

The Town and Country Planning Act 1990
Approval of Outline Planning Permission (Some Matters Reserved)
with Conditions

Application Reference Number: PL/2023/00810

Decision Date: 09 June 2023

Applicant: Keysley Limited
C/O Agent

Particulars of Development: Outline application with some matters reserved for erection of up to 9 dwellings with garages, revision of existing access onto Bradley Road, internal access roads, parking, shed spaces, bin stores and associated landscaping and infrastructure (access only)

At: Land off Bradley Road, Warminster, BA12 8FB

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: (20)

- 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 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.

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.

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

Application forms, Planning, Design and Access Statement, Heritage Statement, Arboricultural Impact Appraisal and Method Statement, Manual for Managing Trees on Development Sites, PFA Consulting Flood Risk Assessment (Dated January 2023), LC Ecological Services Ecological Appraisal (Dated January 2023), Enzygo Environmental Consultants Odour and Air Quality Assessment ref. MAN.771.AQ.001.R.002, Site Location Plan ref. SLOC01, Tree Protection Plan ref. 22200-1 received on 2nd February 2023

24Acoustics Noise Impact Assessment R9775-1 Rev 0 received on 7th February 2023

PFA Consulting Transport Statement (Dated February 2023) received on 8th February 2023

Illustrative Site Plan Revision A (Dated January 2023) received on 4th April 2023

NOTE: "Illustrative Site Plan Revision A (Dated January 2023)" is approved with regard to the detailed access details only and remains indicative/illustrative for the housing layout and other details.

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

- 4 No dwelling shall commence above ground floor 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 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 each dwelling is commenced in order that the construction of the dwelling is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 5 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), no windows (other than obscured glazed bathroom windows), doors or other form of openings other than those shown on the approved plans, shall be inserted in the first floor northern elevation of any dwelling facing Bradley Close of the development hereby permitted.

REASON: In the interests of residential amenity.

- 6 No development shall commence above ground floor slab level 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 :-

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

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 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.

- 8 No dwelling shall be occupied until a management company has been arranged to maintain the communal areas of land and the vegetation and boundary treatments thereon.

REASON: In order that the boundaries, vegetation and communal land is looked after in perpetuity.

- 9 An individual dwelling shall not be occupied until the parking spaces associated with that dwelling, together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

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

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels to protect public health, environmental quality and amenity.

- 11 The development hereby approved shall not commence until a Construction and Environmental Management Plan 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. Site working hours and a named person for residents to contact;
- 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. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.; and
- x. Monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

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

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: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. There is a statutory duty to ensure that surface water quality and quantity is managed throughout construction and as not to increase flood risk, or pollution of watercourses.

- 12 No development shall commence above ground floor slab level 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 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 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.

- 13 No development shall commence above ground floor slab level until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with

the approved scheme.

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 that the development can be adequately drained.

- 14 The applicant shall ensure that the drainage plan shows FFLs and levels of surrounding land / roads etc. The plan also appears to show overland flows being directed off-site in addition.

REASON: The level of risk of exceedance flows to the development site and adjacent properties needs to be understood.

- 15 The applicant must demonstrate that further testing to BRE365 and full site investigation has been undertaken before detailed design and that the highest groundwater level (taking into account seasonal variations) has been determined and this is at least 1m below the proposed bottom of the soakaway.

REASON: To ensure that the soakaway is able to operate as designed and does not fill with groundwater.

- 16 A Factor of Safety of 10 is required to be applied to the soakaways and the permeable paving as it forms the access to the site, and the principal form of surface water drainage from the dwelling roofs.

REASON: Flooding has the potential to cause significant disruption to the site including issues regarding safe access to the site.

- 17 No development shall commence on site until the applicant has submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment.

REASON: to prevent pollution of the groundwater.

- 18 No dwelling shall be occupied until a scheme of works for noise attenuation, including the 3m high acoustic fencing, has been submitted to and approved in writing by the Local Planning Authority and the works which form part of that approved scheme have been completed. The approved attenuation works shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation and retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

NOTE: The recommended target in BS8233 is 50dB or below, with an upper limit of 55dB where development, including private gardens, is considered by the LPA to be so desirable.

- 19 Prior to the occupation of the first dwelling, the visibility splays identified on Drawing No. S685/14 (dated February 2022) in Appendix F of the approved PFA Consulting Transport Statement (dated February 2023) shall be created and shall be maintained in perpetuity.

REASON: In the interests of highway safety.

- 20 The mitigation measures detailed in the approved Ecological Appraisal (LC Ecological Services dated January 2023) shall be carried out where appropriate in full in accordance with the timetables detailed in the Ecological Appraisal.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

Informatives: (10)

- 21 The applicant should seek to provide blue-green SuDS features throughout the development or provided a reason why this realistically cannot be achieved.

REASON: National planning policy requires SuDS to provide multifunctional benefits, where possible. There are four main categories of benefits that can be achieved by SuDS: water quantity, water quality, amenity and biodiversity. These are referred to as the four pillars of SuDS design.

NOTE: The current proposal only provides two of the four main categories – water

quantity and quality. The applicant must also consider amenity and biodiversity benefits, in line with Core Policies 52: Green Infrastructure and Core Policy 67: Flood Risk.

- 22 The surface water drainage strategy must comply with Wiltshire Council's Surface Water Soakaway Guidance, which sets out the standards that must be met for planning approval and adoption. Soakage tests must be undertaken in accordance with BRE 365 to demonstrate that infiltration is feasible.
- 23 The reserved matters application(s) should take account of the layout and dwelling orientation shown in the Illustrative Site Plan Dated January 2023.
- 24 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>.
- 25 Ecology:
1. Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).
 2. Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and

sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

3. Barn Owls are included in Schedule 1 of the Wildlife & Countryside Act 1981. Within Part 1, Section 21 (1) the penalty for an offence involving a Barn Owl, its nest, or egg, includes a fine of up to £5,000, or up to six months imprisonment, or both, per bird, nest or egg.

- 26 The applicant is requested to consider the use of built-in bird nesting boxes as per the comments of the Salisbury and Wilton Swift group.
- 27 The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.
- 28 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.
- 29 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
- 30 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 - <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