

## Strategic Planning Committee

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### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 22 FEBRUARY 2023 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Stewart Palmen (Substitute)

#### **Also Present:**

Cllr Nick Botterill, Cllr Tony Jackson, Cllr Antonio Piazza, Cllr Horace Prickett and Cllr David Vigar

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#### 11 **Apologies**

Apologies for absence were received from Councillor Sarah Gibson, who was substituted by Councillor Stewart Palmen.

#### 12 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 January 2023 were presented for consideration, and it was,

#### **Resolved:**

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

Councillor Adrian Foster requested that additional training on the Housing Land Supply (HLS) and National Planning Policy Framework (NPPF) be provided to councillors. Andrew Guest (Head of Development Management) responded that they would organise training to align with a relevant planning application in the near future.

#### 13 **Declarations of Interest**

Councillor Stewart Palmen declared an interest concerning item 7b, as he was a trustee of St. James' Trust, who owned the land. He was advised that he should leave the room for the debate and vote on the item in question, due to the nature of this Other Registerable Interest.

#### 14 **Chairman's Announcements**

The Chairman announced the [appeal for the Westbury Incinerator](#) had been allowed the previous day.

15 **Public Participation**

The Chairman noted the rules for public participation.

16 **Planning Appeals and Updates**

The Chairman noted that an appeals report was included with the agenda.

Revisiting the appeal for the Westbury Incinerator application, Members sought detail as to the costs involved. The officer advised that there were partial costs, but the specific figure was uncertain. Officers were digesting the lengthy report on this and could provide an update at a future meeting.

17 **Planning Applications**

The following planning applications were considered.

18 **18/10035/OUT - Land South of Church Lane, Upper Studley, Trowbridge (H2.4)**

**Public Participation**

Graham Hill spoke in objection to the application.

Steve Wylie spoke in objection to the application.

Peter Mills spoke in objection to the application.

Darren Parker (agent) spoke in support of the application.

Lance Allen of Trowbridge Town Council spoke in support of the application.

Andrew Guest (Head of Development Management) outlined the late representations received which had been circulated to the Committee. Councillor Sarah Gibson had sent a representation pertaining to items 7a, 7b and 7c, and this was read to the meeting. Councillor Gibson questioned the urgency for housing provision in the area, and raised the matter of a potential archaeological issue, stating that a pre-consent investigation may be needed. She also posited that the application was a breach of Section 194 of the NPPF and various core policies, disagreed that the three sites did not warrant an overarching masterplan and questioned the secondary school provision. In response, the officer explained that these sites, as WHSAP allocated sites, were factored into the housing delivery figures and there would be a detrimental impact if they were not considered as predicted trajectories of housing delivery could be affected.

The Campaign to Protect Rural England (CPRE), had sent a representation relating to item 7c regarding archaeology on site and a possible Roman Villa that may be present.

Mr Francis Moreland had sent a representation relating to item 7d. This would be dealt with under that item.

The officer then presented the report on item 7a, which recommended that the Head of Development Management be authorised to grant planning permission, subject to the completion of a planning obligation / Section 106 agreement as detailed in the agenda pack for application 18/10035/OUT, Land South of Church Lane, Upper Studley, Trowbridge (H2.4) for the outline application for residential development of 55 houses including creation of new access from Frome Road and removal/demolition of all existing buildings (all matters aside from access reserved).

The officer explained that this was the first of three applications for sites in the vicinity which were all adopted in the Wiltshire Housing Sites Allocations Plan (WHSAP). All three of the applications had a specific policy under the WHSAP. A number of representations had expressed concern that they should be master planned or considered as one. This was not the opinion of officers, who felt that they should all be addressed separately and did not require a single masterplan. The Committee report and planning inspector for the WHSAP had explained this. However, schemes coming forward should have regard to other proposals in the development pipeline to ensure that they were not mutually exclusive or prejudicial to each other. Each application had its own masterplan and was supported by its own suite of surveys and reports. Cumulative impact assessments were undertaken where necessary, such as for Highways or Ecology.

The officer ran through the presentation slides for the cumulative aspects and for item 7a as published in agenda supplement 2.

The officer explained that bat mitigation plans were in place and that there would be a biodiversity net gain due to off-site biodiversity provision. 17 of the 55 dwellings were to be affordable housing, and the application would be supported by financial contributions towards education, highways improvements, pedestrian and cycle links, public art and waste management.

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

It was clarified that the percentage of social housing was 33%. Members queried the current figure for the Council's 5-year HLS. The officer quoted a figure of 4.7 years' supply. He explained that this site's trajectory was expected to supply 45 units between 2026-2028, the Upper Studley site to supply all 55 units between 2023-2026, and the Southwick court site 80 units between 2026-2028. It was explained that if these sites were not granted permission, then this may affect the 5 year HLS figure when it was reassessed in April. Although the figures would remain in the calculation as they were allocated sites, delivery would be delayed which could affect the figure. The officer clarified that some of the houses being discussed, specifically in Southwick Court, would take longer to deliver which is why he had not mentioned them in the figures quoted above.

