

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 DECEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Tony Jackson (Substitute), and Cllr Gordon King (Substitute)

#### **Also Present:**

Cllr David Vigar and Cllr Antonio Piazza

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#### 84 **Apologies**

Apologies for absence were received from:

- Councillor Jonathon Seed, who was substituted by Councillor Tony Jackson
- Councillor David Vigar, who was substituted by Councillor Gordon King
- Councillor Suzanne Wickham

#### 85 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 6 November 2024 were considered.

#### **Resolved:**

**The Committee approved and signed the minutes of the previous meeting held on 6 November 2024 as a true and correct record.**

#### 86 **Declarations of Interest**

There were no declarations of interest.

#### 87 **Chairman's Announcements**

There were no specific Chairman's announcements.

88 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

89 **Planning Appeals and Updates**

The Chairman invited Kenny Green, as the Planning Manager for Development Management, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

The two determined appeals were detailed, with Members being informed of the successful defence of application PL/2023/07590 pursuant to an outline application for the erection of a dwelling, in which it was found that the site was not suitable for housing due to unacceptable highways consequences.

Members were also provided with an update on the follow up engagement with the Planning Inspectorate regarding the appealed development at Siennas Valley Farm, Chapmanslade, to which application PL/2023/05142 referred, pursuant to the erection of a two-storey dwelling located off Huntenhall Lane. It was confirmed that a letter had been sent to the Planning Inspectorate highlighting specific concerns about inconsistent decision making and assessment made by the appointed Planning Inspector, and that an acknowledgement had been received. Members were advised that they would be updated when a full response had been obtained by officers.

On a separate matter, an update was requested for the pending appeal determination pursuant to application PL/2021/09013, relative to a 205 dwelling application that was refused at Strategic Planning Committee for Land West of Westbury Road, Warminster. In response, it was confirmed that the appeal had been adjourned until mid-January 2025 and that officers were in the process of responding to a series of requests from the appointed Planning Inspectors, and an update would be provided to the Strategic Planning Committee in due course.

Following which, it was:

**Resolved:**

**The Committee noted the appeals report for the period 25 October 2024 to 22 November 2024.**

**Southwick Court Fields: Southwick and North Bradley - Application No. 2020/02TVG**

Public Participation

- Mr Francis Morland spoke in objection to the recommendation.
- Mr Barry Jones spoke in objection to the recommendation.
- Mr David Richardson spoke in support of the recommendation.
- Councillor Graham Hill, on behalf of Trowbridge Town Council, spoke in objection to the recommendation.

The Senior Definitive Map Officer, Janice Green, presented the report considering the Legal Advice requested by the Western Area Planning Committee at its meeting date 6 November 2024, to assist in its determination of an application made under S.15(1) and (2) of the Commons Act 2006 to register land as a Town or Village Green (TVG), Southwick Court Fields, in the parishes of Southwick and North Bradley.

Officers including Frank Cain (Employed Barrister, Wiltshire Council), reminded Members of the background to the application including the accepted application plan; the legislation which governs applications; planning trigger and terminating events; the timeline of applications; and the two previous referrals to the Committee, the most recent of which resulted in a deferral to seek a further report on whether the application of January 2020 could be processed with the wider application area examined.

The Counsel's Advice, as prepared by Douglas Edwards KC of Francis Taylor Building and received on 16 October 2024, was summarised, alongside the advice given by Mr Cain as per Paragraph F 1 to 14 of the Officer's report. Members were again reminded that although it was open to the Commons Registration Authority (CRA) to reject the Inspector's Advisory Report and recommendation dated 9 February 2024, it can only lawfully do so if the CRA finds that the Inspector has made a significant error of fact or law. As such, if the Inspector's recommendation was rejected, the CRA must provide legally valid reasons, supported by evidence, of the error of fact or law, where the CRA's decision is open to legal challenge.

Members of the Committee then had the opportunity to ask technical questions to the officers. Further clarity was sought on whether there was one application or three separate TVG applications and the timelines of these; the application of natural justice; and the impacts on all parties if the application made on 13 January 2020 were processed as it should have been processed originally.

In response, officers referred to Agenda Supplement 1 and noted that the public inquiry and its notification was based on the accepted revised plan for the third application, and that the documentation showed that there were three separate and identifiable applications, which had been accepted by the applicant.

Officers then emphasised the importance of the principle of public law decisions in that the public and those adversely impacted should have certainty of the

legality of a decision made. Furthermore, it was noted that Members should also consider natural justice in respect of the landowner and/or developers of the land when contemplating the option to re-open the original application 13 January 2020.

It was then highlighted that the landowner was entitled to rely upon the officer's original decision under delegated powers and that by reopening the original application, the landowners and/or developers of the land would be put at risk of further uncertainty, particularly when considering that the application site had been identified as land for the Wiltshire Housing Sites Allocation Plan (WHSAP), that planning permission had been granted against the site, and the length of time that had elapsed since the submission of the original application. As such, Members were advised that officers did not believe that the facts of the case would support the reopening of the original application and that the adverse effect on the third parties would be recognised when determining any further legal action.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Following the public forum, officers clarified the procedure for judicial reviews, who could proceed with a claim for such, and who could be liable for any potential costs awarded. It was further confirmed that although there were no specific statutory time limits in respect of a decision, it was a requirement that matters were resolved in a timely manner and that any further delays could cause difficulties for the landowner/developers of the land as well as creating uncertainty in respect of public law decisions.

Councillor David Vigar, as the Local Unitary Member for the identified locality of the application, then spoke to the application and considered the sequence of events leading to the meeting, the legal advice provided by Counsel and Mr Frank Cain, the impacts of the delays on all parties, and the importance of retaining the green space for the residents of Trowbridge Grove.

A debate then followed where Members discussed the points raised by Cllr Vigar alongside the timeline of the submitted applications, the option to reinstate the original application dated 13 January 2020 in order for it to be processed as it should have been originally, and the direct impacts of such a decision on the landowner/developers of the land.

Councillor Horace Prickett moved to defer the application until February 2025 to ascertain whether the potential for a pre-action protocol being submitted by a third party to make a claim for judicial review against Wiltshire Council pursuant to the decisions made in 2020 would be made. As the motion was not seconded, it was lost.

Members further discussed accepting the Officer's recommendation, but with the addition of an advisory which made clear that the Committee was making a decision on the application dated 30 November 2020, and did not endorse the

earlier decision of the Council for the application dated and lodged on 13 January 2020.

At the conclusion of the debate, Councillor Stewart Palmen moved to accept the Officer's recommendation, with the addition of an advisory note, seconded by Councillor Trevor Carbin.

Following a vote on the motion, it was then:

**Resolved:**

**That Wiltshire Council as the CRA, ACCEPTS Counsel's Advice supported by Wiltshire Council Legal Advice, that it was not open to the Inspector to consider the application dated 13 January 2020 and that the decision of the CRA to reject the application dated 13 January 2020 cannot be reversed by the CRA. The Inspector's recommendation can be relied upon by the CRA in determining the application received on 30 November 2020 and the application to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, (proceeding under Application number 2020/02TVG), should be rejected on the ground that all the criteria for registration laid down in s.15(2) of the Commons Act 2006 have not been satisfied, for the reasons set out in the Inspector's Advisory Report dated 9 February 2024.**

***Advisory Note: This decision is solely related to the application 2020/02TVG in respect of the lower field at Southwick Court Fields and is not intended to represent an endorsement of the decision of 24 February 2020 to return the 13 January 2020 application that also covered the upper field.***

*Members took a comfort break from 16.48pm to 17.00pm.*

91 **PL/2022/09425: Elm Grove Farm, Drynham Road, Trowbridge, Wilts, BA14 0PL**

**Public Participation**

- Mr Martin Weston, local resident, spoke in objection to the application.
- Ms Emma Caley-Taylor, local resident, spoke in objection to the application.
- Ms Ceri Lambdin, local resident, spoke in objection to the application.
- Mr Giuseppe Melillo, local resident, spoke in objection to the application.
- Mr Neil Mantel, agent, spoke in support of the application.
- Mr Paul Williams, agent, spoke in support of the application.

