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**Town and Country Planning Act 1990**  
**PERMISSION FOR DEVELOPMENT**

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Application No: 04/02105/OUTES

Description: Outline planning application for mixed use residential development consisting of 650 dwellings

Location: Land Adjacent Scrap Yard Green Lane Trowbridge Wiltshire

**Applicant:** Persimmon Homes (Wessex) Limited  
C/o Pegasus Planning Group  
6-20 Spitalgate Lane  
Cirencester  
Gloucestershire  
GL7 2DE

**Agent:** Pegasus Planning Group  
6-20 Spitalgate Lane  
Cirencester  
Gloucestershire  
GL7 2DE

**JUSTIFICATION FOR DECISION:**

**The proposal is in accordance with the Development Plan and any objections can be addressed by condition or legal agreement**

The Council hereby grants **PERMISSION** for the above development to be carried out in accordance with the application and accompanying plans subject to the following condition(s):

- 1 Approval of the details of the siting, design and external appearance of the building(s), means of access within the site and the landscaping of the site ("the reserved matters") in each phase of the development shall be obtained from the Local Planning Authority in writing before any development in that phase is commenced.

**REASON:** In accordance with Section 92 of the Town and Country planning Act 1990

- 2 Application for approval of the first reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and all reserved matters for the remainder of the site submitted before the expiry of six years from the date of this permission.

**REASON:** In accordance with Section 92 of the Town and Country planning Act 1990

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the first of the reserved matters to be approved, whichever is the later.

**REASON:** In accordance with Section 92 of the Town and Country planning Act 1990

- 4 The development hereby granted permission shall be carried out in accordance with the principles of both the approved Development Brief, the Master Plan and the Design Guide dated November 2004 as amended (March 2005) unless otherwise approved in writing by the Local Planning Authority.

**REASON:** In order to ensure the development is satisfactory

**POLICY:** West Wiltshire District Plan policy H11

- 5 The number of dwellings to be constructed pursuant to this permission shall be in the range of 650 units

**REASON:** In order to comply with the Development Plan

**POLICY: West Wiltshire District Plan policy H11**

- 6 No new dwelling shall be occupied prior to April 2006**

**REASON: In order to comply with the Development Plan**

**POLICY: West Wiltshire District Plan policy H11**

- 7 Prior to the commencement of any work on site and in association with the submission of the first reserved matters, details of a phasing plan for the development as a whole, the infrastructure and facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall provide for the construction of the Distributor Road, implementation of the surface water attenuation and works to the water course, provision of the primary school, local shopping, recycling facility, recreation facilities, public open space and the identification and implementation for the individual residential areas. The development shall be carried out in accordance with the approved details.**

**REASON: In order to ensure the development is carried out in a satisfactory manner**

**POLICY: West Wiltshire District Plan policy H11.**

- 8 Pursuant to condition no 7 the development hereby granted permission shall ensure that no more than 225 dwellings are occupied until the main public open space (country park), the sports pitches and changing rooms, school, local shop and recycling facilities are completed and available for use, unless otherwise agreed in writing with the local planning authority.**

**REASON: In order to ensure the facilities are provided and to meet the needs of the development.**

**POLICY: West Wiltshire District Plan 1st Alteration policy H11**

- 9 The reserved matters for each phase shall, include where relevant any related provision for public open space, amenity areas, play areas and strategic landscape areas. The plans submitted shall define the boundaries of such areas, their proposed uses, the age groups for which they are intended, and the items of equipment, means of enclosure and all other structures which it is proposed to install. The plans shall also provide for the landscaping of all such areas and the landscaping shall be maintained for a period of five years. Any trees and shrubs which die within that period shall be replaced to the satisfaction of the Local Planning Authority and be maintained for a further period of five years. The amenity spaces, play areas and landscaping for each respective phase shall be completed and available for use by the public before 50% of the houses in that phase are occupied.**