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

Councillor David Vigar, the local division Member for Trowbridge Grove, spoke in objection of the application. He raised the issue of the cumulative aspect of the sites, drainage issues, the impact on highways, the environment, and on education. Councillor Vigar also asserted that the Bat Mitigation Strategy had not been fulfilled, and that current figures did not suggest a consistent demand for housing supply.

The officer responded that the cumulative impact on highways had been considered and been deemed acceptable by Highways Officers, and that the Conservation Officer suggested that the impact on heritage need not be considered cumulatively, likewise with drainage.

Councillor Tony Trotman proposed a motion that the committee approve the application as per the recommendation which was seconded by the Chairman.

Issues raised during debate included the shape of the site, where a section of land not included. The officer explained that it was likely because that land was under different ownership. Concerns were raised that the sites should be considered as one, but the officer asserted that the application must be considered on its own and that the application stood up to scrutiny. Final details regarding the bat corridor would be set in the reserve matters application, but it would need to comply with the WHSAP policy.

Members expressed sympathy with objectors, however some expressed support on the basis that the inspectors have approved the site allocation and Trowbridge Town Council supported it. Others expressed a desire for deferral until a cumulative impact assessment had been wholly undertaken, especially regarding possible flooding. Some felt that the flooding assessments did not align with anecdotal evidence but expressed an inclination to trust the officers that the mitigation strategies were satisfactory.

At the conclusion of the debate, the motion went to the vote and it was;

**Resolved:**

**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 to planning conditions.**

**S106 matters –**

- **Affordable housing – at 30%**
- **Education – Requirement to be confirmed at reserved matters. Based upon up to 55 homes as follows:**
  - **£122,654 for early years,**
  - **£300,128 for primary and**
  - **£252,340 for secondary.**

- The formulae for re-calculations at Reserved Matters are as per the Education S106 Methodology.
  - 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 – to be confirmed at Reserved Matters stage based upon:**
    - 1 dwelling = 34.93m<sup>2</sup> public open space and 1.77m<sup>2</sup> equipped play. Once calculated the amount must be secured in perpetuity. Wiltshire Council will not adopt the POS.
    - If, once calculated, the requirement does not meet the minimum for a LEAP (400m<sup>2</sup>) that Trim Trails are proposed instead of a LAP (100m<sup>2</sup>) if required.
    - A sports contribution calculated at £236.00 per dwelling is required to go towards upgrading provision of Sports/playing pitch contribution of £12,980 is for the upgrade of playing pitch and ancillary provision at Lambrook Recreation Field and Studley Green Community Centre changing rooms, storage and utilities, and/or sports/playing pitch provision within the vicinity of the land.
  - **Ecology**
    - £777.62 per dwelling (index linked) before development commences to offset residual / in-combination losses.
    - Contribution of £3,237.20 (index linked) before development commences to account for loss of 1.01 hedgerow units which the planning permission will not be able to deliver on site.
    - Provision and management of off-site Biodiversity Provision into perpetuity.

Off-site Biodiversity Provision must be described as Floodplain wetland mosaic (1.25 hectares) in fairly good condition as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and as shown on the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS

Group, Jan 2022). The habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.

Submission of an Off-site Biodiversity Provision completion certificate to the local authority prior to construction commencing. The certificate must demonstrate works to deliver habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor as detailed in the in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) has been completed.

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.

- **Highways - £40,949 for sustainable transport as follows:**
  - **A contribution of £7,377 towards pedestrian and cycle enhancements/schemes identified in the Trowbridge Transport Strategy along the Frome Rd corridor.**
  - **Bus stop shelter – Whiterow Park - £12,571**
  - **Church Lane works – pedestrian/cycle improvements - £10,000**
  - **Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £6,000 (sum previously requested for speed limit TRO)**
  - **Transport strategy works to facilitate improved pedestrian and cycle access to Church Lane, with enhancements to Frome Road to improve the pedestrian environment and generate increased levels of driver awareness - £5,000 (sum previously requested for speed limit works)**
  
- **Waste - £5,005**
  
- **Arts contribution is 55 x £300 = £16,500:**

## **CONDITIONS**

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

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;

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

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

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

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

4. No application for reserved matters shall be submitted until there has been submitted to and approved in writing by the local planning authority a detailed Phasing Plan for the entire application site indicating geographical phases for the entire development. Where relevant these phases shall form the basis for the reserved matters applications. Each phase shall include within it defined areas and quantities of housing and infrastructure relevant to the phase. No more than 50% of the houses (or no more than a meaningful percentage of houses to be first agreed in writing by the local planning authority) to be built in any particular phase shall be first occupied until the infrastructure relevant to the phase has been completed.

The development shall be carried out strictly in accordance with the approved **Phasing Plan**.

**REASON:** To ensure appropriate phasing of the development and delivery of the development, and in particular the infrastructure the

development has made necessary, in accordance with the overall proposal and good planning in general.

5. The development hereby permitted shall make provision for the following –
  - (i) Up to 55 dwellings
  - (ii) At least 3.12 ha of public open space, including the Ecology Corridor and the Lambrok Stream Ecology Corridor

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate all of the above broadly in accordance with the "Concept Masterplan' (JPW1108-004 Rev C) dated Mar 2022, the 'Parameter Plan' (JPW1108-003 Rev K) dated Jan 2022, the 'Parameter Plan Notes' (JPW1108-003 Rev I 210930), the 'Habitat Creation and Management Plan' (JPW1108-005) dated Jan 2022, the 'Conceptual Drainage Strategy' (DO1 Rev A) dated 29/09/2021, the 'Pond Cross Sections' (DO2 Rev A) dated 29/09/2021, and the Design and Access Statement dated 17/10/2018.

**REASON:** To clarify the terms of the planning permission and to ensure the creation of a sustainable development, in accordance with the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan.

6. The 'means of access' to the site shall be provided in accordance with the details shown in drawing no. JNY9623-01 Rev B ('Proposed Access from Frome Road Visibility Splays') dated 01/08/2018.

**REASON:** To clarify the terms of the planning permission.

7. Prior to the commencement of development details of a Surface Water Mitigation Scheme in accordance with the principles set out in the Flood Risk Assessment (RPS for Parry-Land off Church Lane, Upper Studley, Trowbridge, BA14 0HS, October 2018, Ref: RCEF65635-002R and RPS, RE: EA'S response to FRA supporting planning application Land South of Church Lane, Upper Studley, Trowbridge, Ref:RCEF65635-0035L, 4 July 2019) shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the location and size of the proposed attenuation pond, with allowable discharge rate set at 4.9 l/s. Any requirements for compensatory storage must also be specified. The development shall be carried out in accordance with the Flood Risk Assessment and the approved Surface Water Mitigation Scheme, and in addition there shall be –
  - no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change; and
  - The mitigation measures specified in the FRA and the Surface Water Mitigation Scheme shall be fully implemented



prior to any first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the Surface Water Mitigation Scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**REASON:** to ensure that the development does not increase flood risk.

8. Prior to the commencement of development details of a groundwater levels allowing for seasonal variations and groundwater assessment must be submitted to the Local Planning Authority for agreement in writing. The agreed details shall then be used to inform the Surface Water Mitigation Scheme referred to in condition 7.

**REASON:** to ensure that the development does not increase flood risk.

9. 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.
  - Reptile mitigation strategy in accordance with Section 4 of the submitted Reptile Survey Report prepared by RPS (January, 2018).
  - 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.

- 10.** No development shall commence on site until a Construction Management Plan for Drainage (CMPfD) detailing drainage arrangements during the construction stage has been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be constructed in strict accordance with the approved CMPfD.

**REASON:** To ensure that the development can be adequately drained without increasing flood risk to others during construction works.

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

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

**INFORMATIVE**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

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

- 12.** Prior to commencement of development a foul drainage strategy/programme shall be submitted to the local planning authority for approval in writing setting out any capacity works to be provided by the sewerage undertaker. The development shall be carried out in accordance with the approved strategy/programme.

**REASON:** To ensure adequate foul drainage systems are available for the development.

- 13.** The detailed designs of the houses shall make provision for a minimum of 55 integrated swift nest bricks in north, west and/or east elevations.

**REASON:** Provision of integrated swift bricks in the development will contribute towards demonstrating compliance with government policies and guidance as the new dwellings can themselves be an important biodiversity enhancer by providing a new habitat in a 'Built Environment' that previously did not exist.

- 14.** No part of the development hereby permitted shall be first occupied until full details, including relating to phasing/timescales for provision, of the pedestrian and cycle links to be provided between the site and Acorn Meadow, Church Lane and Southwick Country Park, have been submitted to and approved in writing by the LPA. The said links shall thereafter be provided in accordance with the approved details/timescales and maintained in perpetuity thereafter.

**REASON:** To ensure that adequate pedestrian/cycle links are provided to the site.

- 15.** Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will detail long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development as described in the Upper Studley, Trowbridge Habitat Creation and Management Plan (RPS Group, May 2022) and required by the BNG assessment including, but not exclusively: Wildlife ponds and wetland for SUDS, Floodplain Wetland Mosaic (wet grassland, scrapes, reedbed), Native tree and scrub planting, Semi-natural neutral meadow grassland and retained hedge, scrub and trees.

