

STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 15 AUGUST 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Fleur de Rhé-Philippe (Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Sarah Gibson, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Tony Trotman, Cllr Fred Westmoreland and Cllr Ian Blair-Pilling (Substitute)

Also Present:

Cllr Tony Jackson and Cllr Pip Ridout

49 **Apologies**

Apologies for absence were received from Cllr Derek Brown OBE who was substituted by Cllr Ian Blair-Pilling and also from Cllr James Sheppard.

50 **Minutes of the Previous Meeting**

Resolved:

To confirm and sign the minutes of the previous meeting held on 18 July 2018, subject to the inclusion of Cllr Christopher Newbury as being present.

51 **Declarations of Interest**

There were no declarations of interest made at the meeting.

52 **Chairman's Announcements**

There were no Chairman's announcements.

53 **Public Participation**

54 The Chairman explained the rules governing public participation at meetings.
17/01463/FUL - Bugley Barton Farm, Land South of Victoria Road, Warminster - A Comprehensive Development Comprising Demolition of the Existing Farm Buildings, Construction of 227 Residential Dwellings (Use Class C3), a New Vehicular Access, Public Open Space, Landscaping, Sustainable Urban Drainage and other Associated Infrastructure Works

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. The purpose of the report was to assess the merits of the application against the relevant national and local development plan policies and other material considerations and to consider a recommendation that permission be granted, subject to the prior completion of a Section 106 legal agreement and planning conditions. He reported that Cranborne Chase & West Wiltshire Downs AONB had recently withdrawn their objection to the proposal on the grounds of visual and landscape impacts following some negotiation which led the officer to recommend an amendment to the published wording of condition 18 and to expand on the reason for the condition to make reference to the AONBs dark skies status and to secure the appropriate environmental zone standards for all external lighting within the scheme.

Members then had the opportunity to ask technical questions after which they heard a statement from Mr Chris Minors, the applicant, Persimmon Homes (Wessex) in support of the proposal.

Members then heard the views of Cllr Pip Ridout and Cllr Tony Jackson, the local Members, who were generally in support of the application and stressed the need for the new link road connecting Victoria Road and the Redrow estate to be delivered as part of the first phase of the development and sought to secure a local resident point of contact and adherence to the terms set out within the condition covering the need for a construction traffic management plan. The Case Officer advised the Committee that conditions 8, 9 and 14 would address these matters.

Members sought clarification about the bus strategy (referenced under the summarised s106 heads of terms) and the proposed attenuation basins and pond which formed a key part of the applicant's drainage strategy and asked about potential landscaping and the necessary management to avoid them becoming silted up, muddy and producing foul smells. The Case Officer pointed out that the S106 would require bespoke clauses to address the need for a bus strategy to be agreed through negotiation with the bus network manager (employed by Wiltshire Council) as well having direct liaison with bus providers; and that the s106 would require clauses covering the setting up of a management company to be fully responsible for the management and maintenance of the SUDs infrastructure. Members also sought to include an additional planning informative to secure the provision of swift bricks, bat boxes and encourage the developer to be sensitive to allowing hedgehogs to freely pass through hedgerows as part of planting up gaps and completing the landscaping scheme.

After some discussion, on the proposal of Cllr Andrew Davis, which was seconded by Cllr Fred Westmoreland,

Resolved:

To grant planning permission, subject to:-

(1) the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 as summarised in paragraph 9.89 of the Case Officer's report, and

(2) the following conditions:-

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans list as contained within the Schedule of Plans report dated 24 July 2018.

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

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), no garage hereby approved which is required to satisfy the on-plot parking standards, shall be converted to ancillary habitable accommodation without first obtaining planning permission, no garage hereby approved shall be converted to ancillary habitable accommodation without first obtaining planning permission.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety and to ensure there is adequate car parking provision.

NOTE: Future PD rights to convert garaging into additional ancillary habitable accommodation would still apply to plots that can accommodate the requisite parking provision on-site. This condition would only apply for plots/properties that rely on the garaging for off-street car parking.