**REASON: To ensure that adequate recreation space is provided to meet the needs of the development.**

**POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4**

- 10 Before any work starts on site and pursuant to condition 7 and 8, the submitted details shall also include a full design and build specification for the proposed formal sports pitch area and the buffer to Green Lane Wood. The submitted details shall include details of land drainage to a standard specified by the Sports Turf Research Institute and provide for its implementation in accordance with the approved details.**

**REASON: In order to ensure to provision of the pitches and in the interest of wildlife conservation.**

**POLICY West Wiltshire District Plan policy H1**

- 11 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.**

**The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.**

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the local planning Authority until the respective phase of the development referred to in condition nos. 7 and 8 has been completed.

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 12 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

REASON: To ensure that existing hedges of value are adequately protected.

- 13 Pursuant to condition no 7, a programme for the phased implementation of the hard and soft landscaping of each phase of the site shall be submitted to the Local Planning Authority. No development shall take place in any phase until full details of the landscape works for that phase have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme of implementation; and any trees or plants which within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed by the Local Planning Authority.

REASON: To provide a satisfactory Landscaped setting for the development

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H11 and C40

- 14 Prior to the commencement of work on each phase pursuant to condition no 7, a schedule of the materials to be used in the external surfaces of all buildings in each phase of the development shall be submitted to and approved by the Local Planning Authority. The submitted details shall provide for the phased implementation of the development which shall be carried out in accordance with the approved details.

REASON: In order to ensure the development is satisfactory

POLICY: West Wiltshire District Plan - 1st Alteration policy C31a

- 15 Unless otherwise agreed in writing, the details of the development hereby granted permission shall include the provision for a vehicular link to the boundary with Green Lane for the future access to land north of Green Lane identified in the West Wiltshire District Plan - 1st Alteration, 2004 as area H8c. Such a link shall be suitable for a bus route.

REASON: In order to comply with the development plan

POLICY: West Wiltshire District Plan - 1st Alteration policy H11 and H8c

- 16 Details of the phasing of the development pursuant to condition no. 7 and the construction of the distributor road from West Ashton Road to Leap Gate shall be submitted to and approved in writing by the Local Planning Authority. The details shall require the connection to Leap Gate to be completed for the passage of pedestrians, cyclists and buses only before the occupation of the first dwelling. No more than 225 dwellings shall be occupied on the site until completion of the Leap Gate access for the passage of all vehicles except construction traffic associated with the development. The development shall be carried out in accordance with the approved phasing.

**REASON:** In the interest of highway safety and residential amenity

- 17 No dwelling shall be occupied until details of the improvements to West Ashton Road and its junction with the A350 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

- 18 Development of each phase shall not begin until details of the design, layout, levels, gradients and finished surface materials of all roads including public transport routes and footways forming part of each phase of the development have been submitted to and approved in writing by the Local Planning Authority. No new building shall be occupied until that part of the vehicular and pedestrian access thereto has been constructed to a standard agreed in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

**REASON:** In the interest of highway safety and to ensure the development is satisfactory

- 19 Notwithstanding the details shown on the submitted drawings, no development shall take place until details of the pedestrian and bridleway crossing at Green Lane have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and the crossings shall be complete and operational before the distributor road is opened to all traffic.

**REASON:** In the interest of pedestrian safety

- 20 Notwithstanding the details shown on the submitted drawings for the Leap Gate connection north of Green Lane, no development shall take place until details of the fencing, barriers, noise attenuation measures, landscaping and earthworks have been submitted to and approved in writing by the Local Planning Authority. The safety barrier, acoustic fencing and landscaping details shall incorporate the principles outlined in the applicants submission letters reference PFA and LTC both dated 11 July 2005. The work shall be carried out in accordance with the approved details.