The LEMP will include:

- A phasing plan demonstrating the timing of habitat creation works in relation to the Ecology Corridor, Lambrok Stream Ecology Corridor and Public Open Space off-site and adjacent to the Lambrok Stream Ecology Corridor will be completed in advance of or alongside vegetation stripping.
- A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided.
- A mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP 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. In accordance with condition no. 2, no development within any Phase of the development hereby approved shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- minor artefacts and structures (e.g. signs, etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

The scheme shall be informed by the Habitat Creation and Management Plan Drawing JPW1108-005 (RPS Group, Jan 2022).

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

17. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will

be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted with the reserved matter application(s) to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed. This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

**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.

19 **20/09659/FUL - Land off Frome Road, Upper Studley, Trowbridge (H2.5)**

Public Participation

Graham Hill spoke in objection to the application.

Norman Swanney spoke in objection to the application.

Andrew Stone spoke in objection to the application.

Tom Sheppard (agent) spoke in support of the application.

Richard Westwood (St. James' Trust) spoke in support of the application.

Lance Allan (Trowbridge Town Council) spoke in objection to the application.

*Councillor Palmen left the meeting for this item due to the interest which he had declared earlier.*

Ruaridh O'Donoghue (Senior Planning Officer) presented a report which recommended that the Head of Development Management be authorised to grant planning permission, subject to first completion of a planning obligation / Section 106 agreement and subject also to the planning conditions listed within the report and in supplement 1 (which contained some corrections to the conditions) for application 20/09659/FUL, Land off Frome Road, Upper Studley, Trowbridge (H2.5), for the erection of 50 dwellings and associated access and landscaping works.

The officer mentioned that the applicants were keen for the Committee to acknowledge their commitment to providing all 50 homes as net zero carbon, however this was not something that the planning authority were presently able to control so was not reflected within the planning balance.

The officer went on to explain how the site in question was currently surrounded by existing residential developments to the north and east, Frome Road and Southwick Country Park to the west, and Lambrok Stream to the south. The site was comprised of open agricultural land most recently used as a small holding. Heritage assets near to the site were detailed. The officer explained that this was a full matters application and that 30% of the scheme would be affordable housing.

The officer took the Committee through the presentation slides for the application as published in agenda supplement 2. These included layout; ecology mitigation; the landscape masterplan; elevations; street scenes and access.

The application complied with relevant policies and with the H2.5 WHSAP masterplan. Consultees had raised no objections, and the Highways Officer supported the scheme subject to a financial contribution to the Trowbridge Transport Plan.

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

In response to questions on affordable housing, it was explained that housing associations preferred the affordable housing to be grouped together and that the Housing Enablement team would have looked at what the most sought-after type of housing was, which was what would be included in the affordable housing element of the proposal.

Members queried whether it would be possible to add a pedestrian crossing on Frome Road for this site and whether a secondary access was required. Officers explained that the site was not big enough to warrant an emergency secondary access and that a pedestrian crossing had been considered by the Highways team for site H2.6, but that there was only demand for a refuge island. The team had considered the applications cumulatively. There was funding allocated from this application to the Trowbridge Transport Plan which could involve a pedestrian crossing, however it may not be possible. The main draw from the site was Trowbridge, however there was also a need to access the country park. Members asked for advice as to whether a condition or informative could be added requiring that there be a pedestrian crossing. Officers felt that it was best that this be dealt with via the proposed funding contribution, but that an informative could be added.

Members went on to enquire about who owned Lambrok Stream, which ran along the South of the site. The planning officer stated that he was not sure but usually the landowners bordering a stream would part own it. Any alterations to the stream would be governed by the Environment Agency.

Members queried whether pavements were proposed. The officer confirmed there would be pavements, although there would be a small strip with no pavement, as it was not possible to provide the full 2-metre-wide pavement in all places.

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

The unitary division Member, Councillor David Vigar (Trowbridge Grove) spoke in objection to the application, pointing to potential problems caused to the amenity of occupants, schools and transport. He was also concerned regarding the offsite biodiversity provision. He suggested that the cumulative impact of the previous application, combined with this one, was already beginning to show.

The officer responded to the public participation and local Member comments. He asserted there was a difference of opinion concerning the WHSAP policy between officers and residents, which was a matter for the Committee to consider. Affordable housing was addressed at each site on an individual basis. Consultees had no objections (subject to conditions). Unlike the previous application, this was a full application, not an outline, so the agreed 30-metre buffer for bats would be expected. He further explained that there was no detrimental impact to reasonable conditions of existing occupants and that under planning policy there was no right to a view. The money being provided to address the loss of biodiversity on site was explained. It would be used to purchase land elsewhere and manage it for 80 years to provide biodiversity. The bat-project officer would oversee that site.

Councillor Tony Trotman proposed a motion that the committee approve the application as per the officer recommendation, with an informative that the officers seek to utilise the Section 106 funds to install a safe crossing for pedestrians on Frome Road. The final wording of the informative would be delegated to officers. This was seconded by the Chairman.

