cycleway infrastructure between the site access and Old Brick Fields shall be submitted to and approved by the Local Planning Authority. The details shall include footway/cycleway infrastructure that maximises the width of appropriate surfacing available within Highway extents, with an absolute minimum of 2m and wherever possible complying with LTN 1/20. Where an absolute minimum of 2m width cannot be achieved a scheme of mitigation shall be provided that may include pedestrian crossing facilities of Frome Road and or carriageway narrowing or realignment. Prior to first occupation of the development, the footway and associated works shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To provide safe and convenient access to surrounding settlement in the interests of highway safety and Core Strategy Policy 61 and 62.

- 20 The footpath and cycle provisions shall be implemented in accordance with drawings 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2, and 721-141-3 Rev E External Works Layout - Sheet 3 all received on 2nd December 2022. The approved details shall be maintained as such in perpetuity.

REASON: In pursuit of sustainable transport objectives.

- 21 No dwelling shall be occupied until the parking space(s) together with the access thereto (including from the Frome Road), have been provided in accordance with the approved plans. They shall be maintained as such in perpetuity.

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

- 22 Prior to occupation, each dwelling shall have their boundary details implemented in accordance with 721-141-1 Rev E External Works Layout - Sheet 1, 721-141-2 Rev E External Works Layout - Sheet 2 & 721-141-3 Rev E External Works Layout - Sheet 3 received on 2nd December 2022 and 721-151 Rev A - External Works Details - Walls, Fences and Railings received 27th May

2022. The approved boundary conditions shall be retained and maintained as such at all times thereafter.

REASON: To prevent loss of privacy to new properties and overlooking from existing properties on Spring Meadows, which are elevated above the site.

- 23 Prior to occupation, each dwelling shall have their waste collection details implemented in accordance with the list of drawings (below) received 2nd December 2022. The approved details shall be maintained as such in perpetuity.

List of drawings;

- 721-141-1 Rev E External Works Layout - Sheet 1
- 721-141-2 Rev E External Works Layout - Sheet 2
- 721-141-3 Rev E External Works Layout - Sheet 3
- 721-131-1 Rev D - Swept Path Analysis (Sheet 1)
- 721-131-2 Rev D - Swept Path Analysis (Sheet 2)

REASON: To ensure that waste collections will function in accordance with the requirements of policies CP3 and WCS6.

- 24 No burning of waste or other materials shall take place on the development site during the construction phase of the development.

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

## Appendices

Location Plan	Appendix A
Site layout	Appendix B
Affordable Housing Plan	Appendix C
Site Access Plan	Appendix D
Appropriate Assessment	Appendix E
Natural England Agreement	Appendix F
S106 Heads of Terms Agreement	Appendix G