Wiltshire Council

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 18/02037/FUL

Agent Framptons Oriel House 42 North Bar Banbury OX16 0TH	**Applicant** KBC Developments LLP c/o Framptons
Particulars of Development: Construction of Bridge Over the Great Western Railway and Accommodation Works, Including Temporary Haul Road from Upper Peckingell Farm; Construction Compound; Bridge Beam Storage Compound; Cocklebury Link Road (Phase 1), and Associated Drainage Arrangements; Highway and Associated Landscaping.	
At: Land at Rawlings Farm and Upper Peckingell Farm, Chippenham, Wiltshire,	

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:

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:

Highways Technical Note 2 Dated 30th August 2019.
5609-ATR-13-B (1 OF 2) Dated June 2019
5609-ATR-013-B (2 OF 2) Dated June 2019
5609-SK-020-B (1 OF 2)
5609-SK-020-B (2 OF 2)
70005609-FIG 1 (Bridge Construction Traffic Routes)
70005690-SK-021-A (1)
70005690-SK-021-A (2) Received 6/9/19
Tree Survey AIA & Method Statement 1st March 2019
Noise Assessment and Management Plan Received 08/03/2019
5609-GA-0009-B
BRL-PL151
BRL-PL200 Plant Schedule
Topographic Survey BRL PL150 (21/01/19)

BRL PL152 Plant Schedule
CB-SK-011 P01
245988-ARP-DRG-EST-00001 P03
5609-GA-005 REV A
5609-GA-007 REV A Received 29/02/2019

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

3 Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority. The CTMP shall set out the proposed programme for the construction of the works, the forecast number and timing of lorry movements associated with each element of the programme, methods to be employed on the site to ensure that detritus from the site is not deposited on the public roads, temporary road works to mitigate damage to the existing highway structure (carriageway and verges), construction traffic signage on the proposed haul route from the B4069, lorry and car parking on the site to accommodate construction traffic. The works shall be carried out in accordance with the approved CTMP at all times.

REASON: To ensure that a reasonable degree of control is exercised over construction traffic during the construction period, and to mitigate the impact of such traffic on the local communities affected.

4 Prior to the commencement of the development there shall be a full condition survey of the haul road between the B4069 junction with Maud Heaths Causeway at Langley Burrell to Upper Peckingell Farm, which shall be submitted for approval by the local planning authority no later than 14 days prior to the commencement of works. The survey shall detail all existing defects on the route, both in written and image form, in accordance with a scheme which shall first have been agreed by the local planning authority. When works have been completed, a further survey shall be undertaken and submitted to the local planning authority within 1 month of completion. Within one month of that survey being approved, a scheme of remedial works shall be submitted for approval, setting out detailed proposals for remediation of any damage and including a timeframe for implementation. The agreed works must be completed to the satisfaction of the Local Planning Authority in accordance with the approved timescale.

REASON: Pre-works and post-works surveys are required in order to establish the appropriate levels of remediation required to damage reasonably attributable to the construction traffic, and potentially enforced by the highway authority under the provisions of s59 Highways Act 1980.

5 Construction traffic to the site by way of the identified haul route Route Option 2 via Peckingell Lane shall be limited to use by construction traffic needing access to construct the site haul road, construction compounds, surface water attenuation pond and the railway bridge only. The site haul road shall not be used for the haulage of materials required in connection with the site's permanent distributor road, which shall not be commenced until such time as the Parsonage Way railway bridge, or an approved alternative access from Darcy Close, can be used as a site haul route. The temporary haul road shall be removed in its entirety within 4 weeks of the bridge having been provided with a temporary road surface capable of carrying construction traffic. No construction materials of any sort shall be removed from the site via Peckingell Lane.

REASON: In order to minimise the amount of heavy traffic using what in other circumstances would be regarded as inappropriate on such narrow roads, in the interests of highway safety, and in the interests of the amenity of the Langley Burrell and Peckingell communities.

6 Prior to the commencement of the Cocklebury Link Road Phase 1 full details of the internal permanent site roads connecting to the Link Road shall first have been submitted to and approved by the local planning authority. Details shall include road construction details, vertical and horizontal alignment, drainage, lighting, signing, marking and all associated roadworks required to secure an adoptable distributor road. The roads shall be constructed in accordance with the approved details.

REASON: In order to ensure that internal site roads are appropriate to serve their intended function

7 The bridge when completed shall only be used by vehicles associated with the construction of development allocated under Policy CH2 of the Chippenham Sites Allocation DPD, or by occupiers of the development following the provision of vehicle turning facilities, the details of which shall have been first submitted to and approved by the LPA.

REASON: In order to avoid unwanted encampment or parking in an area where a formal turning facility will not be provided, and in the interests of highway safety.

8 Prior to the commencement of the bridge/rail crossing hereby permitted details of the structural design of the bridge, including cladding and exposed surface materials, arrangements for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The proposed application contains insufficient information and the matter raised above require 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.

