

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	28 September 2022
<b>Application Number</b>	PL/2021/09909
<b>Site Address</b>	Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET
<b>Proposal</b>	Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works)
<b>Applicant</b>	Stone Circle Development Company Limited
<b>Town/Parish Council</b>	TROWBRIDGE TOWN COUNCIL
<b>Electoral Division</b>	Trowbridge Central – Cllr Stewart Palmen
<b>Grid Ref</b>	321032 197206
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Gen Collins

### Reason for the application being considered by Committee

The Scheme of Delegation requires this application to be decided by Planning Committee because the applicant (and landowner) Company, whilst a recognised separate legal entity, is affiliated with Wiltshire Council as the Council is the shareholder of the Company and there are outstanding objections to the proposal from local residents on the basis of concerns about Highways, parking, hedgerow retention and residential amenity.

#### 1. Purpose of Report

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

#### 2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on Heritage Matters
- Design/Visual Appearance
- Housing
- Landscape and Public Open Space

- Ecology
- Education
- Impact on the residential amenity
- Highways/parking issues
- Drainage
- S106/CIL
- Other Matters

Trowbridge Town Council raises no objection, although this is caveated. 12 third parties raise objections or make comments.

### **3. Site Description**

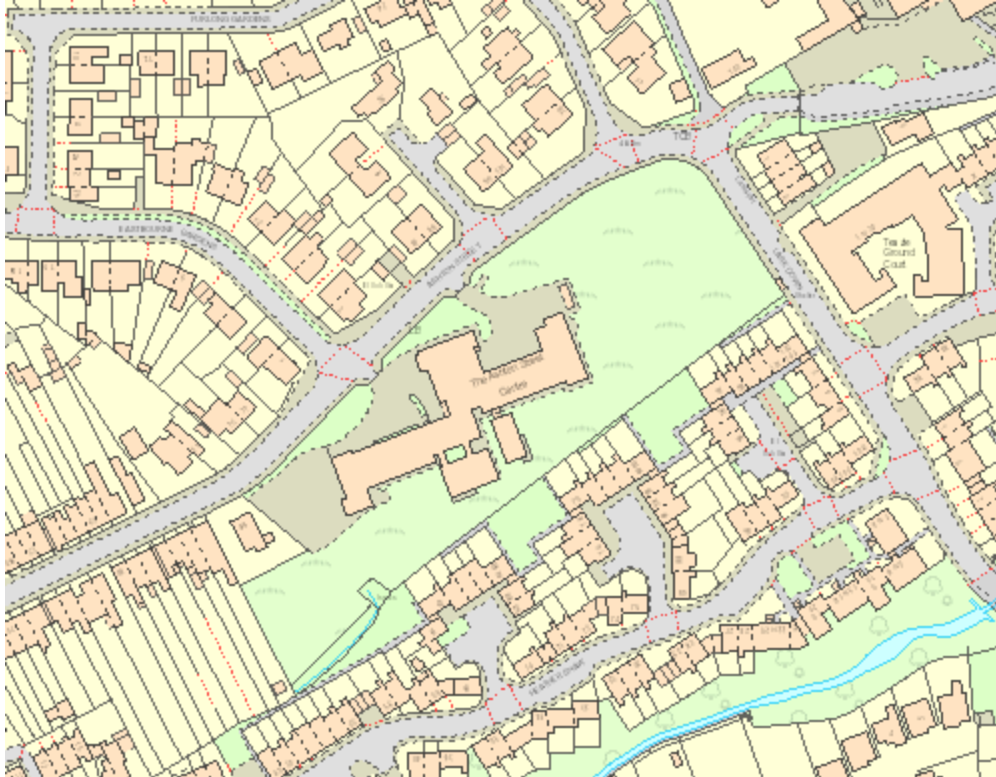
The application site comprises circa 1.1ha of brownfield land formerly known as the Ashton Day Care Centre complex, which is now demolished due to the relocation of the Centre. The site is located within Trowbridge Development limits approximately 1km from the town centre. It is located within the established Principal Settlement of Trowbridge, within the Trowbridge Community Area and has no obvious constraints or specific site designations. It is outside any Conservation Area and there are no heritage assets in close proximity. The topography of the site is generally flat, and it is located within Flood Zone1 indicating the lowest risk of flooding. It is located within the grey hatched area of the Trowbridge Bat Mitigation Strategy.

The boundaries of the Application Site are well defined. The northern boundary of the Application Site entrances are formed with a tarmac surface, a natural hedgerow, trees and brick walling, beyond which is existing residential housing (Ashton Street) subject to a speed limit of 30mph; beyond that is further housing known as Eastbourne Gardens and Furlong Gardens. The eastern boundary is formed by a natural hedge and residential gardens of Lark Down and Teazle Ground Court. The southern boundary is formed by a natural hedge and residential gardens of Heather Shaw. The western boundary is formed by further tree planting beyond which is a large, detached house known as No. 98 Ashton Street, and further existing housing along Ashton Street.

The general nature of the locality is medium density residential, and the grounds and adjacent properties contain a variety of maturing trees and shrubs.

The site area is brownfield with modern housing around the site creating a fully suburban character.

The site is shown below taken from the Development Management Portal map.



