

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 DECEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Stewart Palmen, Cllr Jonathon Seed and Cllr Elizabeth Threlfall

Also Present:

Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Trevor Carbin and Cllr Tony Jackson

71 **Apologies**

Apologies for absence were received from the following:

- Cllr Chirstopher Newbury
- Cllr Pip Ridout
- Cllr James Sheppard
- Cllr Rob Yuill

72 **Minutes of the Previous Meeting**

The minutes of the previous meeting were presented for consideration, and the Chairman noted that for minute number 68, related to 20/06554/FUL - Land At Empress Way, Ludgershall, Wiltshire, there were 2 instances where what was recorded in the resolution was different to what was contained in the agenda reports. These instances were:

- Within the heads of terms for the S106 agreement, the figure stated for Waste & Recycling Facilities was £17,290 within the agenda report, this was updated to £19,190 in the resolution in the minutes. This was due to an increase in fees. This could be seen at page 10 of the agenda pack; it had been noted within the minutes that the figure was different.
- The plans list at the end of the conditions (pages 19-22 in the agenda pack) was different to that published with the agenda due to an administrative error. Again, this had been noted within the minutes. The applicant was aware.

Members had no comments on the minutes, and it was,

Resolved:

To approve and sign the minutes of the meeting held on 22 October 2024 as a true and correct record, subject to the noted amendments.

73 **Declarations of Interest**

Cllr Ernie Clark stated that for the Trowbridge leisure centre application (PI/2024/08255, Land at the former East Wing Site, Bythesea Road, Trowbridge, BA14 8 JN), he had received a leaflet at his home address recently regarding the leisure centre, whereby the leaflet stated that the proposed leisure centre was being promoted by the Wiltshire Conservative Cllr group, on behalf of Wiltshire Conservative Cllrs, and stated that the Conservatives were investing £25 million into the new leisure centre. Cllr Clark raised concern over this publication given that the application had not yet been reported to committee or given permission, and asked the Chairman if that would mean that all the Conservative Cllrs forming part of the Committee were predetermined.

Some of the Conservative Cllrs on the Committee responded by confirming that they had not seen the leaflet and would consider the application with an open mind, regardless of what was stated in the leaflet.

Advice was sought from the legal officer in attendance. Sarah Hickey, Council Solicitor, who advised the Committee that the financial issues relating to the leisure centre were a separate (non-planning) matter and invited all Committee Cllrs to only consider the planning merits of the application and come to their own decision.

The Chairman summarised that if everyone approached the application with an open mind that would be acceptable, and the legal officer agreed.

There was some further discussion, with Cllr Clark highlighting that the leaflet seemed to suggest that the leisure centre had been approved already, and that Conservative Cllrs needed to state that they had an open mind.

The legal officer reiterated that it was for every Member of the Committee to reach their decision based on the planning application that was being presented.

The Chairman asked whether anyone had concerns relative to determining the application with an open mind, and no one responded.

74 **Chairman's Announcements**

The Chairman announced that there were mince pies on the table outside the Council Chamber for attendees as this was the last meeting of the Committee prior to Christmas.

75 **Public Participation**

The procedure for public participation was noted.

76 **Planning Appeals and Updates**

The Chairman noted that as well as the usual planning appeals report, under this item there were a couple of planning updates as well. Both of those items had been to Strategic Planning before and there were updates to conditions to be noted.

77 **Planning Appeals**

Kenny Green, Planning Manager, spoke to the appeals report and highlighted the appeal detailed in the agenda report, for PL/2023/07368, Land At Old Sarum Airfield, Old Sarum, Salisbury, Wilts, SP4 6DZ, which had been refused planning permission at the [14 August 2024 Strategic Planning Committee](#). The Committee was informed that this appeal would be heard as a planning inquiry held which was scheduled to start on 18 February 2025.

A further update was given on another appeal for application PL/2021/09013, Land West of Westbury Road, Warminster, pertaining to a refused application for 205 dwellings which had come to the [6 March 2024 Strategic Planning Committee](#). Members were informed that the Inquiry for that appeal commenced in October, however the inspector had adjourned the inquiry to allow the appellant and the Council to submit more detail to the Inspector to assist him in his understanding of the appealed development including matters relating to ecology, public health and flood risk. There was also a question raised by the inspector to the appellants as to whether the appeal was valid in the first place. Members were further informed that a 3-day session has been scheduled for the appeal to be re-opened in mid-January 2025.

78 **PL/2022/04875 - Land at Salisbury Retail Park, London Road, Salisbury, SP1 3YX - UPDATE ON ADJUSTED BNG AREAS**

Public Participation

Adam Cundale (applicant) spoke in support of the proposal.

Kenny Green, Planning Manager, presented the item. It was explained that he was not the case officer but was covering the item as the case officer was involved with a meeting with the Planning Inspectorate regarding the aforementioned Old Sarum Airfield appeal.

Firstly, members attention was drawn to agenda supplement 1, which contained the final officer recommendation, which was to note the updates to the Biodiversity Net Gain (BNG) provision and subsequent changes to the S106 and conditions.

It was further explained that under the planning scheme of delegation (in [Part 3, section D3 of the constitution, para 1.13](#)), officers were able to adjust the legal agreement and conditions, providing the modifications were in line with the principles of the Committee's decision, and that changes would be reported back to a subsequent meeting of the Committee. As such, officers wanted to the Committee to note the update.

The officer stated that there had been no changes at all to the development site. However, the location for the off-site BNG provision located within the adjacent country park had changed slightly. Although not mandated to provide 10% BNG at all due to the date of the application submission, members were informed that the applicant wanted to do so.

Following endorsement of the application at the [17 April 2024 Strategic Planning Committee](#), further survey work was undertaken to survey the parcels of land within the country park adjoining the application site, that were previously identified for BNG provision.

Following the surveys, it was revealed that the land parcel to the north of the site was of higher quality than was previously thought, and as such delivering BNG on such a land parcel was no longer supported. Therefore, a different parcel of land within the country park close to the previously identified southernmost land parcel was identified to deliver the off-site 10% BNG, and this was presented to the Committee as part of the application update.

The officer then highlighted late correspondence officers had received from Cllr Ian McLennan, representing the Laverstock division, who advised he would be unable to attend the meeting, and emailed his thoughts to officers. The email was read out by the officer.

In summary Cllr McLennan referenced the environmental impacts and supported the updated proposals, although he referenced additional funding being required for transport/highways improvements, in relation to the crossing point at the A30 junction with Church Road, and Automatic Number Plate Recognition (ANPR) provision for Milford Mill Road.

At this point the officer explained to members that the application when it was previously reported to Committee had previously established the reasonable and necessary developer obligations in terms of sums of money to be paid by the developer when tested against the three legal tests. Moreover, Members were informed that the S106 legal agreement had reached a very advanced stage, and Members were informed it would be unreasonable to add further obligations to the agreement at this very late stage.

Members were advised that there was no substantiated requirement for new or further obligations, and the late request would materially deviate from that which was previously endorsed by the Strategic Planning Committee.

Furthermore, Members were reminded that this item was being presented as an update report, and it was not considered reasonable to add additional funding burdens on the developer given the unsubstantiated, uncosted request, which also appeared to have no local highway authority participation.

Members were however advised that the request could be brought forward through different funding avenues, and it was suggested that Members note

Cllrs McLennan's request, but it would be for other funding streams to be used should the two identified highway improvements be considered necessary.

Members then had the opportunity to ask technical questions. In response it was confirmed that the applicant did not own the land where the off-site BNG parcels were to be located, and it was confirmed that applicant was committed to providing some on site BNG but that would not result in a 10% betterment, and through their separate engagement with the Land Trust that had a 99 year lease to maintain the Castle Hill Country Park, the off-site BNG provision was not objected to. Moreover, members were informed of a letter that officers had received from The Land Trust that set out their support for the applicant's commitment to deliver the BNG enhancement within the country park.

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

Cllr Adrian Foster, seconded by Cllr Jonathon Seed, proposed the officer recommendation, and to additionally note the division Member's (Cllr McClennan's) suggestions.

During debate Members queried whether they could do more than just noting the division Members suggestions, such as sharing them with the highways team as a possible use for Community Infrastructure Levy (CIL) funds.

Following the debate it was,

Resolved:

That Members note:

- **Cllr Ian McLennan's request for additional highways improvements, in relation to the crossing point at the A30 junction with Church Road, and Automatic Number Plate Recognition (ANPR) provision for Milford Mill Road, although the officer had explained it would not be possible to add this to the S106 at this point.**
- **The report, adjustments to the Biodiversity Net Gain Provision, the change to the S106 agreement heads of terms criteria D and the consequent change to condition 2 (highlighted)**

D) OFF SITE BIODIVERSITY MITIGATION

A SCHEME TO SECURE THE OFF SITE ECOLOGICAL MITIGATION/BIODIVERSITY LAND AT THE ADJACENT RIVERDOWN PARK/CASTLE HILL SITE IDENTIFIED IN THE SUBMITTED OFF-SITE BIODIVERSITY NET GAIN REPORT, AND THE MANAGEMENT AND MAINTENANCE PLAN DATED 19TH NOVEMBER 2024 BY LAND TRUST, REPORT REFERENCE 22714

AND SUBJECT TO THE FOLLOWING ADJUSTED CONDITIONS:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.

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.

