Wiltshire Council

The Town and Country Planning Act 1990

Approval of Outline Planning Permission (All Matters Reserved) with Conditions

Application Reference Number: PL/2023/05157

Decision Date: 28/04/2026

Applicant:	Robert Hitchins Limited The Manor, Boddington, Cheltenham, Gloucestershire, England, GL51 0TJ
Particulars of Development:	Residential development for up to 36 dwellings, associated works including infrastructure, ancillary facilities, open space and landscaping. Construction of a new vehicular accesses off Freestone Grove and Cheviot Road (Outline application with all matters reserved).
At:	Land off Freestone Grove, Westbury

In pursuance of its powers under the above Act, the Council hereby grant **PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below). In accordance with paragraph 39 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area. Subject to the following conditions:

1 The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or 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 Application(s) for the approval of all reserved matters specified in Condition 3 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

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

3 No development shall commence on site until details of the following matters (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 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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

361.P.1 Rev C, Location Plan, as received on 4 July 2023.

PLAN ECO16 Rev C, Ecological Parameters Plan, as received on 3 February 2025.

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

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

- Update of Ecological Surveys, produced by Ecology Solutions, dated January 2024, reference 10993.EcoUpdate. vf
- Ecological Technical Note, produced by Ecology Solutions, dated January 2024, reference 10993.EcoUpdate.dv3.

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

6 A detailed housing mix strategy, including the number and size of dwelling units shall be submitted with each reserved matters application to provide details of the proposed dwellings. The development shall be carried out in accordance with the approved housing mix.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner and to ensure that the proposed development provides a diverse and balanced range of housing types and sizes, contributing to the creation of a sustainable and inclusive community, in accordance with local planning policies and housing needs.

7 A revised Sustainable Energy Strategy shall be submitted with each reserved matters application to provide details of operational energy, embodied carbon, climate change adaptation measures, low carbon and renewable energy technologies, electric vehicle charging points, cycle parking, and sustainable

transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner and in response to climate change.

8 No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

REASON: In order that the development is undertaken in an acceptable manner, to ensure the retention and protection of existing trees and hedges in the interests of visual amenity and ecology.

9 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.

NOTE: The excavations are to be undertaken by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

10 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of land contamination arising from previous uses (including asbestos) has been carried out and all the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites regarding any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be 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.

Step (iii) If the report submitted pursuant to step (i) or (ii) 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: To reduce and manage the risks associated with land contamination.

11 No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.
- Providing drainage calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events.
- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.

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

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

REASON: To ensure that the development can be adequately drained.

NOTE: It is advised that the applicant ensures that water butts are provided to suitable properties as stated on the Drainage Strategy (ref. PJS22-072-DR-001, Rev C) provided as part of this outline application and consideration given to the provision of green roofs or rain gardens if appropriate.

12 No development shall commence on site (including any works of demolition), until a Construction Traffic Management Plan, together with a site plan, which shall include the following:

a) The parking of vehicles of site operatives and visitors.

b) Routing plan.

c) Traffic Management Plan (including signage drawing(s)).

d) Number of (daily/weekly) and size of delivery vehicles.

e) Number of staff vehicle movements.

f) Details of temporary/permanent Traffic Regulation Orders.

g) Phases plan.

h) Loading and unloading of plant and materials.

i) Storage of plant and materials used in constructing the development.

j) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

k) Wheel washing facilities.

l) Measures to control the emission of dust and dirt during construction.

m) A scheme for recycling/disposing of waste resulting from demolition and construction works.

n) Measures for the protection of the natural environment.

o) Hours of construction, including deliveries; and

p) Pre-condition photo survey (any damage related to the development will be put right (to the satisfaction of the Local Highways Authority within 6 months of the development completion) has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

NOTE: As part of the CTMP, all possible alternative construction traffic routes around the site shall be explored, including the provision of a temporary haulage route outside the red line boundary, which may well require the applicant to engage directly with the relevant landowners, and develop a plan to limit construction traffic going through the existing Mill Brook estate.

The CTMP should include detailed plans for all the demonstrably available construction traffic routes, and the plan should be fully supported with highway inspections for all access points, and where necessary, commit to having a banks person on site to manage all large vehicle movements to and from the public highway.

13 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 (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall

include details of the following relevant measures, and the development shall be carried out in strict accordance with the approved CEMP:

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. Site working hours and a named person for residents/the Council to contact including key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

v. Detailed site logistics arrangements.

vi. Details regarding parking, deliveries, and storage.

vii. Details regarding dust and noise 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. Work schedules for activities with specific timing requirements 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.

x. Communication procedures with the local planning authority and local community regarding key construction issues – newsletters, fliers etc.

xi. No burning undertaken on site at any time.

xii. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

xiii. Working method statements for protected/priority species, such as nesting birds and badger.

xiv. No nighttime working or artificial lighting at night.

xv. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: To ensure appropriate levels of amenity are achievable 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.

