

The Town and Country Planning Act 1990

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

Application Reference Number: 20/07659/OUT

Decision Date: 28 September 2022

Applicant: Robert Hitchins Limited
Mrs Kirsty Maguire, The Manor, Boddington, GL51 0TJ,
Gloucestershire

Particulars of Development: Residential Development (up to 17 dwellings), Associated
Infrastructure, Ancillary Facilities, Open Space and
Landscaping.

At: Land at Regents Park, Calne

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 38 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:

Conditions: (12)

- 1 The development hereby permitted shall be begun either before the expiration of three 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 307.P.3.1 B
(received 7 September 2020)

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

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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4 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.

- 5 The reserved matters to be submitted pursuant to condition 3 above shall accord with the principles, objectives and parameters set out in the Design and Access Statement dated January 2021(received 15th January) and the Ecological Parameters Plan (Ecology Solutions, Rev A, dated August 2021) and Landscape Strategy (MHP, 20084.101 Rev B, dated 3rd August 2020) (both received 24th August 2021) submitted with the planning application.

REASON; For the avoidance of doubt, in the interests of proper planning and in the interests of maintaining biodiversity.

- 6 The number of dwellings shall be limited to a maximum of 17.

REASON: In order to ensure satisfactory design, highways impact and residential amenity.

- 7 No development shall commence on site (including ground works, vegetation

clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) Use of protective fences, exclusion barriers and warning signs
- f) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The CEMP shall also include measures to minimise the effects on amenity, pollution and highways safety including;

- g) the parking of vehicles of site operatives and visitors;
- h) loading and offloading 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 protecting the natural environments; and
- o) hours of construction, including deliveries

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

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

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No development shall commence on site (including ground works, vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by, the Local Planning Authority. The LEMP shall include, but not necessarily be limited to, the following:

- a) Description and evaluation of features to be managed.
- b) Ecological Constraints on site that might influence management
- c) Aims and objectives of management prescriptions of management actions

- d) Details of the body or organisation responsible for the implementation of the plan
- e) Ongoing monitoring framework and remedial measures

The LEMP shall include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery. Monitoring reports shall be submitted to the Local Planning Authority in accordance with the framework and shall include clear recommendations for any necessary remedial measures or changes to the management prescriptions and maintenance schedules required to achieve long term management objectives.

The site shall be maintained in accordance with the approved LEMP (as amended through monitoring) in perpetuity thereafter.

REASON: In order to protect species and habitat during the construction and operational phases of development.

- 9 Prior to commencement of development, details of a wildlife sensitive lighting scheme for roads and footpaths within the site, and any lighting for the areas of public open space, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

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

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The development shall not be first occupied until surface water drainage, including any off-site works, has been constructed in accordance with the approved scheme.

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

- 11 No development shall commence on site until a Construction Phase Drainage Management Plan has been submitted to and approved in writing by the LPA. The

Construction Phase Drainage Management Plan will detail how the construction phase of the development will address run-off, temporary attenuation and water quality to safeguard the existing watercourse, infrastructure and dwellings.

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Informatives: (6)

- 13 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated 21 September 2022.
- 14 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

- 15 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 16 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

- 17 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
- 18 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Parvis Khansari ~ Corporate Director, Place

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 - <https://www.gov.uk/appeal-planning-decision>).