Below is an aerial photograph of the site with buildings removed extracted from the Planning Design and Access Statement submitted with the application.



#### 4. Planning History

19/08205/DEM Proposed demolition of main building, garage, 2 x stores, pratten building and bin store Prior Approval Granted - 11 Sept 2019.

## 5. The Proposal

This application seeks full planning permission for the erection of 48 dwellings, with associated gardens, swale and car parking.



*The proposed site with parking, amenity space and access*

The site provides 30% affordable housing with 8 homes for affordable rent and 6 for shared ownership.

There are twelve different house types ranging from 1bed flats to 4 bed houses. The proposed housing mix is as follows:

<b>Private Housing Mix:</b>	
2B - 2 Bed House	- 11no
3B - 3 Bed House	- 11no
4B - 4 Bed House	- 4no
1BF - 1 Bed Flat	- 2no
2BF - 2 Bed Flat	- 6no
<b>Private Total - 34no</b>	
<b>Affordable Housing Mix:</b>	
2B* - 2 Bed House	- 3no (Shared Equity)
3B* - 3 Bed House	- 3no (Shared Equity)
1BF* - 1 Bed Flat	- 2no (Rent)
2BF* - 2 Bed Flat	- 6no (Rent)
<b>Affordable Total - 14no</b>	

Proposed Plans and Elevations are contained on the main file available to view.

**6. Local Planning Policy**

Wiltshire Core Strategy Policies:

- CP1: Settlement Strategy;
- CP2: Delivery Strategy;
- CP3: Infrastructure Requirements;
- CP29: Spatial Strategy for the Trowbridge Community Areas;
- CP30: Trowbridge Low Carbon Renewable Energy Network;
- CP41: Sustainable Construction and Low Carbon Energy;
- CP43: Providing Affordable Homes;
- CP45: Meeting Wiltshire’s Housing Needs;
- CP50: Biodiversity and Geodiversity;
- CP51: Landscape;
- CP52: Green Infrastructure;
- CP55: Air Quality
- CP56: Contaminated Land;
- CP57: Ensuring High Quality Design and Placeshaping;
- CP60: Sustainable Transport;
- CP61: Transport and Development;
- CP62: Development impacts on the Transport Network;
- CP64: Demand Management;
- CP67: Flood Risk

West Wiltshire Leisure and Recreation Development Plan Document (Adopted February 2009)

LP4: Providing Recreation Facilities in New Developments  
 Waste Core Strategy and Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal  
U2 Surface Water Disposal

National Planning Policy Framework 2021 (The Framework) and Planning Practice Guidance (PPG)

Wiltshire Council's Local Transport Plan and Car Parking Strategy 2011- 2026

## **7. Summary of consultation responses**

Trowbridge Town Council: No objection subject to no significant adverse impact on neighbour amenity and subject to the condition that the town council is offered first refusal to take over ownership and maintenance of the public green spaces (avoiding the use of a management arrangement).

The Town Council is disappointed to note that there is a lack of equipped play facilities in the immediate vicinity of the site and this would have been a suitable location for such facilities.

WC Assistant County Archaeologist: No objection subject to condition

WC Public Open Space: No objection.

POS On Site Requirements for this proposal are as follows -

- Casual OS - 1359.36 SQ.M
- Play - 56.64 SQ.M
- Sports - 1132.80 SQ.M

WC Ecology: No objection subject to conditions.

The Ecological Assessment (Ethos Environmental Planning, September 2021) report has mistakenly stated that the area is located 560m north-west and 350m south-east of the Mottisfont Bats SAC zone. The Mottisfont Bat Special Area of Conservation (SAC) is designated for the Annex II rare barbastelle bats and is located further away in the south of the county close to Salisbury.

Conditions:

- 1) The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

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

- 2) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

CIL - Developer contributions for strategic recreational pressure mitigation:

The site lies within the grey hatched zone, and this identifies the distance within which 75% of visitors to Green Lane Wood, Biss Wood, Picket and Clanger Woods are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone. Any new residential development located within the grey hatched Medium Risk Bat Sensitivity Zone will require an allocation from CIL to ensure mitigation measure can be created for the increase in recreational pressure. The contribution for such strategic recreational pressure mitigation will be made via CIL as follows:

- For residential development, calculated at £641 per dwelling. Developers will not pay this directly, but it will be calculated annually from the number of housing completions and taken from the CIL receipts.

WC Education: No objection

S106 contributions requirements from this application, as per our consultation response of 25/11/21:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

WC Affordable Housing: No objection

An on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 48 new homes, the on-site affordable housing requirement will be for 14 affordable homes and it is noted that the applicant proposes 14 affordable homes, which is acceptable. From this a tenure split of 60% affordable rented homes and 40% shared ownership homes is required, which the applicant has proposed and is acceptable.

Therefore, 8 homes for affordable rent and 6 homes for shared ownership will be sought.