9 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.
No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. 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, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

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: 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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

10 No works shall commence on the construction of the railway bridge until details of storm water drainage incorporating sustainable drainage details have been submitted to and approved by the LPA. The storm water drainage arrangements shall be completed in accordance with the approved details prior to the railway bridge being first brought into use. No works shall commence on the length of distributor road until details of the storm water drainage incorporating sustainable drainage details have been submitted to and approved by the LPA. The storm water drainage arrangements shall be completed in accordance with the approved details prior to the first length of distributor road being brought into use

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

11 Prior to construction of any element of this application, an Ecological Construction Method Statement will be submitted to the LPA for approval. It will include all elements of the construction of the haul road, taking account of any phasing and temporary measures. The additional planting and any other features provided either as mitigation or enhancement for biodiversity must be integrated into the Landscape & Ecological Management Plan for the wider site and must be submitted for approval prior to the start of construction. Such features must be clearly labelled on the drawings as ecological mitigation or enhancement, with specific management prescribed.

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, priority species and priority habitats

12 No development shall commence 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. The programme of investigation should be implemented in accordance with the scope of works set out in the approved Framework Archaeological Mitigation Strategy; and
b. The approved programme of archaeological work has been carried out in accordance with the approved details as set out in the Framework Archaeological Mitigation Strategy and the agreed Written Scheme of Investigation.

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

13 No development shall commence on site until a construction 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 means of foul water disposal from the construction compound

welfare facilities;
ii. The cutting or other processing of building materials on site;
iii. The transportation and storage of waste and building materials;
iv. The recycling of waste materials (if any);
v. The loading and unloading of equipment and materials
vi. The location and use of generators and temporary site accommodation;
vii. Pile driving (If it is to be within 200m of residential properties);
viii. Hours of Construction.

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

REASON: In the interests of residential amenity

14 No burning of waste or other materials shall take place on the development site at any time during development.

REASON: In the interests of residential amenity

15 Control of noise from construction work for the bridge and haul road and haul road operations shall be undertaken in accordance with BS8225 and the recommendations of report ref. 19-031 'Inacoustic' Noise Assessment & Management Plan Information dated 26th February 2019.

A suitably qualified person must undertake regular noise monitoring during construction works and operation of the haul road and keep a written record that is available to the LPA upon request.

Any planned departure from these requirements must be reported to the LPA in advance of works being undertaken and a scheme of mitigation agreed with the LPA.

REASON: In the interests of residential amenity.

16 Prior to the commencement of the bridge/rail crossing and Cocklebury Link Road Phase 1 hereby approved a scheme of soft landscaping related to that element of the development shall been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

" full details of any tree 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;
" retained historic landscape features and proposed restoration, where relevant.
" details and location of any new or replacement trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

Prior to the removal of the Haul Road and Construction Compound a scheme of remedial soft landscaping shall be 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;
" retained historic landscape features and proposed restoration, where relevant.
" details and location of any new or replacement trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority,

shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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.

17 All soft landscaping comprised in the approved details of landscaping for the bridge shall be carried out in the first planting and seeding season following the first use of the bridge or the substantial completion of the bridge whichever is the sooner; All soft landscaping comprised in the approved details of landscaping for the Cocklebury Link Road Phase 1 shall be carried out in the first planting and seeding season following the first use of the Cocklebury Link Road Phase 1 or the substantial completion of the Cocklebury Link Road Phase 1 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.

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

18 INFORMATIVE TO APPLICANT:
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.

19 INFORMATIVE TO APPLICANT:
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.

20 INFORMATIVE TO APPLICANT:
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.

21 INFORMATIVE TO APPLICANT:
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.

22 INFORMATIVE TO APPLICANT:
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.

23 INFORMATIVE TO APPLICANT:
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.

24 INFORMATIVE TO APPLICANT:
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.

25 INFORMATIVE TO APPLICANT:
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. You are advised to contact the PROW officer.

26 INFORMATIVE TO APPLICANT:
The proposed bridge will be subject to a legal agreement in respect of its adoption as highway and its future maintenance; the agreement will be made under the provisions of s38 and s278 of Highways Act, and the agreement should be concluded prior to the commencement of the works. The agreement will include a specific commitment to meet the costs of remediating unacceptable differential settlement at the bridge approaches, for a period of at least ten years.

27 INFORMATIVE TO APPLICANT:
Any works to, or within 8 Metres of a watercourse will require LDC which has a separate application process. Where the works may constitute a change to a flow rate into a watercourse, early application to prevent clashes with planning permissions/conditions is recommended

28 INFORMATIVE TO APPLICANT:
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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

29 The available space at the eastern end of Parsonage Way for use by construction traffic is limited. It is likely that land outside the highway boundary might be required if any extensive operations are undertaken from the Parsonage Way side of the railway. The road itself will have to remain open to accommodate the traffic associated with operations at the Council depot, Bulk Hardware and Wavin. Occupation of any highway space will have to be agreed with Wiltshire Streetworks.

Signed

Sam Fox

Director Economic Development & Planning
Dated: 13 November 2019

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

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.

   In particular the applicant is reminded of the following matters:-

   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). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

   If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

   Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

   'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or
   expiry of the specified period;
   'Type B appeal', 28 days from the date on which the enforcement notice is served;
   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) was served no earlier than 2 years before the application is made;
   (b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and
   (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);
   'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**

7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.