4. No demolition or construction works shall take place on the site outside the following hours: 07:30 to 18:00 Mondays to Fridays; and 08:00-13:00 on Saturdays; and, at any time on Sundays or Bank Holidays.

REASON: In the interests of protecting the amenity of nearby residential properties.

5. The development hereby approved shall be carried out in full accordance with the noise mitigation recommendations as set out within the Addendum Noise Assessment (version 1 SLR ref: 422.00776.00050 ES Addendum Appendix 8.1) produced by SLR in March 2018 pursuant to glazing and ventilation components and sound abatement measures.

REASON: In the interests of protecting future residential amenity.

6. No vehicular access shall be made to the site for construction vehicles via the St Andrews Road cul-de-sacs during the construction phases.

REASON: To define the terms of this permission and in order to protect the amenities of local residents of the Broadway estate and to limit the adverse consequences of construction traffic.

7. No development shall take place on site until an archaeological watching brief has been submitted to and agreed in writing by the local planning authority. The watching brief shall include a written specification and agreed work practices that shall be followed should any archaeological remains be revealed whereupon works must stop to allow for archaeological appraisal. The written brief shall also include a scheme for allowing access at all reasonable times to any archaeologist nominated by the Local Planning Authority to observe site activities and any excavations and to record items of interest and finds, in accordance with the approved scheme.

REASON: To define the terms of this permission and to ensure that the development is undertaken in an acceptable manner that safeguards archaeological interests with the identification, reporting and recording of features of archaeological interest.

8. No development or works shall take place on site (including demolition, ground works and vegetation clearance) until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include but not be restricted to details in relation to (i) the confirmed routing and signing of construction delivery routes to the site; (ii) the measures to be employed to ensure the suppression of dust and noise arising from construction traffic and processes within the site; (iii) the provision and exact location of wet wash vehicle tyre cleaning facilities on the exit route from the site; (iv) the location(s) and extent of the site compound(s) to include provision for delivery vehicles to unload and turn within the confirmed compound area at all times with specific care taken to avoid compounds backing onto neighbouring residential properties.

REASON: In the interests of highway safety and residential amenity.

9. No development or works shall take place on site (including demolition, ground works and vegetation clearance) until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a. Identification of potentially damaging construction activities;
- b. Measures (both physical measures and sensitive working practices) to avoid, reduce and mitigate impacts during construction on protected and other species including breeding birds, barn owls, badgers, reptiles, amphibians, dormice, hares, hedgehogs, and any other relevant species to include the controls of using oils and chemicals and removal of spoil and waste;

- c. Measures to avoid, reduce and mitigate harm to habitats features including hedgerows, trees and ponds;
- d. Details of mitigation measures which will be provided for loss of wildlife habitat including bird boxes, barn owl box, bat boxes;
- e. Details of pollution avoidance and control measures to protect watercourses and groundwater;
- f. Details of the location and use of generators and any temporary site accommodation including portable toilets;
- g. Details of any proposed pile driving operations (if it is to be within 200m of residential properties);
- h. The times during demolition and construction when specialist ecologists including Ecological Clerk of Works, need to be present on site to oversee works;
- i. Details of the on-site responsible persons and local resident point of contact;
- j. The identification of "Biodiversity Protection Zones" and use of protective fences, exclusion barriers and warning signs; and,
- k. The ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats in accordance with submitted ecological reports.

NOTE: There shall be no burning of waste materials on the site during the demolition and construction phases.

10. Notwithstanding the details submitted pursuant to the Victoria Road junction, no development shall commence until full engineering plan details of the proposed temporary traffic signalled controlled access to the site including details of its later change to a roundabout junction to serve both north and south sides of Victoria Road, have been submitted to and approved by the local planning authority. The submitted details shall include all local measures to facilitate pedestrian movement through the junction, including any temporary footways and the measures to be employed to ensure that future local disruption for the construction of a roundabout is minimised through appropriate road infrastructure provision. The junction shall be constructed in accordance with the details to be approved and prior to any other part of the site construction works commencing.

REASON: In the interests of road safety and sustainable transport opportunities.

11. No demolition, site clearance or development, including the construction of the signal controlled junction shall commence, and; no

equipment, machinery or materials shall be brought on to site for the purpose of development within any particular phase, until a Tree and Hedgerow Protection Plan showing the exact position of each tree and hedgerow and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

In this condition "retained tree and/or hedge" means an existing tree and hedgerow which is to be retained in accordance with the approved plans and particulars.

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

12. No dwelling hereby approved (pursuant to each phase) shall commence until a land contamination remediation strategy (steps ii, iii and iv below) and a verification report along with any necessary long term monitoring (steps v and vi) have been submitted to and approved in writing by the local planning authority; and that during demolition and the construction phases, the development proceeds in accordance with the on-site measures to be deployed and recommendations set out within chapter 9 of the geo-environmental analysis and final report (ref 6271t2676) produced by the Earth Science Partnership (which forms part of the Environmental Statement) dated January 2017.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in the former PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out. The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above.

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that the development does not pose unacceptable pollution risks to controlled waters or future users of the land and residents, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The previous site use as a

working farm may have caused contamination of soils/subsoils/groundwater, which should be fully assessed. In addition the site is within a Source Protection Zone 3.

13. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until details of all internal roads, verges, junctions, street lighting, sewers, drains, any retaining walls, service routes, surface water outfalls, vehicle overhang margins, any embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, footpaths and associated works; and, details of street lighting, fire-fighting apparatus and fire hydrants, have been submitted to and approved by the local planning authority. Thereafter, the roads, paths and associated works shall be provided in accordance with the approved details.

REASON: To ensure that the highway infrastructure is of an acceptable standard.

14. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a phasing plan for the delivery of the roads and paths on the site has been submitted to and approved by the local planning authority. The phasing plan shall include details of when the internal footpath and cycle track infrastructure and connection made to WARM6 shall be completed and when the site distributor road shall be completed to connect with the distributor road on the adjacent Redrow Homes site.

REASON: In order to ensure that local sustainable transport infrastructure is delivered to an acceptable timescale, and to aid the implementation of Travel Plan initiatives.

15. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a foul water drainage strategy has been submitted and approved in writing by the local planning authority to secure the following:

- A detailed drainage scheme which refers to a phased construction programme and includes appropriate arrangements for the agreed points of connections, discharge rates and the capacity improvements required to serve the proposed development phasing; and following the approval of the strategy; and,
- The drainage scheme shall be completed in accordance with the approved details and following a timetable to be agreed in writing with the local planning authority.

REASON: To ensure that the appropriate foul sewerage infrastructure is available to service the site and to ensure that the development does not increase the risk of sewer flooding to downstream properties.

NOTE: The above condition will require multipartite liaison with the local lead flood authority, the environment agency and Wessex Water.

16. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a scheme for the discharge of surface water from the site to include the provisions and measures to prevent pollution of receiving groundwater and/or surface waters, a timetable for its implementation; and a construction management and maintenance plan for the lifetime of the development incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the phased development shall not be first brought into use until the surface water drainage provisions have been completed and connections are made available in accordance with the drainage scheme.

REASON: This matter is required to be agreed with the Local Planning Authority before development commences to ensure that the development is undertaken in an acceptable manner and to ensure that the development does not increase the risk of flooding.

NOTE: The formation of a Management Company is a s106 obligation to legally bind the permission. It should also be appreciated that discharging the above requirement will require multipartite liaison with the local lead flood authority, the environment agency and Wessex Water.

17. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a landscape delivery schedule for all the proposed tree and shrub landscape planting including the infilling of the existing hedgerow boundary have been submitted to and approved in writing by the Local Planning Authority. The schedule shall also identify the timescale provision of advanced strategic tree planting in communal areas and confirming the tree stock specification for the western and northern parts of the site in advance of the first phase of development; and, for the remainder of the scheme, the landscape planting (pursuant to each phase) shall be carried out in the first planting and seeding season following the first occupation of the related building(s). Any trees or plants which 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. The landscaping and hedgerow enhancement planting shall be implemented in full accordance with the agreed delivery timeframe and the location planting details as set out in the Schedule of Plans approved by condition 2.