Jemma Foster, as Senior Planning Officer, presented the report which recommended that the Committee approved the application, subject to conditions, for the demolition of existing building and structures and

construction of 248 residential homes, playing pitches, allotments, areas of open space, upgrading of existing play area, sustainable drainage infrastructure, internal roads, paths, and parking areas, landscaping and associated works, plant, and infrastructure.

Key material considerations were identified including the principle of development; scale, design, and layout; landscape and visual impact; heritage impact; drainage; ecological impact; impact on amenity; highways; other material matters; Community Infrastructure Levy (CIL), and Section 106 Legal Agreement.

Members of the Committee then had the opportunity to ask technical questions to the officer and queried matters relating to the proposal's compliance with the Trowbridge Bat Mitigation Strategy (TBMS); the location of the proposed hammerhead and the impacts on existing residents and future neighbouring development as part of the Wiltshire Housing Sites Allocation Plan (WHSAP); and the accessibility for vehicles through Drynham Lane and Wiltshire Drive into the development. Further queries were made in respect of the on-site provision of rainwater harvesting; references to the use of fires within the Planning Conditions; and the maintenance of the proposed open spaces.

In response, Case Officer and attending Council Ecology Officer acknowledged that there was a disagreement between residents and Wiltshire Council officers with respect to where the buffer zones should be measured from in respecting to providing sufficient off-setting from the site boundary and when applying the TBMS. Officers also argued that the TBMS was a guidance document with the primary purpose of ensuring that the functionality of core bat corridors were maintained. As such, additional assessments, surveys, and reports that were presented to the Council as part of the formal application submissions provided more detail for particular sites and was fully considered as part of a full assessment by the Council's Ecologists and Natural England, which led them to endorse reserved matters approval being recommended.

It was further explained that the hammerhead had been granted permission at the outline stage in terms of its proposed location after a full assessment was completed by the Council's Highway Authority, with other potential locations raising fly tipping concerns. However, it was confirmed that the hammerhead's position alongside other highway safety concerns could be reviewed again by the Highways Team under the Section 278 agreement. Furthermore, Members were informed that there were no proposals to limit accessibility for vehicles in and around the site, but that the hammerhead would lead to Drynham Lane and would no longer be a through road.

Officers also confirmed that there were no plans for any on-site rainwater harvesting, but it was emphasised that the applicants were committed to a number of other measures with regard to climate change considerations, and it was confirmed that the references to the use of fires as set out within the Planning Conditions could be removed.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Following the public forum, Members were reminded that as the application had outline planning approval, the reserved matters application could only assess those specific reserved matters and the detail as submitted rather than alternative forms of development, and not the principle of development. Furthermore, Members were reassured that if consent was given, Wessex Water had confirmed that a full review, and any ensuing infrastructure improvement works, would be undertaken to ensure that there was adequate capacity in the main drainage systems to serve both existing and the proposed dwellings.

Councillor Antonio Piazza, as the Local Unitary Member, then spoke to the application where he raised a number of concerns including the form of the proposed development and its community integration, the environmental and flood risks, traffic concerns, and accessibility. The importance of holding the development to the highest standards was also highlighted alongside ensuring the preservation of the natural environment on site and the quality of life for existing and new residents.

A debate then followed where Members acknowledged the concerns raised by Cllr Piazza and residents and discussed the TBMS and different highways aspects; in particular, safety concerns relating to the position of the hammerhead and highway works. Following which, Members suggested including an informative which requested that the location of the hammerhead be revisited by the developer.

At the conclusion the debate, Councillor Stewart Palmen moved to approve the application in line with officer recommendations, with the addition of an informative relating to the siting of the proposed hammerhead and the removal of references to the use of fires within Planning Conditions 2, 3, 4, and 5, which was seconded by Councillor Gordon King.