Members then debated the motion. Members discussed in detail the off-site biodiversity provision and the officer further explained how that process worked. He also confirmed that the land would be within the yellow zone defined in the Trowbridge Bat Mitigation Strategy, so the biodiversity the site provided would be in the local area.

At the conclusion of the debate, it was,

**Resolved:**

**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 Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of the following relevant measures:
- An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
  - A description of management responsibilities;
  - A description of the construction programme;
  - 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.

**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 CMP.**

**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-GA01. 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.

**INFORMATIVE:**

The S106 financial contributions for 'Highways' are to be used for projects relating to the Trowbridge Transport Strategy, and specifically to improve pedestrian and cycling infrastructure along the Frome Road corridor. In this regard priority is for the contributions to be used to provide a formal pedestrian/cyclist crossing place over the Frome Road in a suitable position which is as close to the red line boundary of the application site as possible, if this is feasible.

*The meeting was adjourned from 13:20 - 13:35 for a short break.*

*Councillor Palmen re-joined the meeting at 13:35.*

20 **20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge, Wilts (H2.6)**

Public Participation

Graham Hill spoke in objection to the application.

Simon Tesler spoke in objection to the application.

Geoff Whiffen spoke in objection to the application.

Nick Matthews (agent) spoke in support of the application.

Lance Allan (Trowbridge Town Council) spoke in objection of the application.

Ruaridh O'Donoghue (Senior Planning Officer) presented a report which recommended that the Head of Development Management be authorised to grant planning permission, subject to first completion a planning obligation / Section 106 agreement and subject also to the planning conditions listed within the report, for application 20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge, Wilts (H2.6). Which was for 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.

The officer highlighted some corrections as follows:

In Section 3 (site description and location) it stated that, in archaeological terms, the site appears to represent water meadows from the post medieval period.

The officer clarified that it was only land to the west of the Lambrok where historic water meadows may have been present i.e., not where the housing development was going.

In section 9.6, the final paragraph on page 194 of the agenda pack concluded on the heritage balance by stating that the substantial public benefits outweigh the harm to heritage assets. It should be noted that great weight was to be given to the less than substantial harm identified. As written in the report it reads as though this is an even balance however, the 'great weight' means it is a tilted balance in favour of conserving the asset.

In section 11 on page 207, the planning balance appears to solely rely on paragraph 11d of the NPPF. However, requested it was recorded that it should also state that the proposal complies with the development plan as a whole, as per the requirements of s38(6) of the Planning and Compulsory Purchase Act 2004.

Condition. No. 6 should be deleted as it was recommended by officers that the decision not be issued until trial trenching occurred.

The officer then proceeded to detail the application which concerned 18.8 acres in Southwick Parish as part of an outline application. There were several Rights of Way (RoW) running across the land which would remain. The land was classified as grade 3 agricultural land. Southwick Court Farmhouse was located adjacent to the site and was Listed at grade II\* along with its gatehouse and bridge over moat. The site lay within the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy.

The officer took the meeting through the slides for the application as published in supplement 2. These included photographs of the site, the indicative layout, green infrastructure plan, lighting parameters plan, site access and emergency access.

The application met with core policies and subject to conditions, there would be no increased flood risk. He concluded by saying that as no significant harm had been identified which outweighed the benefits of the application, he recommended approval.

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

Details were sought on the viability of alternative access to the site, the officer explained that it had been considered but the residential road identified was not deemed suitable and access from the north was not viable because of conflicting land ownership.

Councillors sought further detail on the archaeological, flooding, landscaping, and bridge-building elements of the application, with many expressing discomfort with the lack of information at their disposal concerning these important factors.

Members queried whether another informative would be appropriate to ensure a controlled pedestrian crossing, to which the Highways Officer responded that there was a condition relating to the design of the access road that could be amended to include a full assessment of a possible pedestrian crossing.

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

Councillor Horace Prickett, local Division Member (Southwick) spoke in objection of the application. Councillor Prickett expressed concern over the lack of information regarding the archaeological details of the site.

Councillor David Vigar, neighbouring division member (Trowbridge Grove) spoke in objection to the application, voicing similar opposition towards the applicant's approach to the archaeology of the site. Councillor Vigar expressed the view that due to the dig being carried out as such short notice and the vast number of objections, the most appropriate action for the Committee to take was either to refuse the application or to defer it until an archaeology report could be fully undertaken.

The planning officer responded to points raised in public participation and by local Members stating that although this was an outline application, the parameter plans shown would have to be adhered to. If there was important archaeology discovered on site, permission would not be given.