Approved details

- 02 Unless otherwise specified by the subsequent conditions, the development shall be carried out in accordance with the following approved plans and details:

Ref: 0000_01 Rev P8- Location Plan
Ref: 0000_02 Rev P8- Existing Site Plan
Ref: 0000_04 Rev P20 Proposed site layout
Ref: 0000_05 Rev P6- Asda Store- Ground Floor Layout
Ref: 0000_06 Rev P7- Asda Store- Proposed Roof Plan
Ref: 0000_07 Rev P4- Proposed Site Sections
Ref: 0000_08 Rev P7- Asda Store- Elevations
Ref: 0000_09 Rev P5- Asda Store- Elevation Callouts
Ref: 0000_10 Rev P4- Click and Collect structure
Ref: 0000_30 Rev P3- Petrol Filling Station floor Plan
Ref: 0000_31 Rev P2- Petrol Filling Station Elevations
Ref: 0000_32 Rev P2- Petrol Filling Station Roof Plan
Proposed Landscaping Scheme Drawing No. 04 Rev L

Biodiversity

Biodiversity Metric 3.1 V6

Biodiversity Net Gain Plan Rev F. 5th December 2023.

Highways Plans - Proposed modifications to site access and Pearce Way:

Drawing 001 Rev A (Site Plan showing all areas of works)
Drawing 002 Viewport 01
Drawing 003 Viewport 02
Drawing 004 Viewport 03
Drawing 005 Rev A Viewport 04

REASON: In order to ensure that the scheme is constructed in accordance with the details previous agreed.

Materials and landscaping

- 03 No external materials or external facade works shall take place/be applied until full details or samples of the materials for the external elevations of the buildings and walling, have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

No landscaping works shall take place until a scheme detailing the hard and soft landscaping has been submitted to and approved by the LPA. This should include details of surface materials; shrub and tree planting including details of tree pits confirming that such pits will be adequate to allow the trees to flourish; and details of times of planting, species and size. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: In the interest of visual amenity of the site and surrounding area.

Restrictions on operation of use

04 The retail supermarket store shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: a maximum six-hour period between 0900hrs to 1700hrs

REASON: In the interests of amenity.

05 The drive-through coffee shop shall not be open to the public (trading hours) other than between the hours of Monday to Saturday: 0700 hrs to 2300 hrs and Sunday: 0900hrs to 2000hrs

REASON: In the interests of amenity

06 Petrol filling station tanker deliveries will only take place between 0700hrs and 2100hrs Monday to Sunday. There shall be no tanker deliveries outside of these times.

REASON: In the interests of amenity.

07 The jet wash, air, water and vacuum units associated with the petrol filling station shall only operate between 0900hrs and 1800hrs Monday to Sunday. They shall not be operational outside of these times.

REASON: In the interests of amenity.

08 No deliveries shall be made to, or waste collections made from, the petrol filling station or coffee drive through hereby approved except between the hours of 0800hrs and 2100hrs Monday to Sunday.

REASON: In the interests of amenity.

09 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800hrs to 1800hrs Monday to Friday and 0800hrs to 1300hrs on Saturdays.

REASON: In the interests of the protection of amenity.

10 No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental 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/routing of construction vehicles;**
- ii. Construction staff parking**
- iii. The cutting or other processing of building materials on site;**
- iv. Wheel washing and vehicle wash down facilities;**
- v. The transportation and storage of waste and building materials;**
- vi. The recycling of waste materials (if any)**
- vii. The loading and unloading of equipment and materials**
- viii. The location and use of generators and temporary site accommodation**
- ix. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts**
- x. Details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:**
 - a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing. This is particularly pertinent to the hedgerow, trees and buffer area along the western edge of the site and the southern and eastern areas set aside for grassland creation and enhancement.**
 - b. Working method statements for protected/priority species, such as nesting birds and reptiles.**
 - c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.**
 - d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
 - e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
 - f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

The exact prescriptions of the CEMP should be drawn from the submitted Ecological Assessment Report by Encon Associates (Revision E) dated 20/12/23 and based on the Tree Survey Report and AIA Method Statement Rev B Dated 12/5/2022 By Encon.

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

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

- 11 Prior to the installation of any air extraction system which discharges air that is likely to be odorous, including from food or drink preparation rooms, a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.**

REASON: In the interests of the protection of amenity. In discharging this condition, the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We also recommend the applicant consults EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems.

- 12 No building shall be occupied until an assessment of the acoustic impact arising from activities within the enclosed warehouse and any fixed plant associated with main supermarket, Petrol Filling Station shop and the Coffee Drive Through is undertaken in accordance with BS 4142: 2014 +A1:2019, and that assessment has been submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall not exceed background and is protective of local amenity.**

The assessment is to be based on the background levels (L_{A90T}) recorded in the predevelopment noise survey, as provided in Table 1 of the submitted Acoustic Consultancy Partnership Ltd report ref 11679, dated 16th May 2022.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required

to achieve compliance shall be taken, as necessary. The assessment shall provide confirmation of the as installed details, with calculated noise levels updated as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Customer trolleys

- 13 Before the retail use hereby permitted first comes into operation, a scheme to restrict the removal of customer trolleys from the retail park site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

REASON: To limit the impact of the development on adjacent residential amenity

Landscape and Ecological Management Plan (LEMP)

- 14 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

Lighting

- 15 Notwithstanding the information and details within the submitted Lighting Statement by DDA dated 25th March 2022, prior to the installation of any lighting, a complete Lighting Strategy for the site, which contains lux contour plots demonstrating that light levels of 0.5 Lux or less can be achieved at the edges of key habitat features, together with location, type and model of all lighting units to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out in accordance with the agreed scheme.

REASON: In the interests of conserving biodiversity.

Contamination

- 16 In accordance with conclusions of the submitted Preliminary Risk Assessment report, (Preliminary Risk Assessment by DTS Raeburn Ltd November 2021), no development shall commence on site until a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**

If the report submitted pursuant to above indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core policy 56, To reduce the risks associated with land contamination

Retail use restrictions

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail store shall be used solely for purposes within Class(es) E (a) retail and (b) food and drink, 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). There shall be no subdivision of the main retail unit (with the exception of the internal café/restaurant) hereby approved, or any additional internal floor space created (including any insertion of mezzanine floors) for the purposes of additional net retail sales area, not covered by this permission.**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted for the purposes of the creation of additional net retail sales floor area.**

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and in order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development.

Highways and parking

- 19 The main retail unit and the drive through unit shall not be occupied (open for trading) until the vehicular access has been amended as outlined on drawing ref: 'Proposed Modifications to Site Access and Pearce Way Viewpoint 04' drawing number: 005 Rev A. This includes widening of the lane to provide a two-lane entry onto Hampton Park Roundabout, provision of a traffic calmed pedestrian/cycleway crossing of the access and alterations to street lighting.**

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

- 20 The main retail unit and the drive through unit shall not be occupied (open for trading) until the new shared use footway/cycleways on Pearce Way and London Road and the upgrade of the existing footways to shared use footway/cycleways on Pearce Way and London Road as outlined on drawing ref: 'Proposed Site Layout' rev P20, together with associated lining and signing, and street lighting alterations over the entire site frontage are provided.**

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety. Note the above details will need to be agreed as part of a separate S278 Agreement with the Council as Highway Authority.

- 21 The main retail unit and the drive through unit shall not be occupied (open for trading) until details of the direct pedestrian/cycle links from Green Lane into the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be first brought into use until the links have been completed in accordance with the approved details.**

REASON: To ensure that adequate pedestrian and cycle routes are provided to the site in the interests of highway safety.

22 No part of the development of hereby permitted shall be first brought into use until the access, and turning areas, servicing area, internal pedestrian and cycle paths, parking spaces and cycle spaces have been completed in accordance with the details shown on the approved plans, including surfacing and demarcation of parking spaces. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and to ensure that satisfactory facilities for the parking of cycles are provided, and to encourage travel by means other than the private car.

23 Within 6 months of the development hereby approved opening for trading, a Full Travel Plan based on the submitted framework travel plan (ref GB01T21E36/002/V4 by Systra) shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) from the date of approval.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Drainage

24 Notwithstanding the details shown on the Proposed Schematic Drainage Option 03 – Infiltration and SUDS dated September 2022 by MJM ref 7163-MJM-01-00- DR-C-15204 Rev P03, no development shall take place regards the drainage scheme/works for the site, until a scheme for the discharge of surface and foul water from the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall provide the following:

- **Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design.**
- **Demonstrate 20% betterment has been achieved on post-development discharge rates for both peak flow and volume on existing greenfield rates for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.**
- **Drawings which demonstrates mitigation of potential pollutants from the proposed petrol station, and calculations which demonstrate the drainage design provides a sufficient level of water treatment to prevent pollution of groundwater.**
- **Detailed cross and long section drawings or the proposed attenuation pond and its components.**
- **Detailed calculations for the attenuation pond, and demonstrate a freeboard has been applied.**

and the drainage scheme shall be carried out and retained in accordance with the approved details.

REASON: To limit the impact of the scheme on the drainage system and surrounding natural habitats.

Archaeology

25 No development shall take place within the application area until the applicant has secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The results of the evaluation will inform the preparation of a mitigation strategy which will be submitted by the applicant and approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy will provide for:

- i. A programme of site investigation and recording, or alternative appropriate mitigation, within any areas of archaeological interest. Development will not commence within any area of archaeological interest until the site investigation has been satisfactorily completed.**
- ii. A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the mitigation strategy or unless otherwise agreed in writing by the Local Planning Authority.**

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

Sustainable design

26 The main retail unit hereby permitted shall achieve a BREEAM (Building Research Establish Environment Assessment Method) rating of 'Excellent'. Unless otherwise agreed in writing with the Local Planning Authority, the retail unit shall not be occupied until the post-construction state assessment and subsequent BREEAM Certificate certifying that 'excellent' status has been achieved has been submitted to and agreed in writing by Local Planning Authority.