Following a vote on the motion, it was:

**Resolved:**

**The Committee APPROVED the application subject to the following conditions:**

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**
  - All drawings and reports contained in the Plan List received by the Local Planning Authority on 12th November 2024 (dated November 2024)**
  - Arboricultural Report, prepared by Silverback Consultancy Ltd and dated April 2024**

- **Addendum to Arboricultural Report by Silverback Consultancy Ltd and dated 6<sup>th</sup> November 2024**

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

2. **No demolition, site clearance or development shall commence on Phase 1 identified on drawing number 1955 119 Rev D until an Arboricultural Method Statement (AMS) relevant for that phase prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:**
  - **A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
  - **A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;**
  - **A schedule of tree works conforming to British Standard 3998: 2010;**
  - **Details of general arboricultural matters such as the area for storage of materials, concrete mixing.**
  - **Plans and particulars showing the siting of the service and piping infrastructure;**
  - **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
  - **Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
  - **Details of all other activities, which have implications for trees on or adjacent to the site.**
  - **In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and the designated site foreman.**



**REASON:** In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990

**3. No demolition, site clearance or development shall commence on Phase 2 identified on drawing number 1955 119 Rev D until an Arboricultural Method Statement (AMS) relevant for that phase prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:**

- **A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
- **A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;**
- **A schedule of tree works conforming to British Standard 3998: 2010;**
- **Details of general arboricultural matters such as the area for storage of materials, concrete mixing.**
- **Plans and particulars showing the siting of the service and piping infrastructure;**
- **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
- **Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
- **Details of all other activities, which have implications for trees on or adjacent to the site.**
- **In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and the designated site foreman.**

**REASON:** In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990

**4. No demolition, site clearance or development shall commence on Phase 3 identified on drawing number 1955 119 Rev D until an Arboricultural Method Statement (AMS) relevant for that phase prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:**

- **A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
- **A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;**
- **A schedule of tree works conforming to British Standard 3998: 2010;**
- **Details of general arboricultural matters such as the area for storage of materials, concrete mixing.**
- **Plans and particulars showing the siting of the service and piping infrastructure;**
- **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
- **Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
- **Details of all other activities, which have implications for trees on or adjacent to the site.**
- **In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and the designated site foreman.**

**REASON:** In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990

**5. No demolition, site clearance or development shall commence on Phase 4 identified on drawing number 1955 119 Rev D until an Arboricultural Method Statement (AMS) relevant for that phase prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:**

- **A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
- **A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;**
- **A schedule of tree works conforming to British Standard 3998: 2010;**
- **Details of general arboricultural matters such as the area for storage of materials, concrete mixing.**
- **Plans and particulars showing the siting of the service and piping infrastructure;**
- **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
- **Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
- **Details of all other activities, which have implications for trees on or adjacent to the site.**
- **In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and the designated site foreman.**

**REASON:** In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990

6. No development above slab level shall commence on Phase 1 as identified on drawing number 1955 119 Rev D (phasing plan) until the details of the materials (walls, roofs, windows) to be used in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the immediate area.

7. No development above slab level shall commence on Phase 2 as identified on drawing number 1955 119 Rev D (phasing plan) until the details of the materials (walls, roofs, windows) to be used in that phase have been submitted to and approved in writing by
8. the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the immediate area.

9. No development above slab level shall commence on Phase 3 as identified on drawing number 1955 119 Rev D (phasing plan) until the details of the materials (walls, roofs, windows) to be used in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the immediate area.

10. No development above slab level shall commence on Phase 4 as identified on drawing number 1955 119 Rev D (phasing plan) until the details of the materials (walls, roofs, windows) to be used in that phase have been submitted to and approved in writing by the Local

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

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the immediate area.**

- 11.No development above slab level shall commence on Phase 1 as identified on drawing number 1955 119 Rev D (phasing plan) until details of the mechanical ventilation system to be installed to bedrooms on facade of the properties marked in red shown in Figure 17 of the Environmental Noise Assessment Report (Reference 10259/AW) or an updated noise assessment demonstrating that mechanical ventilation is not required has been submitted to and approved in writing by the Local**
- 12.Planning Authority. The development shall then be carried out in strict accordance with the approved details for the lifetime of the development.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the amenity of future occupiers.**