The Chairman proposed a motion that the Committee refuse the application, against officer recommendation, as he was not happy with the impact on Frome Road, he felt that the access was too small and would be better located elsewhere. He was also concerned regarding the amount of detail being left to the reserve matters application, as he felt it was hard to make a decision based on what was before the Committee. The archaeological factors were a further concern, which needed to be resolved prior to a decision. The effect on the nearby heritage asset was also an issue. The Chairman felt that the application failed to comply with the following policies:

- CP1, Settlement Strategy
- CP2, Delivery Strategy
- CP51, Landscape
- CP57, Ensuring High Quality Design and Place Shaping
- CP58, Ensuring the Conservation of the Historic Environment
- CP60, Sustainable Transport
- CP61, Transport and Development
- CP64, Demand Management
- NPPF 194, relating to proposals affecting heritage assets
- NPPF 201, related to potential impacts

Councillor Pip Rigout seconded the motion to refuse. She was very concerned about the lack of information and would not want to grant permission while she had so many concerns and there was much that was not clear from the outline application.

Issues raised during debate included the effect on the 5 year HLS figure if this application was refused. It was clarified by officers that the number of houses would stay in the equation as it was an allocated site, however the anticipated delivery date would change, shifting backwards, meaning that it may well be outside the 5 year delivery period, so refusal would affect and reduce the 5 year HLS figure.

Some Members suggested a deferral rather than a refusal, stating that they would be far more inclined to grant permission to a full application rather than an outline application depending on the outcome of various archaeological tests.

Others agreed with the Chairman and felt that the negative environmental and heritage impact of the application would be unlikely to change after a deferral, and so voiced a view to refusing it.

Members sought advice from planning officers regarding the robustness of the proposed motion. Officers recommended the removal of the reference to CP1

and CP2 as the land was allocated under the WHSAP, so the principle of development and the issues in those policies had already been considered. Likewise, removal of CP60 was recommended. The motions proposer and seconder were happy with those amendments, final wording of the reasons for refusal would be delegated to officers.

At the conclusion of the debate, it was;

**Resolved:**

**That the application be REFUSED planning permission.**

**REASONS:**

- 1. Core Policy 58 of the Wiltshire Core Strategy requires new development to protect, conserve and where possible enhance the historic environment. Core Policy 57 seeks a high standard of design in all new developments; the policy further requires applications for new development to be accompanied by appropriate information to demonstrate how the proposals will make a positive contribution to the character of Wiltshire, specifically, through ... (i) enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced; and (vi) making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. Core Policy 51 requires development to protect, conserve and where possible enhance landscape character; and more particularly requires proposals to demonstrate that (v) landscape features of cultural, historic and heritage value have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.**

**The Southwick Court Farm complex lies to the south of this application site. It comprises a Grade II\* Listed moated medieval manor house and Grade II\* Listed gatehouse and bridge, and related traditional farmyard buildings (some of which have been converted to other uses), all of which are situated at the centre of a system of fields and water meadows historically associated with the complex.**

**The outline planning application proposes to construct a road across the field which lies to the north of the Southwick Court Farm complex. Being in outline, the planning application provides insufficient detail of this access road to enable a full and proper assessment of the extent of the acknowledged 'less than**



substantial harm' it would cause to the significance of the Southwick Court Farm complex and its setting and the contribution the setting makes to the significance, and in view of this it is not possible to rationally 'weigh' the harm against the public benefits of the proposal as required by the National Planning Policy Framework (paragraph 202). The proposal is, therefore, contrary to the National Planning Policy Framework. It is also contrary to the Core Policies of the Wiltshire Core Strategy referred to above by not demonstrating and/or proving a "high standard of design" and "an appropriate development" within its context, and not demonstrating and/or proving that a landscape containing features of historic and heritage value would be conserved.

2. Core Policy 58 of the Wiltshire Core Strategy requires new development to protect, conserve and where possible enhance the historic environment. The historic environment is defined as including (i) nationally significant archaeological remains. Paragraph 194 of the National Planning Policy Framework states that where an application site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The application site lies in area where there is potential for significant archaeological remains. Although the application is accompanied by a desk-based assessment, this is not considered to be sufficient in the context of the potential. The application's failure to include a field evaluation is, therefore, contrary to the National Planning Policy Framework (paragraph 194). It is also contrary to the Core Policy of the Wiltshire Core Strategy referred to above by not adequately demonstrating that the proposal would protect potential archaeological remains.

**INFORMATIVE:**

This reason for refusal may be addressed by carrying out the necessary trial trenching in accordance with a written scheme of investigation to be first approved by the County Archaeologist.

3. Core Policy 60 of the Wiltshire Core Strategy supports and encourages the safe and efficient movement of people and goods within and through Wiltshire. This will be achieved by (ii) promoting sustainable transport alternatives to the use of the private car. Core Policy 61 requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

The proposal, by reason of the lack of a formalised pedestrian and cycle crossing facility on the Frome Road, would have potential implications for how occupiers of the development would choose to

travel, the lack of a facility being a disincentive to travel by foot and bicycle, so leading to increased car dependent travel. This is contrary to the sustainable development objectives of the above Core Strategy policies.