REASON: This information is required to ensure that the phased development and proposed landscaping is undertaken in an acceptable manner.

18. No dwelling hereby approved (pursuant to each phase) shall commence beyond slab level until a lighting strategy for the site has been

submitted to and approved in writing by the local planning authority. The strategy shall:

- Show how and where external lighting would be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit would not result in light spill onto the nearby hedgerows or detrimentally affect the AONBs dark sky status;
- Specify luminaires, heights and positions of fittings, direction and other features e.g. cowls, louvres or baffles; and illumination levels in accordance with the appropriate Environmental Zone standards as set out by the Institute of Lighting Professionals in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011); and that,
 - All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage and pollution into hedgerows and trees, and to ensure that there is no illumination of the bat roost and to maintain dark foraging and commuting corridors for bats, particularly along the northern boundary hedgerow; and to safeguard the AONB dark skies character and status.

19. The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development delivers betterment in terms of the level of discharge of phosphates from the sewage treatment plant into the River Avon SAC.

20. The roads, including footpaths and turning spaces pursuant to each phase of development shall be constructed so as to ensure that, before each dwelling is occupied it has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

21. No dwelling hereby approved (pursuant to each phase) shall be occupied until the necessary foul drainage infrastructure and capacity

improvements have been completed in accordance with an agreed drainage strategy.

REASON: To ensure that the appropriate foul sewerage infrastructure is available to service the site.

22. No dwelling hereby approved shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Details of the body (e.g. Management Company) responsible for implementing the LEMP
- b) Obligations and liabilities of the management company
- c) Identification of all communal ecological and landscape features to be managed on a scaled plan
- d) Aims of management for each feature
- e) Management prescriptions for each feature including timescales, equipment and manpower requirements
- f) 5 year work schedule capable of being rolled forward
- g) Outline management costs
- h) Mechanism for reviewing the plan

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body responsible for delivery.

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

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

NOTE: The LEMP should be written for the members of the Management Company who will include householders many of whom will have no knowledge or interest in landscape and ecology issues. It must explain the company's obligations and liabilities, identifying specific features and explaining how they need to be retained, protected and managed. It is best if it is a short document with a map showing the relevant features and a work programme. Baseline surveys from the application should not be repeated as these detract from the main purpose of the report and make the document too cumbersome and detailed for its readership.

23. No dwelling hereby approved (pursuant to each phase) shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

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

24. No dwelling hereby approved shall be occupied until the visibility splays shown on the approved plans have been provided with no obstructions to hinder visibility at or above a height of 500mm above the nearside carriageway level. Thereafter, the visibility splays within the scheme shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

25. No dwelling hereby approved (pursuant to each phase) shall be occupied until the enclosures, refuse storage and cycle parking respective to that dwelling has been provided in accordance with the approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

26. That for the avoidance of any doubt, there shall be no vehicular access permitted to the site other than via the Victoria Road junction, unless and until the road connecting to the adjacent Redrow site has been completed and certified in writing by the local planning authority to be acceptable for use. Existing points of vehicular access to the site shall be closed prior to the commencement of the residential development (with the exception of the highway access works themselves) and their use prevented by means of an enclosure, the details of which shall require the written agreement by the local planning authority.

REASON: To ensure that access to and egress from the site is achieved in a safe manner.

NOTE: Construction traffic will only be permitted to access the site via Victoria Road.

27. The development hereby approved shall be completed in accordance with the submitted waste audit and management strategy.

REASON: In order to minimise waste production and the safe handling of any hazardous materials as well as ensuring that any waste is handled and transported in full accordance with the duty of care in full compliance with environmental requirements.

Planning Informatives

Planning Informatives

1. The applicant is required to contact Wessex Water and agree any diversion of the existing water main that runs through the site. The existing water main and associated 6m easement must be maintained following any agreed diversion with Wessex Water. Water Supply network

modelling would be required to determine if any off site reinforcement is required to accommodate extra demand on supply generated by the development. Buildings above two storeys would however require on-site boosted storage.

2. The applicant is advised that any works or alterations made to the existing watercourses or connections to them require separate land drainage consent from the appropriate drainage authority. In this case, the environment agency and lead local flood authority would be the appropriate bodies.

3. The development should include water efficient systems and fittings. This could include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating. Greywater recycling and rainwater harvesting could also be considered.

4. An appropriate submitted scheme to discharge the condition 19 would include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of 110 litres per person per day (lower figure given within Building Regulations Part G). The site is within the catchment of the Hampshire Avon River (SAC/SSSI) catchment which is already over-abstracted. Water efficiency measures can help to relieve abstraction pressures.

5. The applicant is advised that the local authority will require an indemnity in order to operate on any road within the scheme that serve any houses that are not formally adopted, even on a temporary basis whilst the development is being completed. The applicant should refer to Appendix C of the Council's Waste Management guidance which includes a sample indemnity agreement.

6. The Wiltshire Fire & Rescue Service recommends the provision of the following as part of satisfying Building Regulations and reducing the risk of death, injury and property damage:

Sprinklers work from a standard main, although a 32mm connection is required. They are inexpensive to install, particularly in a new building. They do not activate by accident causing unwanted damage. They only operate through individually activated heads, not the whole system. They can be designed to fit flush to the ceiling behind a flat cover. They cause less water damage in a fire than normal fire-fighting operations. They significantly reduce fire and smoke damage.

7. The applicant is furthermore encouraged to enter into a CoPA (Control of Pollution Act) s61 agreement with the Council to secure details on the construction phases, the construction compound locations, the hours of work, the delivery routes, the proposed plant and equipment to be used, identifying noise/vibration generators once the specific construction programme and plant type are known as well as identifying the measures to be adopted to minimise noise/vibration impacts (with community liaison, control measures and compliance monitoring schemes).

8. The applicant is encouraged to make contact with the Council's local highway authority pursuant to the necessary s278 agreement.

9. To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their

nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

10. The applicant is encouraged to provide at least one swift brick within at least 25% of the new houses and buildings with an attic space to encourage nesting swifts and to provide bat boxes throughout the scheme. The applicant is furthermore encouraged to ensure that when securing the improvements to the site boundaries, special regard is given to creating room for hedgehogs to pass through hedgerows to connect with other habitats.

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

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

55 **17/07793/FUL - Wavin Ltd Parsonage Way Chippenham Wiltshire - Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing.**

The Committee received a presentation from the Case Officer which set out the issues in respect of the application. The purpose of the report was to consider the proposed development in the context of national guidance and adopted development plan policies and site specific impacts and to consider a recommendation that planning permission be granted subject to the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 to meet identified highways requirements within six months of the date of the Committee resolution and conditions. The Case Officer drew attention to a late representation received from Langley Burrell Parish Council and Langley

Burrell Residents' Association, which had been circulated to members of the Committee, drawing attention to certain areas of concern. The Case Officer confirmed that officers had reviewed and considered the submission and concluded that no new matters were raised that had not been considered and addressed in the report to the Committee. The Case Officer provided a response to concerns and proposals listed in the conclusion of the late representation.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as follows, expressing their views concerning the application:-

- Mr David Mannering, representing the Langley Burrell Residents' Association, spoke in opposition to certain aspects of the application as set out in the late submission.
- Mr Andrew Winstone, the agent, spoke in support of the application.
- Cllr Robert Whitrow, Chairman of Langley Burrell Parish Council spoke in opposition to certain aspects of the application as set out in the late submission.

It was noted that Cllr Nick Murry and Cllr Howard Greenman, the local Members, had sent their apologies for not attending due to prior commitments.

During discussion, Members considered requirements and provision of the proposed S106 agreement and a possible extension of the bund along the entire northern perimeter of the site and also the planting of a tree screen but after hearing from the Case Officer considered that the current arrangements were adequate.

Members also considered the design of the double roundabout system and considered that this would improve the flow of traffic.

After some discussion, on the proposal of Cllr Tony Trotman, which was seconded by Cllr Fred Westmoreland,

Resolved:

To grant planning permission, subject to:-

- (1) **The completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990/planning obligation to secure Highways provisions with in six months of the date of this resolution. In the event of the applicant declining to enter into an agreement within this timeframe to refuse permission for the following reason:-**

The proposed development without the required planning obligation fails to deliver the necessary highways works and enhancements required to secure a safe and appropriate development and thereby conflicts with Wiltshire Core Strategy (Jan 2015) CP3 CP34(ix) CP57 (ix) CP60 CP61 CP62; and paragraphs 11 and 108 (b) 109 110 of the National Planning Policy Framework (July 2018)

(2) The following conditions:-

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

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

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

Ecological Assessment and Surveys Received 05 April 2018 and 09 July 2018

Transport Statement Final V6-2 20 April 2018

Landscape and Visual Impact Assessment 05 April 2018

Double Roundabout Junctions 9 Arcady Report 05 April 2018

Single Roundabout/Rail Bridge Link Junctions 9 Arcady Report 05 April 2018

Hydrock Road Safety Audit Stage 1 RDW/TS/18/1692/RSA1; Ref: C14930 – Stage 1 RSA Designer's Response 18 April 2018

C14930 D001 Topographical Survey A0 1:500

14930 C020c Engineering Layout Sheet 1 Of 5 A1 1:250

14930 C021c Engineering Layout Sheet 2 Of 5 A1 1:250

14930 C022c Engineering Layout Sheet 3 Of 5 A1 1:250

14930 C023d Engineering Layout Sheet 4 Of 5 A1 1:250

14930 C024d Engineering Layout Sheet 5 Of 5 A1 1:250

All Received 10 July 2017

Arboricultural Impact Assessment – D14 267 08 Rev A

Arboricultural Constraints Report – D14 267 07

Drawing AIA Plan – D14 267 P5

All Received 09 August 2018

Site Location Plan PH3B/01B

Double Roundabout General Arrangement 14930-P009.0 Revision P2

One way Gyratory Swept Path Analysis 14930-P009.1 Revision P1

Double Roundabout Visibility 14930-P009.2 Revision P1
Double Roundabout Deflection 14930-P009.3 Revision P1
Proposed Rail Bridge Link General Arrangement 14930-P008.0 Revision P2
Proposed Rail Bridge Link Swept Path Analysis 14930-P008.1 Revision P1
Proposed Rail Bridge Link Forward Visibility and Deflection 14930-P008.2 Revision P1
Phase 3B Change of Use PH3B/02A
Phase 3b Scheme Overview 1 PH3B/03B
Phase 3b Scheme Overview 2 PH3B/04B
Phase 3b Scheme Overview 3 PH3B/05B
Key To Larger Scale Plans PH3B/06B
Plan 1 PH3B/07B
Plan 2 PH3B/08A
Plan 3 PH3B/09B
Plan 4 PH3B/10A
Plan 5 PH3B/11
Plan 6 PH3B/12B
Section A-A PH3B/13B
Section B-B PH3B/14A
Section C-C PH3B/15
Section D-D PH3B/16
Panorama Images 1 – 25
Landscape Proposals Phase 3 683-02A
Landscape Context Plan 683-10C
Landscape Assessment Plan 683-11E
All received 05 April 2018

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

3. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be 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 BS5837:2012 and a plan indicating the alignment of the protective fencing;**
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2012**
- A schedule of tree works conforming to BS3998.**
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;**
- 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.

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. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the land 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, commencing from the date of notified completion of the approved landscaping scheme to the LPA, 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 B8 Stockyard development and excluding the car park hereby approved being first brought into use 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.

5. The approved floodlight(s) existing within the site approved under application reference 15/04763/FUL shall not be illuminated outside the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The floodlights shall not be illuminated at any time on Bank or Public Holidays.

REASON: To minimise the impact of the floodlight(s) and in the interests of the amenity of the area.