REASON: In order to produce a scheme with a high level of sustainable design in accordance with adopted Wiltshire Core Strategy Policy CP41.

INFORMATIVES

S106

**The development shall be carried out in accordance with the S106 dated

Highways

The applicant will be required to enter into a S278 Agreement with the Highway Authority before commencement of the works identified in conditions above.

Drainage

- If the applicant intends to offer SuDS features for adoption, their designs will need to be in accordance with Wessex Water's SuDS Adoption Guidance.
- The site is likely to be underlain by chalk. In chalk, or any other fill material prone to instability, soakaways should be sited in accordance with the chalk density in accordance with CIRIA C574 "Engineering in Chalk"; this may result in min 10m clearances being required from any building, road or structure foundations.
- The drainage strategy will need to consider the increased contamination risk to groundwater / surface waterbodies posed by the petrol forecourt, and propose suitable pollutant mitigation for this area of the site.
- The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption of infiltration drainage features.
- The surface water disposal hierarchy is set out below (as per the Sewerage Sector Guidance, paragraph C.3.12):
 - Surface water runoff is collected for use.
 - Discharge into the ground via infiltration.
 - Discharge to a watercourse or other surface water body.
 - Discharge to surface water sewer or other drainage system, discharging to a watercourse or other surface water body.
 - Discharge to a combined sewer.

78a PL/2021/08064 - Innox Mills, Stallard Street, Trowbridge, BA14 8HH - PHASING UPDATE

Public Participation

No members of the public had registered to speak.

Ruaridh O'Donoghue, Principal Planning Officer, introduced an update report for PL/2021/08064 - Innox Mills, Stallard Street, Trowbridge, BA14 8HH, which had come to the [29 November 2023 Strategic Planning Committee](#) and members were reminded that at that meeting the Committee had endorsed the application, with authorisation to grant planning permission delegated to the Head of Development Management, subject to completion of an S106 agreement and conditions. The Committee also heard that the application had

been reported to the [17 April 2024 Strategic Planning Committee](#) to update members following changes made to the National Planning and Policy Framework (NPPF) in December 2023 which resulted in the Council benefitting from a revised and reduced housing land supply requirement in recognition of the Council's advanced local plan preparation stage.

At that meeting, the Committee resolved to endorse the application with authorisation to grant planning permission continuing to be delegated to the Head of Development Management, subject to the completion of a S106 legal agreement and conditions.

The officer explained that the S106 agreement was still being progressed. However, the applicant wanted to change the application at this stage so that once the legal agreement was complete, they could proceed on a varied phased basis and to implement Block A, the Stallard Street Buildings and Innox Place in advance of the outline permission for the balance of the site.

The previous Committee endorsed phasing plan for the site was shown to Members as were the revised parameters, and it was explained that to enable the applicant to do what they requested, site wide pre-commencement conditions such as for surface water drainage and contaminated land would need to be split, and it was the phasing and re-wording of the conditions that the Committee was being updated on.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response the officer explained by way of an example, that there was no Japanese Knotweed within the phase 1 areas, and that the suggested revised condition wording for the on-site handling and requirement for the developer to produce a management plan for this invasive plant for the parts of the site where it does exist, was a matter for a later phase. Likewise, there were no reptiles within the phase 1 area, so a mitigation strategy was not required for phase 1, and this too would be more reasonably left for a later phase.

Members expressed some concerns regarding whether the rest of the site would actually get developed if the phasing was changed in the way being proposed. However, Members were reassured that conditions must be reasonable and under what was being proposed now, the first phase of development would likely commence sooner and proceed stage by stage, rather than requiring the developer to commission surveys that were not technically required for the first phase.

Further questions were asked regarding the S106, and various conditions.

At the Chairman's invitation, Cllr Nick Botterill, Cabinet Member responsible for Strategic Planning, spoke regarding the application. He highlighted that this was a strategic site; that the administration was supportive of its site wide regeneration, and this site and application was key to improving this part of central Trowbridge. The application was a complex scheme and demonstrated how difficult regeneration of a brownfield site was and argued that some flexibility in the manner being proposed appeared reasonable. The proposed

changes were considered at the lesser end of the scale, and were in line with making sure the site was regenerated.

No Members of the public had registered to read a statement.

Cllr Stewart Palmen, seconded by Cllr Carol King, proposed the officer recommendation.

There was no further debate, and it was,

Resolved

That the Head of Development Management continues to be authorised to grant planning permission and listed building consent, subject to completion of the planning obligation / Section 106 agreement currently in preparation covering the matters set out below, and subject also to planning conditions listed below.

Planning Obligations

- **Securing a review of the viability of the scheme prior to occupation of the 200th dwelling**
- **Safeguarding the provision of the Station Car Park link road and access to ensure no ransom strip is formed and that any land required to facilities it is transferred to the Council at nil cost.**
- **The setting up of a management company to manage all the public open space and strategic landscaping within the site as well as ensuring it is managed in accordance with the approved LEMP details.**

Full and Outline Planning Conditions

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

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

2. **With regard to those elements of the application in outline form, no development shall commence on those part of the site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**

- (d) The landscaping of the site;
- (e) The means of access to the site.

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

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

3. With regard to those elements of the application in outline form, an application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

Location, demolition and application type plans:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

Parameter Plans:

- Dwg Ref: Phasing Parameter Plan: 1249-P-005_Rev C
- Dwg Ref: Parameter Plan: 128-005-P3
- Dwg Ref: Land Use Parameter Plan: 1249-P-003
- Dwg Ref: Height Parameter Plan: 1249-P-004

Access and Drainage Plans:

- Dwg Ref: Proposed Stallard Street Access: 18016-SK02 Rev C
- Dwg Ref: Proposed Drainage Plan: 13310-CRH-XX-XX-DR-C-5050-P

Innox Mills Building:

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

Innox Place Building:

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

The Brewery and Dyehouse Buildings:

- Dwg Ref: 1249.4.FBW.01 Factories Building Works Ground Floor Plan
- Dwg Ref: 1249.4.FBW.02 Factories Building Works First Floor Plan
- Dwg Ref: 1249.4.FBW.03 Factories Building Works Second Floor Plan
- Dwg Ref: 1249.4.FBW.04 Factories Building Works Elevations
- Dwg Ref: 1249.4.FBW.05 Bat Mitigation Proposal

The Cloth Factory Building:

- Dwg Ref: 1249.5.CFW.01 Cloth Factory Existing Ground Floor Plan
- Dwg Ref: 1249.5.CFW.02 Cloth Factory Existing First Floor Plan
- Dwg Ref: 1249.5.CFW.03 Cloth Factory Existing Second Floor Plan
- Dwg Ref: 1249.5.CFW.04 Cloth Factory Existing Elevations

The Gateway Building:

- Dwg Ref: 1249.HT.BlockA 100 Gateway Building – Lower GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 101 Gateway Building – Upper GND Floor Plan
- Dwg Ref: 1249.HT.BlockA 102 Gateway Building First Floor Plan
- Dwg Ref: 1249.HT.BlockA 103 Gateway Building Second Floor Plan
- Dwg Ref: 1249.HT.BlockA 104 Gateway Building Third Floor Plan
- Dwg Ref: 1249.HT.BlockA 200 - Gateway Building Front Elevation
- Dwg Ref: 1249.HT.BlockA 201 - Gateway Building Rear Elevation
- Dwg Ref: 1249.HT.BlockA 202 - Gateway Building Side Elevations
- Dwg Ref: 1249.HT.BlockA 203 - Gateway Building Stallard Street Elevation

The Old Chapel Building:

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

5. Those elements subject to the outline application shall be carried out in general accordance with the design and layout principles in the following:

Dwg Ref: Inox Mills Design and Access Statement (August 2021)

Dwg Ref: 1249.P001 Illustrative Masterplan

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

6. The development hereby permitted shall make provision for the following:

(a) Up to 255 dwellings;

(b) Up to 4078 sqm of commercial space;

(c) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 6,727.3 sq m of general public open space and at least 430.11 sq m of equipped play space.

The 'layout of the development' (as to be submitted and approved under condition no. 2) shall accommodate the above broadly in accordance with the Illustrative Masterplan (no. 1249.P.001 and the Parameter Plan (128-005).

Prior to commencement of the development, a programme, or phasing plan (in accordance with drawing No. 1249.P.005 Rev C – Phasing Parameter Plan), for the delivery and completion of the dwellings, the commercial space and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings, the commercial space and the public open space(s) shall then be delivered and completed in accordance with the approved programme.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan

1. A preliminary risk assessment which has identified:

a. all previous uses

b. potential contaminants associated with those uses

c. a conceptual model of the site indicating sources, pathways and receptors

d. potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan,, based on

these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) to be submitted pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to any Phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

10. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an

assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 11. Piling and other foundation methodologies using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.**

REASON

To protect the water environment from pollution in line with paragraph 170 of the National Planning Policy Framework.

- 12. No development shall commence on Phases 2-6, as identified in the approved Phasing Plan, until a management plan for the treatment and monitoring of Japanese knotweed on the site has been submitted and approved by the LPA. The plan shall be submitted as agreed.**

REASON

It is an offence to allow the spread of Japanese knotweed in the wild (Wildlife & Countryside Act, 1981 as amended).