The affordable property type mix being proposed by the applicant does not meet our required affordable property type mix, which is as follows:

Affordable Rented (8 units) -

- 1 bed/2 person apartments = 2 units in a 'house-style'/maisonette arrangement
- 2 x 2 bed/4 person houses = 2 units 2 bed/3 person bungalow = 1 unit to be (this should be built to M4(2) Standard with a level access shower)\*
- 3 bed/5 person houses = 2 units
- 4 bed/7 person house = 1 unit Shared Ownership (6 units)
- 2 bed/4 person houses = 4 units 3 bed/5 person houses = 2 units

Shared Ownership (6 units) –

- 2 bed/4 person houses = 4 units
- 3 bed/5 person houses = 2 units

Due to potential maintenance/management issues, flats over garages/courtyard entrances is not an affordable housing type we would be able to currently support.

In relation to the proposed 6 x 2 bed flats for affordable rent it is noted that these units are to be provided in a separate block to the open market flats, which is acceptable. However, these units are proposed to be delivered in a 3-storey block which does not have a lift. Wiltshire Council's Tenancy Services Team and the RP Partner's that form the Homes4Wiltshire Partnership struggle to allocate 2 bed flats above the ground floor due to the fact that households registered on the Council's housing register, for 2 bed homes, mainly contain dependent children.

- 2 bed flats above ground floor often do not contribute to sustainable communities as households wish to move on quickly to alternative accommodation leading to a high turn-over of stock. To increase tenancy and community sustainability, I would suggest that the 3 -storey block of 6 x 2 bed flats are considered for shared ownership as there is a demand from individuals/couples for this type and size of shared ownership home in this location. The 2 x 1 bed flats, 3 x 2 bed houses and 3 x 3 bed houses should all be considered for affordable rent.

Taking the above points into consideration and providing as affordable rented 2 x 1 bed/3 person flats, 3 x 2 bed/4 person houses and 3 x 3 bed/5 person houses (currently shown as 4 person houses on the Amended Plans) and the block of 6 x 2 bed/3 person flats as shared ownership, will mean that this scheme could work very well in meeting the housing demand of those households registered for affordable housing in Trowbridge.

The clustering of the affordable homes shown on the Affordable Tenure Plan is acceptable as is the proposed in-curtilage car parking for the affordable homes.

Adapted units will be required to be built to Building Regulations M4 Category 2:

- Accessible and adaptable dwellings standards with ground floor units to be wheelchair accessible and provided with level access showers (rather than bathrooms) suitable for wheelchair users and a ground floor bedroom with a ground floor level access shower in 3 and 3+ bed houses.
- Based on current demonstrable need we can advise at least 10% of these affordable homes i.e. at least 1 affordable rented unit is required to be built on a nil subsidy basis to meet the specific needs of vulnerable and older people or those with disabilities and this should be the 1 bed ground floor affordable rented maisonette. This should be built to M4(2) Standard with a level access shower and should be located on a suitable topography, taking into consideration the needs of future occupiers of this dwelling.

Any affordable housing units agreed should be provided at nil subsidy, transferred to a Registered Provider approved by Wiltshire Council or to Wiltshire Council and should remain as affordable housing in perpetuity.

The completed affordable homes will need to be nominated in line with the Council's current Allocation Policy and Procedures and secured by the appropriate mechanism/legal agreement.

WC Urban Design: No objection following revisions to the scheme.



Wiltshire Council Highways Officer: Confirmation that a staggered barrier will be provided on the footpath connection to Larkdown. The staggered barrier does not however seem to be shown on plan, but it has been confirmed that the site will be offered for adoption by this Highway Authority and so the barrier can form part of the S.38 highways adoption submission.

The adjustments to the RCV swept paths are appreciated and now show no overrun of the footway area.

The updated travel plan is accepted and the addition of the £300 green travel vouchers welcomed. These will be provided to the first occupants of each dwelling only. Reference of and inclusion of the Connecting Wiltshire resources are also appreciated.

The revised submission also includes the proposed S.106 Heads of Terms. The two suggested highway elements are accepted, but these should be accompanied by the TRO contribution (£6,000) for the amended waiting restrictions on Ashton Street.

Additional comments on each element below;

- Bus Stop Improvement Works – the bus stop on Larkdown is to be improved with a new shelter, raised kerb and bus clearway markings. The developer can undertake these works, which would require their inclusion in a S.278 Highways Agreement or alternatively, the developer could provide a £12,000 contribution to enable the Council to undertake the works. I am happy for this obligation to be open ended, with a decision made on the best way to implement these works between the developer and the Local Highway Authority at the appropriate time. If the developer is to undertake the works, these should be completed prior to first occupation of the site. If the developer is paying a contribution, the developer will be required to pay this upon commencement of development and the contribution could be repaid if unspent within 5 years of receipt.
- £6,000 TRO contribution – payable upon request by the Local Highway Authority. The payment of this will be dependent upon the access works, which are likely to require a S.278 Agreement.
- Green Travel Plan Vouchers provided to every dwelling to the value of £300. Vouchers only provided to the first occupants. The developer is responsible for providing these vouchers directly to the occupants and these should be included as part of the Travel Plan measures/ welcome packs.

No Highway objection is raised to the proposal, subject to the above S.106 obligations and below conditions and informative being attached to any permission granted;

- 1) No part of the development shall be first brought occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

- 2) No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 3) No dwelling on the development hereby approved shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details 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.

- 4) No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

- 5) INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.

