

Date: 27th January 2026

SUBMITTED VIA PLANNING PORTAL

Wiltshire Council
Development Management
Monkton Park Offices
Monkton Hill
Chippenham
SN15 1ER

Dear Sir/Madam,

RE: LAND AT ELIZABETH WAY, HILPERTON

APPLICATION TO VARY PLANNING CONDITION 5 PURSUANT TO RESERVED MATTERS PLANNING APPROVAL (LPA REF: PL/2021/08554)

In respect to the above site, please find enclosed a S73 application seeking formal approval to vary the wording of Condition 5 attached to Reserved Matters Planning Approval LPA Ref.PL/2021/08554.

Background

Reserved Planning Approval was granted on 13th September 2022 for a residential development of 151 dwellings and associated works, pursuant to outline application ref: 16/00672/OUT.

Condition 5 of the approval states that 'No shared surfaces shall be constructed until details of them (the coloured surfacing material) have been submitted to and approved by the local planning authority'.

Current Position

As the Local Planning Authority (LPA) will be aware, there has been much discussion on the proposed shared surfaces at the Site. Bellway have been working hard to reach a resolution with the Council to agree a shared surface material which is satisfactory to all parties.

As shown on the submitted drawing Ref.BELLWAY-ENG-SK002-A, the areas identified in yellow have been agreed between Bellway Homes and the LPA.

Notwithstanding the above, there is a small section of road (as shown in orange), which is currently under consideration. It is important to note that the area in question has already been constructed on Site.

We would like to take this opportunity to explain the circumstances that led to the decision to proceed with the construction of the road.

Unfortunately, due to the length of time taken to agree the outstanding technical details on Site as part of the formal technical approval processes – circa 3 years, this has affected the build programme significantly.

Sadly, because of limited engagement from the Council's technical team, a point was reached where a commercial decision had to be made. The ongoing delays experienced resulted in programme risk, particularly in relation to tender pricing and contractor availability i.e. appointments were made based on the proposed build programme of the Site – little did we know at the time, that delays would be experienced in excess of 3 years before meaningful progress could be made in agreeing technical details.

To mitigate the risk exposed and financial exposure, it was critical to proceed with the road construction to alleviate the increasing commercial and operational pressures being experienced consequently of the above. Of most importance, there was a commercial decision needed, to enable residents to take occupation of completed homes within the development.

The decision was not taken lightly, but Bellway have been left with no alternative because of slow progress made throughout the technical approval process. Plainly, the decision was necessary to ensure cost certainty, contractor availability to meet obligations to purchasers.

As can be seen, the homes served off the orange road are already occupied, therefore, Bellway are not proposing to make any changes to the road material itself at this location. The below points succinctly set out why:

- The road replacement would cause severe disruption for residents and health a safety concerns while the residents navigate the construction operatives.
- The current material of asphalt is considered wholly satisfactory and does not prejudice users of the road;
- The current construction of the carriageway, service strip and kerbs to road serving plots 38 – 46 (shown in orange on the submitted plan) has resulted in approximately 40,801 kg CO₂e of upfront embodied carbon emission (A1-A5). This upfront embodied carbon reflects the emissions already incurred up to the completion of this carriageway, service strip and kerbs. If it were to be demolished, these emissions would become wasted, having served no functional purpose, which in the spirit of promoting sustainability, this goes against the agenda of minimising local impact;
- The road length is relatively small in size and it does not impose a safety risk for pedestrians to use the shared surface road to access the footpath opposite plots 43 & 44 to reach areas of Public Open Spaces and future possible connections to Wyke Road.

Proposal

We remain committed to continued engagement with the Council to resolve any remaining matters and to ensure the development proceeds in a coordinated way.

Therefore, to formalise the planning component of the application, we are seeking to change the wording slightly of Condition 5. The wording is as follows:

Condition Number	Current Condition Wording	Proposed Condition Wording
5	No shared surfaces shall be constructed until details of them (the coloured surfacing material) have been submitted to and approved in writing by the local planning authority.	'No shared surfaces shall be constructed until details of them (either asphalt or coloured block paving material), or a suitable alternative have been submitted to and approved in writing by the local planning authority.

The proposed wording change not only captures the requirements of the agreed shared surfaces as shown in yellow, but also, enables flexibility to ensure the area of road in orange (which has been constructed) can be formally approved under the condition 5.

Bellway are committed to ensuring the development maintains high quality design as required by the Reserved Matters Approval and Outline Planning Permission.

Accordingly, the S73 submission comprises the following:

- Cover Letter
- Application Forms
- Planning portal ref: PP-14638628
- Fee of £2,085.00 (paid via BACs)
- Site Location Plan (Ref.BELL210101-LP.01-B)
- Site Layout (Ref.BELLWAY-ENG-SK002-A)

I trust the enclosed is received in good order and if there is anything I can do to help expediate the determination of this planning application, please do not hesitate to contact me.

I'd also like to take this opportunity to thank Officers of the planning team for their time thus far.

Yours Sincerely

Lee Mullens

Technical Manager of Bellway Homes South West

E: lee.mullens@bellway.co.uk