6. No additional external lighting beyond that approved under application reference 15/04763/FUL shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination

levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

7. The B8 Stockyard use hereby permitted (excluding the use of the staff car park) shall only take place between the hours of 05:00am in the morning and 11pm in the evening from Mondays to Sundays. The use shall not take place at any time on Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

8. The site shall be used for B8 Storage and Distribution and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

9. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with all required supporting evidence, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

10. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

11. The mitigation measures detailed in the approved Ecological Assessments [Wessex Ecological Consultancy March 2018 & Ellendale GCN Survey 11 June 2018 EEL138R18060SP] shall be carried out in full prior to the first bringing into use of the development and/or in accordance with the approved timetable detailed in the Ecological Assessment. The works will be carried out in strict accordance

with all recommendations given in the ecological survey reports by Wessex Ecological and Ellendale Environmental, to ensure that European Protected Species (especially great crested newts) are not adversely impacted by the works.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

12. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

13. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14. Notwithstanding the detailed drawings submitted as part of the application, full details of the construction of all the alterations to the existing Parsonage Way and the existing haul road and its new junctions shall be submitted to and approved by the local planning authority prior to the works commencing. The details shall include, but not be limited to, carriageway and cycle track structure, drainage, signing, lining, street lighting, landscaping, levels, fencing, retaining walls, anti-incursion barriers (railway), visibility splays and treatment of residual non-stopped-

up elements of Parsonage Way. The works shall be undertaken in accordance with the details approved.

REASON: To ensure that an acceptable overall scheme is achieved.

15. Prior to the commencement of the development, the approved roundabout on the B4069 serving the North Chippenham mixed use site (Ref: N/12/00560/OUT) shall have been fully constructed and adopted, unless a formal legal agreement has otherwise been entered into between the local highway authority, the developer responsible for the North Chippenham B4069 roundabout and the applicant, which secures the delivery of a combined double roundabout junction.

REASON: To minimise highway disruption resulting from the double roundabout proposals, and to ensure that maintenance responsibilities are not obfuscated between developers.

16. The 'haul road' route shall not be opened for public use (and by inference, Parsonage Way shall not be stopped up) until the works have been completed in their entirety, including the closure of all accesses between the southern side of the 'haul road' and the adjacent storage yard and the approved fencing along the completed length of the 'haul road', and the local planning authority has confirmed that any recommendations of a Road Safety Audit ,Stage 3 have been appropriately addressed (certified as such in writing by the local highway authority) .

REASON: To ensure that the proposed alternative route to Parsonage Way is fit for purpose and safe for use by the public before Parsonage Way is closed to through traffic.

17. No works shall be undertaken on the site except in accordance with a programme of works which shall first have been submitted to and approved by the local planning authority.

REASON: In the interests of highway safety, and to ensure that existing access arrangements are not prejudiced.

INFORMATIVE TO APPLICANT:

The stopping up of Parsonage Way will only be addressed by way of an application to the Secretary of State for Transport, through the provision of s247 of Town and Country Planning Act 1990. If permitted, any planning permission resulting from this planning application will form the basis on which the s247 application will be determined.

A s278 agreement will be required between the applicant and Wiltshire Council in relation to the highway works shown in outline in the approved drawings. No works are permitted on the highway unless or until the agreement has been completed.

Statutory Undertakers having apparatus in Parsonage Way will retain rights of access even if the road is formally stopped up, unless agreement

on alternative routes can be reached; the applicant should be aware that, if new services are proposed for the Rawlings Green site, it could have implications for the proposals.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant should note that the costs of carrying out a programme of archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

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].

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE TO APPLICANT:

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Appendices: none

Background Documents Used in the Preparation of this Report:

NPPF Revised July 2018
Wiltshire Core Strategy
Langley Burrell Neighbourhood Plan
Chippenham Site Allocations Development Plan Document
Application Supporting Documentation
Planning Practice Guidance
56 Date of Next Meeting

Resolved:

To note that the next scheduled meeting of this Committee was due to be held on Wednesday 12 September 2018, in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

57 Urgent Items

There were no items of urgent business.

(Duration of meeting: 10.30 am - 12.45 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115