WC Drainage: No objection subject to conditions as follows:

- No development can commence until the Drainage Strategy plan shows all FFLs above the cover levels.
- No development can commence until a construction management plan been provided showing how surface water will be managed during the construction phase

WC Public Protection: No objection subject to the following conditions:

- 1) No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.
  - Step (i) Site Characterisation: An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
    - A survey of the extent, nature and scale of contamination on site;
    - The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This 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.

- 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 must be produced. The report should demonstrate the effectiveness of the remedial works. The verification report 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.

#### Air Quality

- No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

#### Construction Phase

- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- There shall be no burning undertaken on site at any time
- In addition to the above no development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
  - i. The movement of construction vehicles;
  - ii. The cutting or other processing of building materials on site;
  - iii. Wheel washing and vehicle wash down facilities;
  - iv. The transportation and storage of waste and building materials;
  - v. The recycling of waste materials (if any)
  - vi. The loading and unloading of equipment and materials
  - vii. The location and use of generators and temporary site accommodation
  - viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

WC Landscape: No comment

Wessex Water: No objection

*The applicant has indicated within the submitted Drainage Strategy Drawing Ref: 21-006-003 Rev A dated August 2021 an intention to requisition a new 150mm dia foul sewer with a new connection to the existing 150 mm dia public foul sewer at MH ST86573926 located in the carriageway adjacent to 67 Heather Shaw, Wessex Water has no objections to this in principle, however, the applicant will need to complete a sewer requisition application which will require technical approval from our regional engineer.*

*The applicant has indicated an intention within the submitted Drainage Strategy Drawing Ref: 21 006-003 Rev A dated August 2021 to capture and attenuation surface water runoff on site with a discharge to the open watercourse located at the southern tip of the site.*

Wiltshire Police: No objection following revisions to the scheme.

Natural England: No comment.

Salisbury and Wilton Swift: No objection subject to an appropriate number of swift boxes being installed.

## **8. Publicity**

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the site.

As a result, fifteen representations have been received from 12 third parties commenting or objecting on the scheme on the following grounds:

- Highway Safety;
- Too many vehicles;
- Increased traffic;
- Parking;
- Loss of privacy to adjacent occupiers;
- Loss of light to adjacent properties;
- Loss of a view;
- Less housing and more green space required;
- Overdevelopment;
- Hedgerows need protecting;
- Playground required.

## **9. Planning Considerations**

### 9.1 The principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS form the relevant development plan for the area.

The application site is located within the designated Principal Settlement of Trowbridge as defined in Core Policy 1 of the adopted WCS. Core Policy 2 sets out the delivery strategy for the Council and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements.

In addition to the above, it is also necessary to be mindful that the Council cannot at the present time, demonstrate a 5-year housing land supply, and until this predicament is resolved, full weight cannot be afforded to the policies enshrined within the WCS (or the WWDP) that seek to restrict residential development.

This proposal is fully supported by officers for the efficient and effective re-use of land to provide 48 new dwellings including policy compliant 30% affordable housing and is supported by policy. Accordingly, the proposed development is acceptable in principle subject to the following technical considerations.

## 9.2 Impact on Heritage Assets

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance*". The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments, noting that this should respond to the value of the historic environment by relating positively to the "*existing pattern of development*".

The site is not located within any Conservation Area and is not in close to listed buildings (see extract plan below with listed buildings hatch in black and the Conservation edge hatched in grey):



Notwithstanding this, Trowbridge has a lengthy history dating back to the medieval era and beyond, and this is reflected in its archaeological potential.

The Assistant County Archaeologist has been consulted on the application and confirms that the site is located outside the medieval core of Trowbridge in an area known to be populated by small medieval settlements and former moated manors along with associated field systems and evidence of charcoal burning in areas of former woodland.

While much of this site has been heavily impacted by the construction of the day-care centre in the late 1960s, the north-east quarter and the area immediately to the south-west of the current building have survived as open spaces where the potential remains for as yet unrecorded archaeological features and/or deposits associated with this earlier medieval activity.

The Assistant County Archaeologist had requested that these green areas are to made the subject of a geophysical survey and trial trench evaluation with this work to be secured via a condition to be attached to any planning permission that may be issued. It is considered that this would meet the 6 tests for conditions and is recommended to be applied to any grant of planning permission.

The proposed development therefore complies with Core Policies 57 and 58 of the WCS and the advice contained within the Framework.

### 9.3 Density, Design Landscape and Visual Appearance

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The proposed development is supported by a Master Plan and Landscape and Ecological Management Plan.

The site is located in an area demonstrating a wide variety of architectural styles and materials. The site is relatively flat and rectilinear surrounded by dense residential housing.

The proposed new dwellings will be a mixture of 2, 2.5 and 3 storeys in height ranging from circa 8m to 10.2m to ridge height with a variety of depths and widths depending on the housetype. The proposed widths range from 5m in width for terraced properties to 15m in width for the block of flats comprising plots 35 – 46. The depths range from 7m on plots 1-4 to 12m deep for the block of flats. This height, bulk and scale is generally consistent with Ashton Street and the surrounding area and as such is considered appropriate to the locality. The proposed dwellings all meet and often exceed nationally prescribed space standards. The concept is based on a broad mix of house types but predominantly 3bed and 2bed, so would be responsive to local need. The inclusion of apartments is welcomed.