**REASON:** To ensure the development is satisfactory and in the interest of residential amenity

**POLICY:** West Wiltshire District Plan - 1st Alteration policy H11 and C38

- 21 No development approved by this permission shall be commenced until a scheme for the phased provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

**REASON:** To prevent the increased risk of flooding

**POLICY:** West Wiltshire District Plan - 1st Alteration policy U2

- 22 No development approved by this permission shall be commenced until a scheme for the provision and phased implementation of the method of restoration and maintenance of the Blackball Brook, its floodplain and the proposed attenuation facilities has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**REASON:** To safeguard the water environment

**POLICY:** West Wiltshire District Plan - 1st Alteration policy U3

- 23 There shall be no storage of any materials including soil within that part of the site identified as Blackball Brook floodplain (100 year extent or 1% probability).

**REASON:** To ensure there will be no risk of flooding

**POLICY:** West Wiltshire District Plan - 1st Alteration policy U3

- 24 Unless otherwise approved in writing by the Local Planning Authority; a buffer zone extending 7 metres from the top of the bank of the Blackball Brook shall be established prior to any other works, including site clearance, taking place; this buffer zone should be protected by the erection of agricultural grade stockproof fencing; any physical features or plants within the buffer zone should be left undisturbed by the development and/or associated infrastructure works; the fencing may be removed on final completion of all works, and the buffer zone incorporated into the overall landscaping scheme.

REASON: To protect and conserve the Blackball Brook

POLICY: West Wiltshire District Plan - 1st Alteration policy U3

- 25 No development shall commence until a detailed scheme for the conservation of the Blackball Brook and associated wildlife is submitted and approved by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

REASON: To protect and conserve the Blackball Brook and its environment

POLICY: West Wiltshire District Plan - 1st Alteration policy C1

- 26 Before any development is commenced on site, the scrap yard shall cease and a scheme to deal with any contamination of the site, including full details of the site clearance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to be taken to avoid risk to the public or the environment when that part of the site is developed which shall be implemented before the development begins. The works to the scrap yard shall be carried out in accordance with the approved details before any dwelling is occupied.

REASON: In the interest of public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration policy C37

- 27 Notwithstanding the submitted details of road lighting columns, prior to the commencement of work on each phase of development pursuant to condition no 7, details of all lighting to roads and footways in the phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved details. Such lighting details shall be designed in accordance with the Institution of Lighting Engineers (2003) Guidance Notes for the Reduction of Light Pollution, meet the standards for Environmental Zone E2 on the site as a whole but meet the standards for Environmental Zone 1 for the northern part of the development site (adjacent to Green Lane and Green Lane Farm) and the western part of the development site (nearest to Green Lane Wood).

REASON: In the interest of nature conservation and the protected Bechstein's Bats

POLICY: West Wiltshire District Plan - 1st Alteration policy C1 and C7

- 28 Notwithstanding the submitted details of road lighting columns, there shall be no external lighting erected on the site, including any of the construction phases, other than those approved pursuant to condition no. 27 or unless otherwise agreed by the Local Planning Authority. Such lighting details shall be designed in accordance with the Institution of Lighting Engineers (2003) Guidance Notes for the Reduction of Light Pollution, meet the standards for Environmental Zone E2 on the site as a whole but meet the standards for Environmental Zone 1 for the northern part of the development site (adjacent to Green Lane and Green Lane Farm) and the western part of the development site (nearest to Green Lane Wood).

REASON: In the interest of nature conservation and the protected Bechstein's Bats

POLICY: West Wiltshire District Plan - 1st Alteration policy C1 and C7

- 29 No development shall commence until details of a habitat creation and management plan for the areas of the country park and linear open space link to Green Lane to the west of Green Lane Wood shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a hedgerow/shrub/tree planting to provide a link extending south from Green Lane Wood towards Biss Wood and the implementation of such measures in relation to the phases of development. The work shall be carried out in accordance with the approved details.

**REASON:** In the interests of nature conservation and habitat management to protect bats resident in Green Lane Wood.)

- 30 No development shall take place within the area of the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**REASON:** To protect the archaeological heritage of the area

**POLICY:** West Wiltshire District Plan - 1st Alteration policy C14 and C15

- 31 All construction traffic associated with the development of the site shall enter and leave the site via West Ashton Road access only.