- 13. No development shall commence on Phases 2-6 as identified in the approved Phasing Plan, until a detailed management plan for the enhancement of the River Biss and its corridor is submitted and approved by the Local Planning Authority, in consultation with the Environment Agency. This shall include the provision of an 8m wide buffer strip alongside all banks of the river within the site. The management plan shall be implemented as agreed.**

REASON

To improve the biodiversity value of the river and its corridor, and contribute to biodiversity net gain.

- 14. No development approved by this permission shall be commenced until plans and cross-sections pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan, to demonstrate that finished floor levels across the site are set to at least 300mm above the 100yr 35% climate change flood level, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans shall be fully implemented in any timescales agreed.**

REASON

To reduce the risk of flooding to people and property.

15. There shall be no development or ground raising on existing land within the flood zone 3 35%cc outline as per the submitted model outputs. If ground raising or re-profiling is necessary no development approved by this permission shall be commenced until an updated flood risk model and detailed plans are submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. The agreed plans and ground treatment shall be implemented as agreed.

REASON

To ensure flood risk is not increased.

INFORMATIVE - Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)**
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)**
- on or within 16 metres of a sea defence**
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission**

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

16. No development approved by this permission shall be commenced on Phases 2-6 until plans, drawings and cross-sections showing a vehicular access point, including a suitable ramp down to the River Biss channel, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The approved plans/drawings/cross-sections shall be implemented as agreed.

REASON

To allow the Environment Agency to safely maintain the River Biss channel in order to prevent any increase in flood risk to the development site and surrounding areas.

INFORMATIVE

- Access must be for Environment Agency vehicles via a road through the development and must be available/accessible 24 hours a day, every day of the year**

- Access must be at least 5 metres wide
- The ramp gradient must have a 1 in 12 slope
- Surfacing must be grasscrete down to below-normal river level
- Edge protection fencing must be provided
- Access to the river channel should be for use by the Environment Agency only. We would prefer it to be gated off and locked with our padlock.

We would encourage the developer to work with our Asset Performance team on the details of the design at an early stage. The developer should first email Sustainable Places on swx.sp@environment-agency.gov.uk to arrange contact.

17. The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVE

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

18. The development hereby permitted shall be carried out in accordance with the Parameters Plan (PP) Drawing no. 128-005. P1 (Greenhalgh, 21.12.2023). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site

19. As Building E will be demolished under an EPS Mitigation Licence, an artificial roost has been designed into an adjacent building (Building D). This replacement bat roost in Building D which is located within the River Biss 15m buffer zone will take place prior to the commencement of demolition of the existing roost.

The lesser horseshoe and common pipistrelle bat roost will be incorporated into the development in accordance with Bat Mitigation Proposal Drwg. No. 1249.4.FBW.05 (Keep Architecture, 26/07/2021) and Appendix 4 Artificial Briefing Note of the Ecological Mitigation Strategy (Engain, 13th October 2021) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The

installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development

- 20. The development hereby approved shall not commence pursuant to Phase 1 and Phases 2-6 respectively, as identified on the approved Phasing Plan until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:**
- i. An introduction consisting of a construction Phase environmental management plan, definitions and abbreviations and project description and location;**
 - ii. A description of management responsibilities;**
 - iii. A description of the construction programme;**
 - iv. Site working hours and a named person for residents to contact including telephone number;**
 - v. Detailed Site logistics arrangements;**
 - vi. Details regarding parking, deliveries, and storage;**
 - vii. Details regarding dust mitigation;**
 - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;**
 - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;**
 - x. Details of how surface water quantity and quality will be managed throughout construction;**
 - xi. Details of the safeguarding measures to deal with the following pollution risks:**
 - the use of plant and machinery**
 - wheel washing and vehicle wash-down and disposal of resultant dirty water**
 - oils/chemicals and materials**
 - the use and routing of heavy plant and vehicles**
 - the location and form of work and storage areas and compounds**
 - the control and removal of spoil and wastes**
 - xii. Details of safeguarding measures to highway safety to include:**
 - A Traffic Management Plan (including signage drawing(s))**
 - Routing Plan and vehicle log and means to submit log to the Highway Authority upon request**
 - Details of temporary/permanent Traffic Regulation Orders**
 - pre-condition photo survey - Highway dilapidation survey**
 - Number (daily/weekly) and size of delivery vehicles.**
 - Number of staff vehicle movements.**

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction Phase, including but not necessarily limited to, the following:

- **Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.**
- **Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.**
- **Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.**
- **Method statement to include pollution prevention measures for construction of causeway over Lambrok Stream to minimise harm to the watercourse and protected and notable species.**
- **Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.**
- **Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
- **Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- **Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

There shall be no burning undertaken on site at any time.

Construction and demolition hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction Phase and in compliance with Core Strategy Policy 62.

INFORMATIVE: PRE CONDITION SURVEY

A photographic pre-condition highway survey to be carried out and copies of pre and post condition survey to be supplied to WC.

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- 21. Prior to the commencement of development of Phases 2-6, as defined on the approved Phasing Plan, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Reptile Mitigation and Translocation Strategy shall be submitted to the local planning authority for approval.**

REASON: To protect the ecology on the site.

- 22. Prior to the start of construction of Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.**

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON:

To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 23. No external lighting shall be installed on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.**

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

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON:

In the interests of the amenities of the area, the appearance of the heritage assets on the site, and to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

24. Prior to the commencement of development the buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be made wind and water tight with protection in place to prevent damage during construction.

REASON: To prevent further decay of the heritage assets on the site.

25. The buildings referred to as Innox Mills, Innox Place, The Dye House and The Brewery on the Illustrative Masterplan (ref: 1249.P.001) shall be fitted out to a standard capable of occupation in accordance with the following timetable, unless otherwise agreed in writing by the Local Planning Authority:

- prior to occupation of the 50th dwelling for Innox Place**
- prior to occupation of the 100th dwelling for the Brewery**
- prior to occupation of the 150th dwelling for the Dye House**
- prior to occupation of the 200th Dwelling for Innox Mills**

REASON: To ensure the heritage benefits associated with the application are delivered alongside the outline planning consent in the interests of securing the vitality and viability of the heritage assets in the long term.

26. No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) above ground floor slab level until details and samples of the new materials 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 the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

27. No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until a sample wall panel/s for all new brick work, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

28. No development shall commence on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal.

29. No new signage or wayfinding shall be erected on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) until details 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 the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of sustainable development.

30. No development on each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005 Rev C) shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

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

REASON: To ensure a satisfactory landscaped setting for the development in the interest of visual amenity and the character and appearance of the area.

INFORMATIVE:

The central spine road on the parameter plan (128-005) is situated over a Wessex Water easement. It is shown with limited to no tree planting as a result. There are a number of ways to successfully integrate tree planting into utility wayleaves which use industry standard best practice. The Trees and Design Action Group (<https://www.tdag.org.uk/>) is a cross industry organisation that provides detailed guidance on the design of tree pits and tree trenches to successfully integrate them into the urban realm. Of particular use would be their guidance on 'trees in hardscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_tihl.pdf) along with 'Trees in the Townscape' (https://www.tdag.org.uk/uploads/4/2/8/0/4280686/tdag_treestownscape2021.pdf).

The Local Planning Authority would expect any detailed landscaping plans to consider tree planting within this easement in line with the advice above, unless it is demonstrated not to be feasible in consultation with Wessex Water.

31. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following:

- a) the first occupation of the building(s) of a particular Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)); or,
- b) the completion of each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005));

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 for each Phase of the development (as per the phasing plan (Dwg Ref: 1249.P.005)) shall be carried out in accordance with the approved details prior to the occupation of any part of that Phase 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 in the interest of visual amenity and the character and appearance of the area.

32. Prior to the commencement of development of Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a scheme for the delivery of public art across the site shall be submitted to and approved in writing by the local planning authority. The scheme can comprise but is not limited to, bespoke street furniture, hard surfacing materials and boundary treatments and/or stand-alone art installations, and should be reflective of the history of the site (as indicated in section 7.4 of the Design and Access Statement). The scheme shall also include a programme for delivery which should be set out to ensure public art is delivered in line with each Phase of the development. The development shall be carried out in accordance with the approved scheme and programme for delivery.

REASON: To ensure an integrated approach to the delivery of public art across the site in the interests of good design and place-shaping, to enable harmonious treatment of the public realm and to respect the character and setting of the heritage assets on the site.

33. No development shall commence on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. No Phase of the development (as set out on the phasing parameters plan ref: 1249.P.005) shall be first occupied until the means of drainage for that Phase has been constructed in accordance with the approved strategy.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event and that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere.

34. With regards to those elements of the application in full form in Phase 1 as defined on the approved Phasing Plan, no development shall commence until a plan is provided demonstrating overland exceedance flow routes overlayed onto the finalised development masterplan. The plan shall include topographical and finished floor levels in order to demonstrate that overland exceedance will be safely managed on-site.

REASON: To minimise the risk to people and property during high return period storm events.

35. With regards to the elements of the application proposed in full form defined as Phase 1 on the approved Phasing Plan, no development shall commence until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment / pollution control for those parking bays that drain to the storage tank and are not designated as permeable paving.

REASON: Based on the masterplans submitted, it appears that some of the proposed parking throughout the development will not be drained via permeable paving and this matter is required to be agreed prior to the commencement of development to prevent pollution of the receiving watercourse.

- 36.** Notwithstanding the diversion details of the Strategic Wessex Water Sewers crossing the site that are shown on the Proposed Drainage Strategy (ref: 13310-CRH XX-XX-DR-C-5050-P5), no development shall commence on Phases 2-6 on the approved Phasing Plan until an alternative diversion route, strategy and timetable for implementation is submitted to and agreed in writing by the Local Planning Authority. The details shall include the provisions for access to the infrastructure for maintenance and repair purposes. Development shall be carried out in accordance with the agreed details, strategy and timetable.

REASON: To ensure Wessex Water's existing customers are protected from a loss of service and sewer flooding, to ensure Wessex Water have suitable access arrangements to maintain their infrastructure on site, and to ensure there is no pollution to the River Biss.

- 37.** Prior to use commencing in any non-residential building an assessment of the acoustic impact arising from the operation of the use and any externally mounted plant shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- be undertaken in accordance with BS 4142: 2014+A1:2019; and,
- include a scheme of attenuation measures to demonstrate the rated level of noise shall be -5dB (LAeq) below typical background (LA90) level at the nearest noise sensitive location.

If the precise detail of the scheme, such as specific use or plant specifications, is not known, then likely worst-case scenarios with respect to noise impact on residential premises should be assumed. Development shall be carried out in accordance with the approved details prior to the use commencing.

Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as a LAeq 1 hour during the daytime (0700 – 2300) and shall be expressed as an LA90 and LAeq 5 minutes during the night (2300 – 0700) at the boundary of the nearest residential noise-sensitive receptor.

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.

- 38.** Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works

for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

39. Prior to occupation of the first non-residential building, a schedule of opening hours for each commercial unit on the site shall be submitted to and approved in writing by the Local Planning Authority. The non-residential uses on the site shall be operated in accordance with the approved schedule of opening hours.

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.

40. Deliveries and collections for all non-residential uses on the site shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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.

41. Prior to commencement of works on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, an Acoustic Design Scheme for the protection of the proposed dwellings from road traffic noise, railway noise and ground borne vibration is submitted to and approved in writing by the Local Planning Authority. The Acoustic Design Scheme shall use Good Acoustic Design (in accordance with the Professional Practice Guidance: Planning and Noise New Residential

Development (May 2017 or later versions)) to achieve the following noise limits:

- a) bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A) and an L_{max,F} of 45dB**
- b) living rooms and dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)**
- c) external noise levels within private external amenity spaces shall not exceed 55 dB LAeq,16hr (0700 – 2300)**

The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained. For the avoidance of doubt, using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. Should windows need to be closed to meet the noise criteria above full details of the ventilation scheme will be included with the assessment.

A post completion report, prepared by the acoustic consultancy who designed the Acoustic Design Scheme or other suitably qualified expert, shall be submitted to the LPA to a timetable as detailed within the approved Acoustic Design Scheme to confirm compliance with the approved scheme and approved in writing by the LPA. Any additional steps required to achieve compliance shall be taken, as necessary. The report shall provide evidence that the approved Acoustic Design Scheme has been fully implemented.

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.

INFORMATIVE:

A good acoustic design process should be followed to ensure that the internal noise criteria are achieved with windows open. Using closed windows to achieve the internal noise level target shall only be considered once all other good acoustic design acoustic mitigation measures have been utilised. When relying on closed windows to meet the internal guide values, there needs to be an appropriate method of ventilation that does not compromise the façade insulation or the resulting internal ambient noise level.

- 42. Notwithstanding the submitted details, no works shall commence on Phases 2-6 until details of the Railway Station access road have been submitted to and approved by the Local Planning Authority. The road shall be no less than 6.5m wide with segregated footway/cycleway provision as necessary in broad compliance with the 'main road' detail within the submitted masterplan. The details shall include full construction and geometric details including vehicle swept path analysis for a 11.3m refuse truck and Coach Rail Replacement. Prior to**

occupation of the first dwelling unit served from the road, the road shall be completed in all respects with the approved details up to the site boundary with the railway station and maintained as such thereafter.

REASON: To ensure satisfactory and safe vehicular access is provided to the railway station in the interests of highway safety, highway capacity enhancement and in compliance with Core Strategy Policy 60, 61 and 62.

- 43. Prior to commencement of development full design and construction details of the proposed vehicular access shall be provided to and approved by the local planning authority. Prior to first occupation, the access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.**

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 44. Prior to commencement of works on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. The walking and cycling movement framework plan shall consider the treatment, alignment and diversion as necessary of on-site Public Rights of Way and any necessary connectivity works to external networks, including the railway station. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter.**

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 45. Notwithstanding the submitted detail, no works shall commence on Phase 1 and Phases 2-6, as defined on the approved Phasing Plan, site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.**

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 46.** Prior to commencement of Phases 2-6 development a phasing and specification plan for a Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum real time information for bus and rail transit, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points and car share parking bay. The Mobility Hub shall be completed in all respects in accordance with the approved specification and delivered in full in accordance with the approved phasing plan.

REASON: to ensure that a Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes in compliance with Core Strategy Policy 60, 61 and 62.

- 47.** Prior to first occupation of the first residential dwelling under Phases 2-6, as shown on the approved Phasing Plan, a Residential Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by residents and these shall include but not be exclusive to Green Travel Vouchers, travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. Survey methods shall include but not be exclusive to the provision of Permanent Automated Traffic Counters at the vehicle access and pedestrian cycle counters at pedestrian and cyclist access points. All survey materials to be provided to the Council within two calendar months of each anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 48.** Prior to first occupation of the first employment unit, an Employment Travel Plan, in broad compliance with the Framework Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include measures to reduce vehicle trips by employees of the site and these shall include travel information, offer of personal travel planning, the employment of a Travel Plan Coordinator and the monitoring of travel arrangements through agreed survey methods on every anniversary of first occupation, up to and including the fifth anniversary providing agreed travel targets are met – additional surveys and measures may be required. All survey materials to be provided to the Council within two calendar months of each

anniversary, with a summary of success or failure to hit agreed targets and all proposed remedial measures to be implemented against and agreed programme.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

Listed Building Consent Conditions

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:

- Dwg Ref: Site Location Plan: 1249-E-001
- Dwg Ref: Demolition Plan: 1249/E/003
- Dwg Ref: Boundaries for the Application: 12149.E.002

- Dwg Ref: 1249.2.IMW.01 Innox Mills Works Ground Floor Plan
- Dwg Ref: 1249.2.IMW.02 Innox Mills Works First Floor Plan
- Dwg Ref: 1249.2.IMW.03 Innox Mills Works Second Floor Plan
- Dwg Ref: 1249.2.IMW.04 Innox Mills Works Third Floor Plan
- Dwg Ref: 1249.2.IMW.05 Innox Mills Works Elevations

- Dwg Ref: 1249.3.IPW.01 Innox Place Works Ground Floor Plan
- Dwg Ref: 1249.3.IPW.02 Innox Place Works First Floor Plan
- Dwg Ref: 1249.3.IPW.03 Innox Place Works Second Floor Plan
- Dwg Ref: 1249.3.IPW.04 Innox Place Works Elevations

- Dwg Ref: 1249.HT.OC.100 Old Chapel Floor Plans
- Dwg Ref: 1249.HT.OC.200 Old Chapel Proposed Elevations

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

79 **PL/2024/08255 - Land at former East Wing Site, Bythesea Road, Trowbridge, BA14 8JN (Trowbridge Leisure Centre)**

Public Participation

Nathan McLoughlin (agent) spoke in support of the application.
Bastin Bloomfield (architect) spoke in support of the application.

Prior to this item being presented by the case officer, the Chairman highlighted that he had not seen any circulated leaflet regarding the leisure centre.

Russell Brown, as Senior Planning Officer, introduced the report which recommended that the application for the construction of a leisure centre and ancillary works, be approved, subject to conditions. The site was identified being located just across from County Hall and was a Wiltshire Council application, with the proposed development being described as a comprehensive leisure facility which was accessible and sustainable. Several slides (which were also available in supplement 2) were shown to the Committee which detailed the location, site plans, on-site parking provision, elevations, interior plans, highway works and a new signal controlled junction as well as several site photos.

The proximity of the River Biss, the position of County Hall and the site boundary with Asda were all identified from the slides, and within the site, Members were informed of the present state of the site, part of which was derelict following the demolition of the old Chapman's building located alongside the River Biss.

The Committee was informed about the proposed design and siting of the leisure centre building which would front Bythesea Road and would have solar panels on the roof, and air source heat pumps, plus high specification insulation, and was designed with sustainability and energy conservation in mind.

The proposed scheme also comprised a comprehensive landscape treatment of the site with trees and shrubs throughout, which would enhance biodiversity. The car park would incorporate electric vehicle charging, disabled spaces, coach spaces and bicycle stands.

Active Travel principles were built into the scheme. Details of what the leisure centre would provide were given which included a café; 6 lane 25m swimming pool; spectator gallery for 130 people; a learner pool; changing village; fitness suites; fitness studios; cycle studio; a community meeting room and an adventure play area.

The new proposed 4-arm signalised junction on Bythesea Road was detailed along with pedestrian crossings, a new filter lane and additional upgrade works being planned for the Longfield gyratory.

Members were also informed about the design for the building incorporating various different projections and overhangs and a mix of materials to break up massing and referenced local industrial heritage architecture. The Committee also heard that the design had been independently reviewed by the Design West review panel, emphasising the point that the leisure centre scheme had been carefully scrutinised.

The Committee was furthermore advised that the proposal adhered to Wiltshire Core Strategy (WCS) policies. No statutory consultees had objected, and all the technical matters that had been identified during the assessment of the application, had been resolved.

The Committee also heard that the public response was broadly positive.

The Chairman also highlighted that there had been almost 1,000 consultation responses to the community engagement the Council's project team and consultants had been involved with.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the changes to the junction and it was confirmed that it would be a signalised junction with traffic lights and pedestrian crossing, which would help with active travel. There would also be an additional filter lane added to Bythesea Road on the north side and fronting the leisure centre to help cater for cars entering the site from the west.

It was also noted that the site was already a very well used car park, and that once operational, the use of the site would likely change with more visitors in the evenings. Furthermore, it was confirmed that the traffic lights would work together with those at the Longfield Gyatory.

Concerns were raised regarding the cycle friendliness of the scheme, and this was responded to by identifying there was sufficient land available along Bythesea Road should the Council wish to investigate the option of providing a dedicated cycle lane on the northside of Bythesea Road. It was however made clear that that was not part of this application.

Cllr Jonathon Seed then queried the disabled car parking provision and referenced what had been observed at the Melksham Campus site following its completion whereby there were a lot of disabled parking spaces not being used, and Cllr Seed expressed a concern about the calculation data being used, when practical real-world assessments needed to take place. Following this observation, Cllr Seed announced he would request an informative be added to the proposal, should the application be approved, so that the disabled parking space provision be reviewed to ensure the on-site provision was justified. In response, the case officer confirmed that an informative could be added to cover this matter.

Cllr Seed then asked a further question as to whether there was enough seating for the pool spectator gallery to satisfy county standard competitions and it was highlighted that there was no swimming venue in Wiltshire which could be used for a county standard competition, which was recognised as a real shame. It was queried whether things could be redesigned internally so that this could be included, and it was requested that the design team present at the Committee answer this query when they spoke.

Members further queried the parking arrangements recognising that council employees would no longer be able to park on the site, and there was mention within the report of a staff travel plan, and a question was asked if that had been completed. Members also asked if Wiltshire Council staff would be able to use the leisure centre car park on very busy days when the Wiltshire Council car park was full.

In response, officers explained that a study had been carried out on all the car parks which Wiltshire Council staff had access to in central Trowbridge, and it concluded that the deficit created by the loss of the East Wing car park could be met by the other existing car parks, although it was accepted that some would involve a longer walk to and from the office compared to the present arrangements.

Members also queried the fact that the leisure centre did not have a sports hall. However, in response to this point, the officer explained that the publicly accessible sports hall provision would remain at Clarendon School.

Nic Thomas, Director of Planning, then joined the meeting via a virtual stream link and explained that the Committee should assess the planning merits of the application and the issues relating to its finance was not a matter for the planning committee to consider.

Members of the public then had the opportunity to present their views to the committee as detailed above. Both public speakers were in support of the application, and both highlighted the evolution of the application and the considerable benefits of the scheme and how it adhered to policy.

In response to issues Members had raised, it was noted that a cycle lane could be provided on the northern side of the site, facilitating an enhanced cyclist facility but that would be something for the Council to advance with separate to this application.

In response to the request made by Cllr Seed, the Committee heard that the swimming club had been consulted prior to the detailed design stage in terms of what they would like, and they identified 130 spectator seats as being enough. The project team however agreed that the type of seating to be provided could be looked at again post decision to try and maximise seating should it be so desired. In response to the county standard pool reference, the Committee was informed that they had 8 lanes, and not 6 as proposed and the designed scheme was not informed on delivering a pool to be large enough to host county competitions.

At the Chairman's invitation, Cllr Ian Blair-Pilling, Cabinet Member for Public Health, Communities, Leisure and Libraries spoke regarding the application, and he openly expressed being in support of the application and agreed that disabled parking could be reviewed following the centre being implemented.

The Committee also heard that the scheme was driven by public health advice; and would boost town centre footfall; that it had been assessed against the Council's business plan; had been extensively consulted upon and would provide a great community asset. There would be significant benefits, and the scheme had been thoroughly thought through.

The local division Member, Cllr Stewart Palmen (Trowbridge Central Division) stated that he was really pleased to see that things had progressed to this

stage, and it would be excellent for Trowbridge. Cllr Palmen then moved the officer recommendation to approve with conditions, which was seconded by Cllr Ernie Clark.

A debate followed where Members highlighted that there were no statutory consultee objection to the scheme and that Members needed to assess the application before them and not consider what they would like.

Cllr Seed stated that he would like to see an informative added requiring the disabled car parking provision to be looked at again. Thereafter there was some debate on what exactly was being requested, following some clarity being asked for by Kenny Green, and following this, Members settled on an informative being added to require the Council to review the on-site disabled parking provision within 12 months of the centre coming into use. This was accepted as a friendly amendment by the mover and seconder of the motion.

Following a vote it was,

Resolved:

That the application be approved subject to the following conditions:

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:

Arboricultural Impact Assessment (Tyler Grange, 4th September 2024), Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024, Construction Environmental Management Plan (Tyler Grange, 19th August, 2024), Ecological Impact Assessment (Tyler Grange, 4th September, 2024), Drawing Nos. 16262_TSS01, 16262_P02 received on 6th September 2024

Application Forms, External Services, External Lighting. Drawing. No. 31436-HYD-ZZ-ZZ-DR-E-9000. Rev 01. (Hydrock, 03/09/2024), Drawing Nos. 31436-HYD-00-ZZ-DR-C-7000 Rev P03, 31436-HYD-00-ZZ-DR-C-7010 Rev. P03, 31436-HYD-ZZ-ZZ-DR-E-9001 Rev. P01, 31436-HYD-00-ZZ-DR-C-7200-P01, 31436-HYD-00-ZZ-DR-C-7011 Rev P03, 31436-HYD-ZZ-ZZ-DR-E-9000 Rev. P01, 31436-HYD-00-ZZ-DR-C-7201-P02, 11120-RL-XX-ZZ-DR-A-P0401-A3-C02, 11120-RL-XX-ZZ-DR-A-P0002-A3-C01, 11120-RL-XX-ZZ-DR-A-P0001-A3-C01, 11120-RL-XX-ZZ-DR-A-F0008-S2-C01, 11120-RL-XX-ZZ-DR-A-P2300-A3-C02 received on 10th September 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7410 P01, SoP Plan - received on 4th November 2024

Construction Phase Plan (Issue 3) – received on 7th November 2024

Trowbridge Leisure Centre Flood Risk Assessment, Hydrock now Stantec, dated 15/11/2024, doc ref: 31436-HYD-XX-XX-RP-WENV-0001, Landscape Masterplan. Drwg.no. RL.XX.ZZ.DR.L. Rev. C03 (Roberts Limbrick, 10.09.24), Drawing Nos. 11120_P8001-C03, 11120-RL-XX-ZZ-DR-A-P2201-A3-C03, 11120-RL-XX-01-DR-A-P2102-A3-C03, 11120-RL-XX-01-DR-A-P2100-A3-C03, 11120-RL-XX-01-DR-A-P2101-A3-C03, 11120-RL-00-ZZ-DR-A-P2001-A3-C02 - received on 15th November 2024

Document 16262_R03b_AMS_19112024_RM_WS (including drawings) - received on 19th November 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7001 P04 - received on 22nd November 2024

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

Pre-commencement Conditions

BIODIVERSITY NET GAIN

3. Prior to the commencement of the hereby approved development a Biodiversity Gain Plan must be submitted to and be approved by the Local Planning Authority demonstrating the 10% biodiversity net gain would be achieved, including the details of any secured off-site credits.

REASON: To ensure the government target for biodiversity net gain is achieved.

RETAINED TREES AND HEDGING

4. Prior to any demolition, site clearance or development on site, and prior to any equipment, machinery or materials being brought on to site for the purpose of the hereby approved development, the mitigation measures set out in the approved Tree Protection Plan (drawing No. 16262_P04 Rev. B) shall be fully implemented to the area of works, and;

The protective fencing shall be erected to the construction site where works are being carried out in accordance with the approved details. The protective fencing shall remain in place for the period of the construction works and until all equipment, machinery and surplus materials have been removed from the area of the site where works are being carried out. Such fencing shall not be removed or breached during construction operations.

No retained trees shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars unless agreed otherwise in writing. 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 unless agreed otherwise in writing, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

Post Slab level Commencement Conditions

MATERIALS

5. No development shall proceed above slab level until the exact details and samples of the materials to be used for the external walls and roofs 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

ACOUSTIC IMPACTS

6. No development shall proceed above slab level until an assessment of the acoustic impacts arising from the operation of all mechanical plant associated with the development including condensers, ventilation systems and air source heat pumps shall be undertaken in accordance with BS 4142: 2014+A1:2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures

to demonstrate the rated level of noise shall be: 5dB below background and is protective of local amenity.

Background levels are to be taken as detailed in Table 4 of the Hydrock Environmental Noise Assessment (doc ref 31436-HYD-XX-XX-RP-AC-0002) dated 30th August 2024.

The scheme shall be submitted to and been approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of commissioned plant being operational within the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: WCS Core Policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

LEMP

7. No development shall proceed above slab level until a Landscape and Ecology Management Plan (LEMP) has been prepared in accordance with the Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024 (or as per a revised and approved version of this document) and submitted to and been approved in writing by the Local Planning Authority.

The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

DRAINAGE

8. No development shall proceed above slab level until details of the following have been submitted to, and been approved in writing by, the Local Planning Authority in relation to the surface water drainage strategy:

a) The applicant has stated flows from the western catchment will be restricted to greenfield rates, while the eastern catchment will not be restricted, just treated. To mitigate the eastern catchment of the

development being detrimental in the future accounting for climate change, the applicant must ensure the eastern catchment will attenuate the effects of climate change.

b) The applicant must provide detailed cross and long section drawings of each proposed SuDS intervention, including the attenuation tank, permeable paving, rain garden, tree pits, swales, to ensure they are designed appropriately, and in line with the Ciria C753 (SuDS Manual).

c) Observing Drainage Layout – Sheet 2, as these SuDS interventions are included in water quality calculations and the drainage calculations, the applicant must confirm that SuDS interventions will be proposed as per submitted plans, or if not, resubmit all drainage and water quality calculations omitting SuDS, and provide revised surface water drainage strategy details in accordance with Wiltshire Council policy.

d) The applicant must provide details of how, in an extreme rainfall event, the surcharging from the culverted watercourse, or from a 1-in-100 year storm, will be managed safely.

e) The applicant must provide a Flood Evacuation Plan to demonstrate how safe egress and access to the building can be maintained during such an event.

REASON: To mitigate any impact from the development onto flooding and drainage infrastructure.

SWIFT BOXES

9. No development shall proceed above slab level until details of the swift boxes, that shall be incorporated into the north-west elevation of the building, have been submitted to, and been approved in writing by, the Local Planning Authority. The boxes shall be installed in accordance with the approved plans and details.

REASON: In order to support the local swift population.

Pre-Occupation Condition Trigger

RENEWABLE ENERGY

10. The development shall not be brought into operational use until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) have been submitted to and been approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with WCS policies CP41, CP55 and CP57.

LANDSCAPING

11. All soft landscaping comprised in the approved details of landscaping (drawing No. P8001 Rev. C03 and the Arboricultural Method Statement) shall be carried out in the first planting and seeding season following the first occupation of the building 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 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

EV CHARGING INFRASTRUCTURE

12. The development shall not be brought into operational use until the electric vehicle charging infrastructure has been provided and made available for use in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60 are achieved.

HIGHWAYS

13. The development shall not be brought into operational use until the on-site access, turning areas and parking spaces (112), as well as the cycle parking facilities, have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes for the lifetime of the development.

REASON: In the interests of highway safety.

CYCLING

14. The development shall not be brought into operational use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. Thereafter, the cycle parking facilities shall be retained for use in accordance with the approved details for the lifetime of the development.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60.

WATER & WASTE CONNECTIONS

15. The development shall not be brought into use until the associated connections to the public water and sewer infrastructure have been completed following an agreement being reached with Wessex Water as the statutory undertaker.

REASON: To ensure that the development is provided with a satisfactory water and waste drainage connections.

Compliance Conditions

SUSTAINABLE DEVELOPMENT CONDITION

16. The Hydrock document Sustainability Statement and Energy Strategy (ref. 31436-HYD-XX-ZZ-RP-ME-0002 - P02) explaining the low-carbon approach of the scheme taken in the technical design stages shall be complied with and, where necessary, updated/finalised.

This shall include but not necessarily be limited to consideration of operational carbon, embodied carbon, climate change adaptation and sustainable transport. Thereafter, the development shall be carried out in accordance with the agreed details.

Any update to this document shall be submitted to the local planning authority for approval in writing.

REASON: To ensure that the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60 are achieved.

TRAVEL PLAN

17. The development hereby permitted shall be carried out in strict accordance with the following documents:

Framework Travel Plan (Document Ref. 240830/SK22386/FTP01(-02)) 4th September 2024.

REASON: To protect and maintain highway safety and to encourage sustainable travel modes.

HIGHWAYS AND WATER

18. Notwithstanding the submitted details, the proposed development shall not be brought into use until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

HOURS OF CONSTRUCTION

19. During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00 (no machinery to be used prior to 08:00), Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interest of neighbouring amenity

CONSTRUCTION PHASE

20. The approved Construction Phase Plan shall be implemented on site and fully adhered to at all times unless agreed otherwise in writing.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

CONTAMINATION

21. The Hydrock document Phase 2 Ground Investigation Report (Ref. 31436-HYD-XX-XX-RP-GE-1001-S02-P01) shall be complied with in full. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The remediation and verification report(s) shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: WCS Core Policy 56, To reduce the risks associated with land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

LIGHTING

22. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, lamp post details, illumination levels and light spillage have been submitted to and approved

in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01/21, “Guidance for the Reduction of Obtrusive Light” (ILP, 2021), and Guidance note GN08/23 “Bats and artificial lighting at night” (ILP, 2023), issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted and approved in writing to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition would only be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

BREEAM

23. The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of ‘Excellent’. Within 12 months of the development hereby approved first being brought into use a BREEAM Certificate certifying that ‘Excellent’ status has been achieved shall be submitted to the Local Planning Authority unless agreed otherwise in writing.

REASON: In the interests of the conservation of energy resources.

TREE PLANTING RESTRICTION

24. No new tree planting within 8 metres of the main river (River Biss).

REASON: To allow ease of access to the River Biss for maintenance.

OIL AND PETROL SEPARATORS

25. Oil and Petrol separators or appropriately approved pollution prevention measures should be applied to any drainage scheme to minimise risk of pollution from surface water.

REASON: To prevent pollution of the water environment in line with paragraph 174 of the National Planning Policy Framework.

Planning Informatives:

Highways informative:

The proposal may require a separate s278 legal agreement to secure all the associated highway works. The applicant would normally be required to enter into a S.278 Highways Agreement for the proposed highway works. However, as the developer in this case is Wiltshire Council, discussions will need to be held internally about how these works will be secured.

Drainage informatives:

In addition, a separate Land Drainage Consent is required for the discharge into an ordinary watercourse and works within an ordinary watercourse. The proposal also requires an agreement to be reached with Wessex Water for a foul water discharge rate from the site.

The applicant should also be mindful of the Wiltshire Council Flood Evacuation Guidance: <https://www.wiltshire.gov.uk/civil-emergencies-planning-for-anemergency-plan>

EA Informatives:

Flood risk:

This development has been proposed within an area identified as being at risk of flooding and includes the provision of car parking. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Movement of waste off-site:

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

<https://www.gov.uk/government/data/waste-duty-care-code-practice-2016.pdf>

If the applicant needs to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If the applicant needs flood risk advice or guidance please contact your local Environment Agency office.

Characterisation and classification of waste:

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here:

<https://www.gov.uk/how-to-classify-different-types-of-waste>

Waste hierarchy:

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Where applicable the Definition of Waste Code of Practice (DoWCoP) principles should be followed. If using this code of practice send a copy of their statement and any relevant documents to

Wessex.Waste@environment-agency.gov.uk

Parking informative:

As a further informative, within 12 months of the development hereby approved being brought into use, the respective owner of the site is encouraged to undertake an on-site car parking review with specific reference to the use of the identified number and location of the disabled

parking spaces associated to the said leisure centre, and to make any reasonable adjustment should there be no requirement or regular take-up of the full disabled parking provision.

The Chairman adjourned the meeting for a comfort break, with the Committee to reconvene in approximately 10 minutes.

The Committee reconvened at 12.25pm.

80 **PL/2022/08634 - Land Northwest of Crossing Lane, Lower Moor, Minety**

Public Participation

No members of the public had registered to read a statement.

Adrian Walker, as Planning Manager, introduced the report which recommended that the application for a Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure be approved, subject to conditions.

Several slides were shown to the Committee (published in agenda supplement 2) detailing the site and application which comprised approximately 13 hectares of agricultural fields with the South-West site boundary being identified alongside the mainline railway line (Cheltenham to London). The site access at Crossing Lane was also highlighted, as was the proposed grid connection location on the other side of Crossing Lane.

The wider context of the site was shown and explained, with the Clattinger Farm Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) being highlighted, respectively measured at 600m to the North and the Acres Farm Meadow SSSI being approximately 760m to the East.

The Committee then heard about a number of recent permitted applications for solar farms and battery storage in the wider local area, which were detailed in the Committee report and shown on a slide being identified as generally around the Minety Substation to the south of the application.

The land classification for the site was detailed, with 4.4 hectares being grade 3a agricultural land (good quality) and 6.3 hectares being grade 3b agricultural land (of moderate quality). Members were reminded that Grade 1, 2 and 3a land were considered to be the best and most versatile agricultural land, so about 40% of the site (at grade 3a) was considered that.

The Committee was the informed of the site layout, with ancillary structures and infrastructure located in the middle of the site. The proposed solar panels would be fixed at an angle of 10-20 degrees and would be about 3m tall, and the proposal included the necessary underground cable routing to connect to the facility to the nearby energy substation.

Members were informed the application was temporary in nature, for a 40-year period.

The officer furthermore advised Members that the application had been received prior to the mandatory 10% Biodiversity Net Gain (BNG) requirement being implemented. However, the applicant included information and plans to increase biodiversity, through providing an onsite pond and planting new hedgerows to beef up the hedgerows which already existed, as well as providing bird and bat boxes. There would be a minimum 10m buffer from the solar panels to the edge of the site which could be used by animals for habitat connectivity. All fencing would have mammal gates, and views from various directions around the site were shown to Members.

Members of the Committee then had the opportunity to ask technical questions of the officer, and details were sought on the loss of the 3a grade agricultural land, when previous guidance had sought to make use of grade 3b or lesser quality land for solar farms.