Hedges, stonewalls and timber fences are a feature of the area forming boundaries between the road and properties and as such the proposed development intends to include these materials for boundary treatments.

The proposed new dwellings will be designed to reflect appropriate vernacular within the local area where new housing has been constructed. In order to ensure that they complement the surroundings the following materials will be used: -

- Facing brickwork and vertical cedar boarding, with slate roof tiles,
- Render with render panel;
- Feature stone band, ashlar stone and chimneys;
- Anthracite grey UPVC windows;
- Anthracite grey UPVC French doors and Bi-fold doors;
- Velux rooflights;
- Timber entrance doors;
- Stainless steel recessed balconies (Flat Block only);

It is recommended that details of all proposed external materials are conditioned prior to development above ground slab level in the event that permission is granted.

The gross density is circa 39dph which is acceptable for central urban locations such as this and the proposed development is considered to represent an efficient and effective use of land. Whilst a landscaping scheme is contained within the submitted documents, it is considered that conditions requiring the implementation of the landscaping, together with compliance with the submitted LEMP and maintenance of the landscaping should be attached to the grant of any permission.

All ancillary outbuildings and external storage have been integrated into the overall design and layout solution as part of the landscaping proposals however it will still be necessary to secure a contribution towards waste and recycling facilities required by CP3 (Infrastructure requirements).

The layout is well-considered, with active frontage, good street enclosure, and legible access. Furthermore, it is considered that the contemporary style elevational designs are, in general, a distinctive and successful response to the predominant materials and variety of housing forms that positively characterise the local area, with well-proportioned fenestration in particular at ground floor level and simple but clean detailing.

There is a fair amount of open space on the site meeting requirements requested by the Public Open Space team. All dwellings save for the flats are provided with personal rear gardens and all of a size that reflects the ground floor footprint of the dwellings in line with Building for life guidance. Concern has been raised that there should be a play area proposed on site; however, it is considered that there is an adequate amount of play facilities within walking distance of the site that meet the required guidelines and as such a formal request for an onsite play area cannot be justified.

The proposed trees will comprise of a mixture of predominantly native species with some selectively chosen ornamental species to give seasonal variety. Planting tree species that also produce flowers and berries for birds and insects. A framework of shrubs and native trees is proposed to encourage the wildlife and habitat value of the site as well as its connectivity with the wider landscape and ecological network. Hedging to plot frontages will be used extensively, with additional planting. An Arboricultural Report prepared by Sharples Tree Services accompanies this Application as supporting documentation and should be conditioned as part of the approved plan pack in the event of a grant of permission.

Air source heat pumps will be included in all properties with electric car charging points available within the scheme's parking provision. Local sustainable materials will be employed, and energy



efficient white goods are proposed throughout. The proposed development meets requirements for sustainable construction in accordance with policy CP41.

In light of the above assessment it is considered that the proposed development complies with the objectives and criteria of the Core Policies 51 and 57 of the WCS. The development will result in a change to the character of the site to that of an urban development and this is considered appropriate for this location which employs careful high quality design and landscaping.

#### 9.4 Impact on the Amenities of Neighbouring Residents

Core Policy 57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

The site is located within a residential area with residential properties in proximity to the established boundaries of the site. The application is supported by site sections and the proposed development has been designed to meet requirements of BRE Guidance in terms of relationship distances ensuring that all proposed dwellings are set a minimum of 21m away from neighbouring properties and in some cases 25m.

Notwithstanding this, prior to design discussions, internal separation distances vary with the majority remaining at 21m however plots 1 & 3, and 2&4 had rear façade projections which are only about 13m apart with bedroom windows facing each other and closely overlooking neighbour's gardens. This has been resolved by swapping the wide and narrow windows in the relevant bedroom, so that larger windows address the streets and the smaller windows the rear garden. This also improved the active frontage of the public realm. Some side facing windows at plots 5 and 16 have also been removed to ensure no intervisibility between habitable rooms or overlooking would occur.

The 3-storey flats have a ridge height of 10.2m. The distances between 77 / 79 Heather Shaw and the new flats are 21m (flat block gable) and 24m (flat block main face). The flats sit at a lower ground level within the site in relation to Ashton Street level and no intervisibility is considered to arise having regard to the drawing pack, specifically section drawing E-E.

Concern has been raised by local residents that the height of some of the buildings would result in a loss of light to their properties and gardens. As such daylight assessment sections were requested and these have been provided relating to no's 79 and 97 Heather Shaw dwg ref 2830/173. An assessment has also been undertaken by the officer on the SunCalc application which provides an estimate of likely possible shadowing throughout the year and this together with the location of the tallest buildings, the path and orientation of the sun would indicate that no overshadowing or loss of light will occur to such an extent that it would result in significant loss of light to the habitable rooms of neighbouring properties. The majority of the shadow cast is likely to be on properties to the north of the site on Ashton Street and this would only be during the early morning and mid-afternoon temporarily during the winter months. This is not considered to result in a detriment to the amenities of these occupiers that would be sufficient to warrant refusal of the application.

Finally, public protection has been consulted on the application. They raise no objection but require that pre-commencement conditions are imposed to ensure that there is no contamination left on the site by the previous use given that the proposed new use as residential is considered

to be a more vulnerable use. They have also requested that a Construction Management Plan is submitted and approved prior to commencement of development to ensure that any waste is adequately dealt with and to ensure that the amenities of local residents are not significantly adversely affected during any construction period. These conditions are recommended to be attached in the event of any grant of planning permission.

The proposed development therefore complies with Core Policy 57 of the WCS and paragraph 130 f of the NPPF.

### 9.5 Impact on Highway and Pedestrian Safety

This section focuses on the impact of the proposed development on highway and pedestrian safety and the ability of the existing highway network to accommodate the vehicular and pedestrian movements associated with the development.

Core Policy 61 'Transport and New Development' of the WCS seeks to ensure that applications demonstrate that the scheme proposed has given consideration to the needs of all transport users and that the proposal is capable of being served by safe access to the highway network.

Core Policy 62 'Development Impacts on the Transport Network' then seeks to ensure that development provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The application is supported by a Transport Assessment and has been subject to a number of revisions following discussions with the Council's highways engineer.

Due to the former use of the site, the scale of the development proposed is not anticipated to create a significant amount of additional traffic movements than what the previous use of the site would have attracted if it was fully utilised to capacity and the principle for residential development is acceptable in Highway terms.

The two existing vehicular accesses from Ashton Street will be retained, widened and improved, with an overall carriageway width of 5.5m, with two 2m wide footways around the 6m radii. Visibility splays are improved to 2.4m x 43m, which is welcomed. Following concerns by residents requiring retention of the hedgerow it has been agreed to retain the hedgerow in its current location but trimmed and kept to a maximum height of 600mm to provide acceptable visibility splays. A condition requiring this is recommended.

The developer has agreed to pay associated costs (£6,000) of amending the existing waiting restrictions at these accesses to be secured by a legal agreement.

Internally, the road layout provides essentially a main loop road and two cul-de-sacs served from this loop. The cul de sacs are formed as shared surface style roads with a 4.8m carriageway, a 2m wide service strip and a 1m buffer strip. This layout is considered suitable and meets 20mph zone guidance. Details of these shared surfaces and the finish of the roads etc should be conditioned to ensure satisfactory design is achieved.

Swept Path analysis has been provided for a Refuse Collection Vehicle (RCV), which demonstrates that access can be gained throughout the site.

A new 2m wide pedestrian link is provided to Lark Down, which is welcomed. The implementation

of this should be secured by condition prior to occupation. The footpath connects at the point of the build out pedestrian crossing and will thus require a staggered barrier on the footpath, prior to back of the existing footway.

Cycle parking has been provided for each dwelling either within a garage or dedicated store, which is welcomed and meets policy requirements. Furthermore, a green travel plan has been submitted for the site, which is generally considered acceptable and again should be secured by legal agreement.

Related to the travel plan measures, a £10,000 contribution has been agreed to help fund improvements to 'Wayfinding' signage in Trowbridge, to help connect the site to the pedestrian and cycle networks. A further £12,000 has been agreed as a contribution towards the improvement of the Lark Down bus stop, which is welcomed and these contributions should be secured by legal agreement.

Following highway discussions and in response to an objection from Highways based on insufficient parking provision, car parking has been provided to almost meet Wiltshire's Minimum Residential Car Parking Standards, including appropriate visitor car parking spaces, which are well located. The proposal is now 4 parking spaces short of meeting the required policy amount and it is considered that such a shortfall, while it may put some pressure on parking spaces, would only cause minor harm and would not result in a severe impact on the highway network or significant detriment to the safety of highway users to justify a refusal on this basis. This is especially so given the site's relatively central and sustainable location which is served by bus stops outside the site, to which a contribution for improvement is proposed.

It is also noted that the pre-application response from the LPA did confirm an acceptance of a reduced car parking standard given the central and sustainable location together with improvements proposed to the existing bus stops, a number of cycle parking spaces, contributions towards traffic regulation orders and a new footpath improving the accessibility of the site for pedestrians. On balance therefore it is considered that the proposed development would not result in a significant detriment to the safety of highway users and the proposed development is acceptable in the round in terms of policies CP60, CP61, CP62 and CP64 together with the NPPF paragraphs 110, 111 and 112.

## 9.6 Ecology

The NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Furthermore, Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.

Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application is supported by an Ecological Assessment (Ethos Environmental Planning, September 2021), a Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) and a Biodiversity Net Gain Assessment (Ethos Environmental Planning,

September 2021) together with a Construction Environmental Management Plan (Ethos Environmental Planning, September 2021).

The proposed development lies in Trowbridge where development has the potential to affect the Bath and Bradford-on-Avon Bat SAC. The Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) (adopted in February 2020) was prepared to support the Wiltshire Housing Site allocations Plan (WHSAP). The SACs qualifying features are Bechstein's bat, Greater Horseshoe bat and Lesser Horseshoe bat. In particular, the woodlands to the east and south-east of Trowbridge are known to be important for a large and significant breeding population of Bechstein's.

The TBMS recognises the importance of both woodlands and their surrounding habitats through two buffer zones. The nearest woodland to the application site is Green Lane Wood (c. 1.2km south-east of the site).