- 13.No development above slab level shall commence on Phase 3 as identified on drawing number 1955 119 Rev D (phasing plan) until details of the mechanical ventilation system to be installed to bedrooms on facade of the properties marked in red shown in Figure 16 of the Environmental Noise Assessment Report (Reference 10259/AW) or an updated noise assessment demonstrating that mechanical ventilation is not required has been submitted to and approved in writing by the Local**
- 14.Planning Authority. The development shall then be carried out in strict accordance with the approved details for the lifetime of the development.**

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the amenity of future occupiers.**

- 15.No development above slab level shall commence on Phase 4 as identified on drawing number 1955 119 Rev D (phasing plan) until details of the mechanical ventilation system to be installed to bedrooms on facade of the properties marked in red shown in Figure 15 of the Environmental Noise Assessment Report**

(Reference 10259/AW) or an updated noise assessment demonstrating that mechanical ventilation is not required has been submitted to and approved in writing by the Local

16. Planning Authority. The development shall then be carried out in strict accordance with the approved details for the lifetime of the development.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of the amenity of future occupiers.

17. No development shall commence on Phase 2 as identified on drawing number 1955 119 Rev D (phasing plan) including vegetation removal until details of the replacement lesser horseshoe bat roost has been submitted to and approved in writing by the Local Planning Authority. The bat roost shall then be installed prior to the occupation of the 200th Dwelling.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of providing mitigation and enhancement for biodiversity

18. Plots 4, 6, 7, 12, 13, 14, 15, 22, 30, 130, 131, 163, 164, 168 - 188 and 204, 248, 238 shall not be first occupied until their associated acoustic barriers shown in Figures 4, 5, 6, 7 in the Environmental Noise Assessment (Reference 10259/AW) have been erected in accordance with the details set out in the Noise Assessment Report. The acoustic barriers shall then remain for the lifetime of the development.

**REASON:** In the interest of amenity of future occupiers.

19. The windows located in the yellow and orange zone identified in Figure 11-14 of the Environmental Noise Assessment Report (Reference 10259/AW) shall be installed in accordance with the noise insulation requirements set out in specification 7.3.3 and

20. table 5 of the Environmental Noise Assessment Report (Reference 10259/AW). The windows shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

**REASON:** In the interest of amenity of future occupiers.

21. The windows located in the yellow and orange zone identified in Figure 11-14 of the Environmental Noise Assessment Report

(Reference 10259/AW) shall be installed in accordance with the passive ventilation requirements set out in table 6 of the 22. Environmental Noise Assessment Report (Reference 10259/AW). The windows shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

**REASON:** In the interest of amenity of future occupiers.

23. No dwelling hereby approved shall be first occupied until the access, turning area and parking spaces in association with that dwelling 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.

24. Plot 180 - 188 shall not be first occupied until the secure covered cycle parking has been erected in accordance with the approved details and shall be retained for use at all times thereafter.

**REASON:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

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

**Informatives:**

1. 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>.

2. It is important for the applicant to note that the development should also be carried out in accordance with the conditions imposed on the outline planning consent reference 19/11459/OUT.
3. It is important for the applicant to note that the approved development will be operating under a District Level Licence (DLL) for Great Crested Newts. Great Crested Newts are protected under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation.
4. The applicant must note the following from Drainage:
  - We note the applicant has stated Land Drainage Consent is required, the applicant will be required to gain land drainage consent to de-culvert where the swale is proposed. Land Drainage Consent is also required to discharge into the Ordinary Watercourse & River Biss.
  - We note the applicant has said the maintenance for SuDS features, such as rain gardens, on individual plots will be the responsibility of the owner of the plot. The applicant must ensure this included in the property deeds.
  - We note the applicant has stated there could be 300mm flood depths of the access road to the site, we recommend the applicant shares flood evacuation advice as stated in Section 6 of the Flood Risk Assessment Addendum 2 to the owners and site management to ensure the safe ingress for emergency services, and safe egress for those on site.
5. The Western Area Planning Committee would welcome the relocation of the hammerhead on Drynham Lane away from residential properties.

92 **Urgent Items**

There were no urgent items.



(Duration of meeting: 3.00 - 6.10 pm)

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