4. The proposal does not make provision for essential infrastructure made necessary by the planned development – specifically, affordable housing, education facilities, recreation/open space, essential highway works, waste collection facilities, ecology mitigation, air quality improvements and public art. This is contrary to Core Policy 3 ('Infrastructure Requirements'), Core Policy 43 ('Providing affordable homes'), Core Policy 50 ('Biodiversity and geodiversity'), Core Policy 55 ('Air Quality') and Core Policy 61 ('Transport and new development') of the Wiltshire.

**INFORMATIVE:**

This reason for refusal may be addressed by the completion of a legal agreement (a 'S106 agreement'), in the event of an appeal.

*Note: At the meeting of the Strategic Planning Committee on [2 March 2023](#), the Committee re-considered the reasons for refusal for this application, following officer advice. The reasons detailed above are the final reasons for refusal. These were clarified at that meeting, and minor amendments to the reasons the Committee originally provided were agreed. Full details can be seen in the minutes of that meeting.*

*The meeting was then adjourned from 15:30 – 15:40 for a short break.*

*Councillors Newbury and Clark left the meeting at this time.*

21 **PL/2022/01367 - Land off St George's Road, Semington, Melksham**

Public Participation

Francis Moreland spoke in objection to the application.

Chirs Beaver (agent) spoke in support of the application.

Dr William Scott – Semington Parish Council, spoke in objection to the application.

Jemma Foster (Senior Planning Officer) presented a report which recommended that permission be delegated to the Head of Development Management to grant full planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report, and subject to the conditions outlined in the report, for PL/2022/01367 - Land off St George's Road, Semington, Melksham, for a residential development of 18 Dwellings with associated works including vehicular access and parking.

The officer highlighted the late representation from Francis Moreland who felt that Wiltshire Council could demonstrate a 5 year HLS based on the Drynham Lane Trowbridge Appeal Decision and how other south west authorities

calculate their housing land supply figures. In particular the inclusion of windfall sites. An officer from Spatial Planning had prepared a response which was read at the meeting as follows:

*“The NPPF allows for an inclusion of a windfall allowance within its anticipated housing land supply, subject to matters that are set out in NPPF 71. The Council include such an allowance within its five-year housing land supply and supply over the medium and long term. The Council review the factors that affect delivery from windfall sites as part of its annual review of housing land supply. Such factors, including the approach set out in the development strategy and historic delivery, will vary between authorities. As such, the method for calculating future windfall for one authority (such as that for Cotswold District Council as quoted by Mr Morland) is not necessarily directly transferable to that for Wiltshire. Any revisions to the windfall allowance within the housing land supply position will be documented in updates to the Council’s annual Housing Land Supply Statement.”*

The officer explained that the reason for this relatively small application being brought to Committee was because it involved a departure to the policies of the statutory development plan.

The officer took the Committee through the presentation slides for the application, highlighting that the application was in a gap between already existing houses and others that were currently being built. The houses were of a similar design to those currently being developed to the North and would be carbon neutral.

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

In response to questions the officer confirmed the developer was the same for this site and the houses already being developed to the North. There was no benefit to the developer to putting in the applications separately, affordable housing figures had to meet regulations on both sites individually. However, figures could be rounded down for each application.

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

Councillor Jonathan Seed, the local division Member (Melksham Without West & Rural) spoke in objection to the application. He expressed the opinion that it was extraordinary that the Committee was being asked to consider an application clearly in breach of the Council’s own policies. He also emphasised that since Semington Parish Council had been largely supportive of previous planning applications, it would be wise to pay heed to and respect their opposition to this application.

In response to public participation the officer stated that the Council had to use the 5 year HLS figure as it was published. It was not known if or when proposed changes to the NPPF would be adopted.

Councillor Trotman proposed a motion that the Committee accept the officer recommendation to approve the application as detailed in the agenda. The matter of the 5-year HLS did not sway him and he felt that the application seemed to be a natural infill of a gap, which rounded-off the village. He deemed it a good plan, especially factoring in the carbon-efficient houses. Councillor Sheppard seconded Councillor Trotman's motion.

During debate the poor condition of the single-track road to the site was raised. The officer responded that highways officers had twice considered access to the site and had deemed it acceptable.

Members also discussed the 5 year HLS and whether Semington had a Neighbourhood Plan in place. It was confirmed that whilst a plan was being developed, it had not been adopted and was not at a point where it could be given weight. Councillors further reflected on the importance of neighbourhood plans.

At the conclusion of the debate, it was;

**Resolved:**

**To defer and delegate to the Head of Development Management to grant full planning permission subject to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report, and subject to the conditions set out below –**

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

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2 Construction works involving activities audible at the edges of the site shall be restricted to the following times:-**

- (a) Mondays - Fridays 07:30 – 18:00hrs**
- (b) Saturdays 08:00 – 13:00hrs**
- (c) Not at all on Sundays or Bank and Public Holidays.**

**No burning shall take place on site.**

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

**3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.**

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

**4** No dwelling hereby approved shall be first occupied until its associated access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

**5** No dwelling hereby approved shall be first occupied until its windows serving the en-suites and bathrooms have been glazed with obscured glass only to an obscurity level of no less than level 3. The windows shall thereafter be maintained with obscured glass in perpetuity.

**REASON:** In the interests of residential amenity and privacy.

**6** No development shall commence above slab level until details of how nest and roosting places for building dependent species such as swifts will be incorporated into the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

**REASON:** In the interests of enhancing the local and natural environment.

**7.** No development shall commence on site until a programme of archaeological work to demonstrate that the development hereby approved has been carried out in accordance with the approved Written Scheme of Investigation (submitted to Wiltshire Council on 22nd August 2022) has been submitted to and approved in writing by the Local Planning Authority.

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

**8.** No development shall commence on site until a Drainage Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Construction Management Plan shall include monitoring of, and measures to retain the existing vegetation across the site, together with drainage arrangements during the construction phase. The development shall be carried out at all times in accordance with the approved details.

**REASON:** To ensure that the site can be adequately drained during the construction phase.

No work shall commence on site including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The

Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase as recommended in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) including but not necessarily limited to:

- a) Ecological protection areas/buffer zones and tree root protection areas around retained hedgerows and trees including details of specification of physical means of protection, e.g. temporary fencing.
- b) Mitigation strategies for protected/priority species, such as reptiles, amphibians, nesting birds, badger and hedgehog.
- c) 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.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

**REASON:** To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10 No development shall commence on site including site clearance until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall specify the design and location of features required as mitigation as outlined in Section 4 of the Walkover Survey report prepared by All Ecology (November 2021) and required by the Biodiversity Net Gain Preliminary Design Stage Report prepared by All Ecology (July 2022) the including, including but not exclusively:

- a. New hedge planting in the public realm including protective measures and buffers.
- b. Enhancement of retained hedges.
- c. Protective measures and buffers for retained hedge at the northern boundary.
- d. Hedgehog paths through any solid fences.
- e. Integral bird swift boxes and bird homes.
- f. Reptile/ amphibian hibernaculum.
- g. Integral bat boxes.
- h. Hedgehog homes.

The LEMP shall also include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development including but not limited to:

1. Retained and new hedges and trees.
2. Attenuation basin/ pond and associated aquatic vegetation and wetland meadow grassland.
3. Wildlife corridor.
4. Wildflower meadow.
5. Native and non-native hedgerow planting.

The LEMP shall also include a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets and detail of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP 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.

**11** No external light fixture or fitting shall be installed at the application site unless its details are first submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate compliance with Section 4 of the Walkover Survey report prepared by All Ecology (November 2021). The light fixture or fitting must be installed as approved and maintained as such thereafter.

**REASON:** To avoid inappropriate illumination of habitats used by bats.

**12** The development hereby approved shall be carried out in accordance with the drainage strategy reference 877-ER-01 dated 10<sup>th</sup> November 2021 received by the Local Planning Authority on 18<sup>th</sup> February 2022.

**REASON:** To ensure the site satisfactorily drains and does not lead to flooding elsewhere.

**13** Prior to the occupation of the 18<sup>th</sup> dwelling the fence and gate to be erected around the 'Wildflower Corridor'/'Wildlife Meadow' at the rear of units 10-13 shall be completed. Thereafter this area will remain private and inaccessible to the public, with access only for maintenance purposes.

**REASON:** To ensure the future protection of the wildlife corridor and wildlife habitats.

**13** 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 any part of the development or in accordance with a programme to be first agreed in writing by the local planning authority,

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 (which shall include all elements of the 'Play Trail' and the 'Self-binding gravel path' and related bench and log seating) shall also be carried out in accordance with the approved details prior to the first 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.

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

- 18th February 2022 877: 01 (location plan), 07 (Maintenance Area Management Plan), 10 (HT Floor plans and elevations), 11 (PB floor plans and elevations), 12 (CR floor plans and elevations), 13(HN floor plans and elevations) 14 (AG floor plans and elevations), 15 (2B4P floor plans and elevations), 16 (2B4P D Floor plans and elevations), 17 (3B5P floor plans and elevations) BIP (Boundary Identification Plan), 155 (External works, drives, kerbs, pavers)
- 2nd March 2022 877: 151 (External works details – walls, fences, railings),
- 21st June 2022 877: 08 rev A (street scenes), 122 -1 (drainage details), 141 Rev B (external works layout), 142 Rev A (drainage layout), 148 -1 &148-2 (swept path analysis), Planning materials Schedule, Semington Material Board,
- 5th August 2022 877: 05 Rev B (Planning layout), 09 (boundary identification plan), 50 Rev B (ecological parameters plan), 21/498/02D (detailed landscape Plan)

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

**Informatives:**

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



**2 In order to discharge the archaeology condition above, the work is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be met by the applicant.**

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

## **22 Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 4.30 pm)

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