This application is within the grey hatched zone which identifies the distance within which 75% of visitors to Green Lane Wood/Biss Wood (or Picket and Clanger Woods) are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone. Therefore, this application will be subject to Community Infrastructure Levy (CIL) developer contributions for strategic and recreational pressure.

Habitats recorded on site to be cleared included amenity grassland, shrub and a large area of hardstanding where buildings were demolished in 2018/2019. Boundary hedgerows likely to be used by bats will be protected and retained. Bat mitigation (two free-standing four chambered bat houses) secured under an EPS Mitigation Licence for buildings demolished in 2018/2019 will be retained in the southern part of the site within an area of mixed scrub and biodiversity area.

The site has limited potential to support amphibians and reptiles but has potential to support breeding birds, hedgehog and badger. A Construction Environmental Management Plan has been submitted and provides measures to protect boundary hedgerow and trees during the construction phase, and a precautionary methodology for clearance of habitats for breeding birds, hedgehog and badger.

Biodiversity net gain proposals are detailed to enhance the site for a range of species include the creation of two ponds, wildflower grassland, and a native hedgerow. Together with swift boxes and hedgehog fence panels enabling ecological enhancement across the site.

Accordingly, there is no objection subject to conditions being attached to the grant of any permission securing compliance with the documents provided and ensuring that no external lighting is installed without prior approval of the lux levels from the LPA.

As such the proposal meets requirements contained in CP50 of the WCS and the NPPF together with associated guidance.

## 9.7 Education

Policy CP3 and saved WWLP policy S1 requires that all new development will be required to provide for necessary onsite, and where appropriate, off-site infrastructure requirements. The education officer has assessed the proposal on the basis that policy compliant affordable housing will be provided and as such all one bed units have been excluded and a 30% affordable housing

discount applied to remaining 11 affordable units = 5. As such the education response has been provided on the basis of an assessment of 42 properties.

To summarise, the proposed development would give rise to the following pupil yield.

- Early Years: 6
- Primary: 13
- Secondary: 9

The School Development Officer has advised that all areas of provision are at capacity and as such the following contributions towards education provision would be required:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

All to be subject to indexation and secured by an S106 agreement to which standard terms will apply.

#### 9.8 Recycling and waste facilities:

All new development will be required to provide for the necessary on-site infrastructure requirements arising from the proposal. In the event of competing demands for infrastructure provision, essential infrastructure will be afforded the highest priority. 'Waste management services such as recycling and collection facilities' are classed as 'essential infrastructure'.

Under policies CP3 and saved policy WCS6, the council requires s106 contributions towards the provision of waste and recycling containers for each residential unit at £91 per unit resulting a contribution requirement of £4,368.

It is recommended that this provision is secured through a legal agreement.

#### 9.9 Drainage Matters

The Application Site, as noted above, is located within Flood Zone 1 and is therefore at low risk from flooding. The application is supported by a revised Flood Risk Assessment and Drainage Strategy following discussions with the Lead Local Flood Authority. This demonstrates that development of the site would not increase the risk of flooding on site or elsewhere.

Surface water is to be discharged by a positive means of drainage via storage and discharge to watercourse as part of development. The development would not impact existing drainage arrangements for the site however it provides an additional swale to ensure that surface water is adequately dealt with in the case of high rain fall.

Concern has been raised regarding the safety of this swale, however given the gentle incline and the likelihood that it would only have water within it in the worst cases of rainfall being dry most of the year it is considered that this swale in this location would not result in a danger to life.

#### 9.10 s106 and CIL

The Council's adopted Wiltshire Community Infrastructure Levy (CIL) Charging Schedule applies to the proposed development. The site falls within Charging Zone 1 which sets a charge of £85 per square meter of residential floor space.

The application is also supported by suggested Heads of Terms for a S.106 agreement.

In summary, it is anticipated that the following planning obligations will be required:

- Affordable housing at 30% (14units) on a split between 60% affordable rent (8units) and 40% shared ownership (6units);
- Education contributions:
  - Early years places = £105,132
  - Primary school places = £225,096
  - Secondary school places = £206,460
- Transport contributions relating to Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)
- Open Space Management - The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP, will need to be secured as part of the section 106 agreement.
- Recycling and Waste Facilities - The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368. This will be secured via a section 106 agreement should planning permission be granted.

### 9.11 Planning Balance

The proposed development proposes the reuse of brownfield land for housing within a principal settlement. The provision of 48 dwellings carries significant weight given that the Council cannot as yet demonstrate a robust five year land supply. Of the 48 units, 14 will be affordable housing and this also carries significant weight given that there is a need for affordable housing in this location.

The proposed development would also provide an improvement to the location visually in terms of improved landscaping and demonstrates an efficient and effective use of land.

It would provide contributions to education facilities and provide construction jobs as well as inviting 48 new households who would spend money locally and likely contribute to the local employment pool. These benefits are afforded moderate weight.

The introduction of a swale and provisions of a landscape and ecological management plan that would improve drainage at the site and ensure the longevity of the biodiversity and may well

enhance the biodiversity. These benefits are afforded minor weight as they are on the whole proposed as embedded mitigation.

The provision of additional cars may put a slight squeeze on parking availability in the area to which slight harm is attributed, however the scheme has sought to increase on-site parking as much as possible and attracts no highway objection or concerns in terms of highway safety. Additional contributions in the form of a Green Travel Plan, works to improve the existing bus stops at the site, a new footpath and contributions to Traffic Regulation Orders in the locality are also considered benefits which attract moderate weight.

Accordingly on balance, the numerous benefits in favour of the scheme outweigh any harm identified and as such in accordance with paragraph 11 of the NPPF 2021 the proposed development benefits from a presumption in favour of it and it is recommended that planning permission be granted subject to conditions.

## **RECOMMENDATION:**

**That the Committee delegates authority to the Head of Development Management to grant planning permission subject to the conditions and informatives listed below following the completion of a s106 agreement to secure the matters also set out below –**

### **S106 Heads of Terms**

**Affordable Housing:** Core Policy 43 'Providing Affordable Housing' of the WCS requires 30% affordable housing in this location (i.e. 14 affordable homes). The Council's Housing Enabling team indicated that a tenure split of 60% affordable rented homes (8 homes) and 40% shared ownership homes (6 homes) will be required.

**Public Open Space:** Policy CP3 of the WCS and Saved policy LP4 'Providing Recreation facilities in New Developments' of the former West Wiltshire Local Plan requires developments to provide recreational open space. The POS team indicated that a development of 48 dwellings generates a requirement for 1359m<sup>2</sup> of casual open space, 56.64m<sup>2</sup> of play space and 1132m<sup>2</sup> for sports.

**Open Space Management:** The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP.

**Highways:** Policy CP3 Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)

**Recycling and Waste Facilities:** The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368. This will be secured via a section 106 agreement should planning permission be granted.

**Education Infrastructure:** Policy CP3 and Saved policy S1 'Education' of the former West Wiltshire Local Plan outlines that where a proposal for residential development gives rise to the need for additional education provision, a planning obligation will be sought to meet that need. The scale of the obligation to be sought will relate to the scale of need arising from the proposed development. In this case the education requirements are:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

## 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 Plans list ref 21054 received on 12.09.22 as well as the following documents:

- FRA and Drainage Strategy: received 28 June 2022
- Arboricultural Method Statement
- Waste Minimisation Statement
- Proposed Access Arrangement Plan: Drg. SK01\_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 1of2 Drg.SK03\_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 2of2 Drg.SK03\_RevA
- Travel Plan Report RevA
- Ecological Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ground Investigation Report
- Biodiversity Net-Gain Assessment

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

3. The development will be carried out in strict accordance with the following:

- Ecological Assessment (Ethos Environmental Planning, September 2021)
- Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021)
- Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021)
- Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

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

4. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition),



until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

**Step (i) Site Characterisation:**

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

This 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.

**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 must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report 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 the amenities and safety of future occupants of the development.

6. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: To ensure the amenities and safety of future occupants of the development.

7. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday
8. No development works shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

- The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
  - The movement of construction vehicles;
  - The cutting or other processing of building materials on site;
  - Wheel washing and vehicle wash down facilities;
  - The transportation and storage of waste and building materials;
  - The recycling of waste materials (if any);
  - The loading and unloading of equipment and materials;
  - The location and use of generators and temporary site accommodation;
  - Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.
  - There shall be no burning undertaken on site at any time.

The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To safeguard the amenities of the area.

9. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

10. The development shall be undertaken in accordance with the details set out in the approved drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

11. The development shall be undertaken in accordance with the details set out in the approved Construction Environment Management Plan.

REASON: To ensure the amenities and safety of future occupants of the development.

12. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use and no dwelling hereby permitted shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: 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 ensure that the roads are laid out and constructed in a satisfactory manner.

13. No part of the development shall be first brought occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

14. No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

15. No dwelling on the development hereby approved shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details 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.

16. No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

17. No unit shall be occupied until full details of the proposed new footpath and staggered barrier connecting to Lark Down as shown on approved site has been approved and implemented.

REASON: In the interests of pedestrian safety and reducing the amount of private car movements to and from the development.

18. The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

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

19. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

20. The development hereby approved shall not commence above ground slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the LPA , the details of which shall include:

- a. detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b. finished levels and contours;
- c. means of enclosure;
- d. car park layouts;
- e. other vehicle and pedestrian access and circulation areas;
- f. all hard and soft surfacing materials;

- g. minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- h. proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

21. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

22. No development shall commence on site above slab level until details and samples of the materials to be used for the external walls and roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

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

23. No development shall commence within the area indicated by application PL/2021/09909 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The evaluation is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The

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

Costs of this work are to be borne by the applicant.

24. The development hereby approved shall be undertaken in strict accordance with the details as submitted and approved within the tree survey prepared by Sharples Tree Services dated November 2021.

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

25. The development shall not be occupied until details of at least 24 swift/bird boxes/bricks have been submitted to and approved in writing by the LPA and installed to be retained for the lifetime of the development.

REASON: IN the interests of ensuring biodiversity at the site.

26. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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

### 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: [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)
2. INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.
3. INFORMATIVE: 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.
4. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

5. 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.