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

- 32 The layout of the residential roads served off the distributor road T4C shall make provision for access for public transport buses to serve the estate and enable a through bus corridor that can also link with existing residential development north of Green Lane.

**REASON:** In the interests of delivering sustainable transport options for future residents.

- 33 No work shall commence on site until details of an integrated road, footpath and cycleway network has been submitted to and approved in writing by the Local Planning Authority. Such details shall have regard to the need to link with existing and allocated development sites sharing a common boundary with the site, and how such transport links can be facilitated. Each phase shall be constructed in accordance with the approved details.

**REASON:** In the interests of delivering sustainable transport options for future residents and to ensure an appropriate level of accessibility for the broader community.

- 34 Prior to the commencement of any work on site, details of a wheel washing facility, of a specification to be submitted to and approved in writing by the Local Planning Authority. Such a facility shall be located on the site at a convenient point to the access from West Ashton Road and shall be retained throughout the period of construction.

**REASON:** To ensure that materials from the site are not deposited on public roads.

- 35 Before work starts on site, detailed plans of the parking and servicing areas for the construction compound, deliveries and personnel, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority. Any such site shall be located at a position easily accessible from the West Ashton Road entrance to the site. This land should be restored to its former condition or in accordance with any approved scheme which ever is appropriate once construction work has been completed.

**REASON:** In order to ensure that an adequate area for parking and/or servicing is available during the construction phase and in the interests of highway safety.

- 36 No work shall commence on site until the Local Planning Authority has agreed with the developer an arrangement for establishing the site name and local direction signing, both temporary and permanent.

**REASON:** In order avoid confusion for those requiring access to the site, and to ensure that a comprehensive arrangement of local destinations is established at the outset of development.

- 37 The school shall not be opened for use until the access roads, paths and parking arrangements serving the site have been constructed to a standard to be agreed with the Local Planning Authority.

**REASON:** To ensure that the school is safely and comprehensively accessible to users and that a choice of approach routes is available to the anticipated catchment area.

38 Prior to the commencement of any work for the phase including the Local shop, details of the recycling facility shall be submitted to and approved in writing by the Local planning Authority. The work shall be carried out pursuant to condition no. 8 and in accordance with the approved details.

REASON: To ensure the facility is provided in a satisfactory manner.

POLICY: West Wiltshire District Plan - 1st Alteration policy H11

39 There shall be no development within 100 metres of the Green Lane Wood and a 50 metre wide landscape corridor along the western boundary of the Wood shall be established in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority before any works starts on site. The work shall be carried out in the first planting following commencement of the development and any trees or plants which within a period of 5 years from the completion of the development 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.

REASON: To provide a satisfactory landscape setting and in the interest of protected species.

POLICY: West Wiltshire District Plan - 1st Alteration policy C7 and C32

Note(s) to Applicant:

- 1 The applicant is advised that there are species in the vicinity which are protected under the Wildlife and Countryside Act 1981 and you should contact English Nature and the Wiltshire Wildlife Trust before and during construction.
- 2 All reasonable steps, including damping down site roads, should be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3 Any stopping up or diversion to a public footpath or bridleway will require a separate consent and you are advised to contact from Wiltshire County Council
- 4 The applicant is advised to consult with the Environment Agency Technical Services Department regarding the drainage strategy and the works to Berryfield Brook may require formal consent under the land Drainage Act 1991.
- 5 The Wiltshire Wildlife Trust advise that at least 25% of the houses should be built to 'very good' BREEAM standards in order to mitigate greenhouse emission contributions
- 6 The developer should contact Wessex water for approval of water supply and foul drainage connections.

Dated: 13 July 2005

Signed:



Development Control Manager

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*The applicant's attention is drawn to the attached set of Guidance Notes, which form part of this decision.*