In response, the officer stated that this had been taken into consideration, and the recommendation was to focus these types of development away from the best and most versatile agricultural land, and in noting that about 40% of this site was grade 3a and being the lowest type of best and most versatile land, it was nevertheless a material consideration. Having said that, Members were advised the application was temporary in nature, and the land would be returned to farming in 40 years' time. It was furthermore explained that the amount of 3a grade land that would be taken out of active agricultural use was a relatively small area and would not severely impact farming in the area. So, it was felt that the benefits of delivering this green energy proposal would outweigh the harm created by the small loss of best and most versatile land.

Further questions were asked about the Energy Storage Containers; and whether animals such as sheep would be allowed to graze around the panels; who owned the land where the cabling would go through; and the extent of visibility of the site from footpaths.

It was noted that the Energy Storage Containers had conditions attached to them; and the officer advised that the site would not be used for grazing but would however increase biodiversity; and the visual impact of the application was limited. It was also confirmed that the applicant had identified the local substation by Crossing Lane for the grid connection rather than connect to the Minety substation, which was located further away.

No members of the public had registered to speak regarding the application.

The unitary division member, Cllr Chuck Berry (Minety Division) then spoke regarding the application. Cllr Berry highlighted that there were many solar farms in the North of Wiltshire, and particularly near Minety. From reviewing the application details, he observed that this was not the worst proposal that he had seen, but did note that it would be close to a former tile factory and that there was lots of history around the site and wanted the archaeological aspects to be considered.

Likewise, he wanted to ensure that the culvert which ran under the railway line would not be negatively affected by the solar farm development. The Cllr further highlighted that the site was not close to any residential properties but would be seen from the train line. He understood the need to do what we could for the climate, and in summary, he did not have any major issues with the application but had called the application in regarding the cumulative impacts of the solar farms in the locality, and the archaeological and drainage issues, so he wanted Members to consider it carefully.

In response the officer explained that a flood risk assessment and surface water strategy had been submitted with the application, and these had been looked at and condition 18 would ensure the development was implemented on an acceptable basis, alongside censure there was clear arrangements for the ownership and ongoing maintenance of the ditch network, and to ensure the culvert remained effective at accepting flows for the lifetime of the development which addressed the drainage matters of concern.

Cllr Jonathon Seed then proposed the officer recommendation to approve with conditions, which was seconded by Cllr Adrian Foster.

A debate followed whereby some Members stated that they were not comfortable that some of the site was on 3a agricultural land, which was considered best and most versatile, and it was hoped that planners would note this and consider this when considering solar farm applications in the future. The officer highlighted that they did take into account of this matter and also were informed by planning inspectorate decisions when considering the weighting to be afforded to grade 3a land for example as part of the planning balance when considering a renewable energy development. The direction of travel seemed to be that the benefits of solar farms, in terms of green energy generation and becoming carbon neutral outweighed the harm caused by losing a smaller proportion of best and most versatile land.

Following the debate the motion was put to the vote, and it was,

Resolved:

To grant planning permission subject to the following conditions:

- 1. The development hereby permitted shall begin 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 permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date**

shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition. A decommissioning and restoration plan must be submitted to and agreed with the council a minimum of 12 months prior to decommissioning. The plan will supported by an impact assessment based on up to date baseline survey and carried out according to the current guidelines. It must set out clear aims of restoration to benefit key habitats and species.

REASON: In the interests of amenity, ecology and the circumstances of the use.

3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans:

- Drawing ref. P20-2372_EN_01 Rev. A – Site Location Plan
- Drawing ref. P20-2372_11 Rev. B – Detailed Planting and Layout Plan
- Drawing ref. 5636_T0205_03 – Site Layout and Planting Proposals
- Drawing ref. 5636_T0207_01 – Solar Module Elevation
- Drawing ref. 5636_T0208_01 – Transformer / Inverter Container Elevation
- Drawing ref. 5636_T0209_0 – Control Room / DNO Substation Elevation
- Drawing ref. 5636_T0210_0 – CCTV and Fence Detail
- Drawing ref. 5636_T0211_0 – Energy Storage Container Elevation
- Drawing ref. 5328 Sheet 1 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 2 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 3 of 3 – Topographical Survey

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

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

- Mitigation Plan (September).
- Mitigation and enhancement detailed in Cooles Farm Solar Park Land Northwest of Crossing Lan Lower Morr, Minety Wiltshire. Phase II Detailed Ecological Surveys and Assessment. (Five Valleys Ecology, 21 October 2022)
- Detailed Planting and Layout Plan. Cooles Farm Solar. DWG No: 5636_T0212_01 Rev:C

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

- 5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.**

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc. The proposed 'Signal White' (RAL 9003) colour finish for the Energy Storage Containers must be changed to a less visually contrasting/jarring neutral darker colour, which would not visually contrast with the darker landscape background of trees and hedgerows etc.

- 6. No development shall commence on site until a scheme for mitigating the effects of noise from the development hereby approved, as recommended within the Noise Assessment (September 2023) by Hoare Lea, and an updated Noise Assessment to confirm the predicted noise levels emitted from the development with mitigation measures are within an acceptable range i.e. the development shall not at any time exceed the prevailing background noise level at any residential dwelling, has been submitted to and approved by the Local Planning Authority. All works comprised in the approved scheme shall be completed before any part of the development is first brought into use.**

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 minimise the disturbance which that could otherwise be caused to the residents of neighbouring properties by noise generated from the development.

- 7. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment approved by condition 5 of this permission and be submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted**

and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

8. 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 has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- A specification for protective fencing to trees during the construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
 - A specification for any ground protection within tree protection zones in accordance with British Standard 5837: 2012;
 - A schedule of tree works conforming to British Standard 3998: 2010;
 - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - Plans and particulars showing the layout of below ground infrastructure within tree protection zones
 - A full specification for the construction of any arboriculturally sensitive structures and sections through them
 - Details of all other activities, which have implications for trees on or adjacent to the site.

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

9. The proposed soft landscaping scheme, as shown on the Detailed Planting Layout Plan (drawing no.P20-2372_11 Rev.B), shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. 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.

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

10. No development shall commence on site 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.

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

11. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing around trees with bat roost potential.
- b) Working method statements for protected/priority species, such as nesting birds, amphibians, roosting bats and reptiles.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards

and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a. Description and evaluation of features to be managed;
- b. Landscape and ecological trends and constraints on site that might influence management;
- c. Aims and objectives of management;
- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 25 year period);
- g. Details of the body or organisation responsible for implementation of the plan;
- h. Ongoing monitoring and remedial measures;
- i. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

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

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, and to ensure successful establishment and management of new mitigation planting proposals and the appropriate future management of retained hedgerows and woodland areas necessary to maintain a satisfactory landscape screening function for the life of the development.

13. Notwithstanding the detail within the Construction Traffic Management Plan (CTMP) (October 2022) by Pegasus, no development shall

commence until a full and final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the construction programme;**
- iv. Details of the area for parking of vehicles of site operatives and visitors;**
- v. Details of the area for loading and unloading of plant and materials;**
- vi. Details of the area for the storage of plant and materials used in constructing the development;**
- vii. Site working hours and a named person for residents to contact;**
- viii. Details of vehicle routing to the site**
- ix. Detailed site logistics arrangements;**
- x. A detailed programme of the works indicating the number of construction and delivery vehicles, and the number of construction staff vehicles on a daily/weekly basis;**
- xi. Traffic routeing signs and HGV turning warning signs (including signage drawings);**
- xii. Details confirming the passing bays on Sawyers Hill and Ashton Road to be fit for purpose, in terms of construction/surfacing and dimensions.**
- xiii. Details of the measures to control the emission of dust, dirt and noise during construction;**
- xiv. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;**
- xv. Details of the proposed width of the access track from its junction with Crossing Lane, including any passing bays,**
- xvi. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.**

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

REASON: 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. No development shall commence until a pre-construction highway photographic survey to be carried out along the sections of highway of Ashton Road, Sawyers Hill and Crossing Lane to the access to the

application site has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

REASON: To secure a scheme for the repair of the public highway following completion of substantive construction works

15. No development shall commence on site until the first 20m of the access track from its junction with Crossing Lane, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

16. No development shall commence on site until the visibility splays shown on the drawing ref. P-20-2372 Figure 3.2 Proposed Access Arrangements have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

17. 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. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)"

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, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

18. Notwithstanding the contents of the Flood Risk Assessment & Surface Water Strategy (October 2022) by Pegasus, no development shall commence on site until full details of the proposed scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

NOTE: The final surface water drainage scheme will be required to address all points within the consultation response of the Lead Local Flood Authority, dated 20/02/2022, namely:-

- The applicant must provide capacity and condition assessments for the drainage ditches to ensure they are of sufficient condition to accept incoming flows.
- The applicant shall submit clear arrangements for the ownership and ongoing maintenance of the ditch network, to ensure this remains effective at accepting flows for the lifetime of the development.

INFORMATIVE

The attention of the applicant is drawn to the following advice and guidance from Network Rail:

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface

water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. NR wish to retain their rights of access to our culvert as SWM1 87 24ch.

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.

INFORMATIVE

The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

INFORMATIVE

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

INFORMATIVE

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.

INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species

Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

Cllr Ernie Clark requested that his vote be recorded.

Cllr Clark voted against the motion to approve.

81 **Urgent Items**

The Chairman stated that there were no urgent items or part 2 items, therefore he thanked everyone for attending, wished them a Happy Christmas, and closed the meeting.

(Duration of meeting: 10.30 am - 12.50 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352, e-mail tara.hunt@wiltshire.gov.uk

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