14 No site clearance or development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

a) long term objectives and targets, this must include identification of the habitats to be management specifically for the benefit of biodiversity e.g., foraging bats.

b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme.

c) The mechanism for monitoring success of the management prescriptions.

d) A procedure for review and necessary adaptive management to attain targets.

e) Details of the mechanism(s) by which long-term implementation of the plan will be secured.

f) An Ecological Enhancement Plan which identifies the number, type and location of new features for biodiversity. This must include bat boxes, bird nest boxes and log piles for invertebrates. 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.

15 No development shall commence on site until a detailed lighting assessment has been submitted and approved by the Local Planning Authority, and then submitted with the reserved matters application(s), to include details of the existing light levels and confirm the lux levels from the proposed development along the eastern boundary, which should not exceed 0.5 lux, as detailed on the Ecological Parameters Plan (drawing no. ECO16 Rev C).

A post-construction lighting survey shall be undertaken prior to the first occupation of the dwellings to ensure the light levels comply with the agreed lighting assessment.

REASON: To prevent light spill and encroachment on sensitive bat habitat features and to provide a dark corridor for bat species.

NOTE: Section 8.3 of the adopted Trowbridge and Westbury Bat Mitigation Strategy provides guidance on this matter and lighting design solutions/mitigation measures.

16 No lighting shall be used throughout the construction phase of the development hereby approved and no development (including any demolition or ground works) shall take place outside daylight hours.

REASON: The introduction of artificial light/noise disturbance is likely to mean such species are disturbed and/or discouraged from using established flyways or foraging areas.

17 No external lighting fixture or fitting shall be installed on the site 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 shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021'(ILP, 2021), and Guidance Note GN08-23 'Bats and artificial lighting in the UK', produced by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and 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 in order to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

18 No development shall commence beyond slab level until full details of the proposed footpath connections to WEST1/ WEST1a and the surfacing material are submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details thereafter and prior to any dwelling being occupied and remain free from obstruction thereafter.

REASON: In the interests of promoting sustainable travel.

19 No development shall commence beyond slab level until full details of the design and locations of bat roosts and nesting opportunities for birds are submitted to and approved in writing by the Local Planning Authority. These details should be clearly shown on the elevation drawings submitted with future reserved matters application(s). The approved details shall be implemented before the occupation any dwelling. These features shall continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

20 No development shall commence beyond slab level until full details of a hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

- location and current canopy spread of all existing trees and hedgerows on the land.
- full details of all existing trees and hedging to be retained, together with measures for their protection during development.
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities.
- all means of enclosure.
- car park layouts.
- refuse/recycling collection points.
- bin storage areas.
- other vehicle and pedestrian access and circulation areas.
- all hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

21 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

22 The development shall be carried out in accordance with the Residential Travel Plan (produced by PFA Consulting, dated June 2023) and those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period from the first occupation until at least 2 years following occupation of the last residential unit.

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

Informatives

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated 24 April 2026.

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

3. Any proposals should be designed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the latest SuDS Manual (C753) and should include/demonstrate the following:

Drainage Strategy

• Evidence that SuDS have been selected, wherever possible, to provide a wide range of benefits including amenity, biodiversity and maintaining water quality.

• Evidence that SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible and throughout the management train so the development is not reliant upon large attenuation features close to the points of discharge.

• The drainage strategy does not increase flood risk, as a result of catchment transfer.

• A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented.

• Surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event.

• Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere.

• The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features.

• Measures to prevent pollution of the receiving groundwater and/or surface waters.

• A clearly labelled drainage layout plan showing the full pipe network (including how runoff from the roofs drain to the attenuation pond. The plan should show any pipe node numbers referred to within the drainage calculations.

Detailed Drainage calculations

• Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year plus climate change rainfall event.

• Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.

• Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance.

• Hydraulic Models should set the MADD factor/additional storage volume factor to 0m3/ha to prevent an overestimation of storage capacity in the proposed drainage network.

Design Drawings

• A plan showing the cross sections and design of any attenuation pond and its components.

• Drawings showing conveyance routes for flows exceeding the 1 in 100 years plus climate change rainfall event that minimise the risk to people and property.

Ownership and Management

• Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

Construction

• Adequate measures during construction to control pollution to existing watercourses and groundwater.

• A construction management plan.

4. Any new connections to Wessex Water's infrastructure would require their prior consent and therefore the applicant is advised to contact the respective water undertaker directly regarding this matter and proposal.

5. The applicant will be required to enter into a Section 278 Agreement to work within the highway and deliver the proposed access arrangements.

6. The housing mix strategy shall demonstrate how the proposed development will meet the latest up to date local housing needs and provide a balanced mix of dwellings, with consideration given to the requirements of the local housing market and any relevant housing policies.

Nic Thomas **- Director of Planning, Economy and Regeneration**

NOTES

1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk