**The Town and Country Planning Act 1990**

**Approval of Outline Planning Permission (Some Matters Reserved) with Conditions**

**Application Reference Number: PL/2021/09567**

**Decision Date: 10 May 2023**

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| **Applicant:** | Footstep Active Living Limited<br>c/o agent, c/o agent, c/o agent |
| **Particulars of Development:** | Erection of 46 No. Dwellings, Including Access, Parking, Public Open Space (POS) and Landscaping |
| **At:** | Land at Westside Close, Old Sarum, SP4 6BX |

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 (including strategic landscaping);

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 With regards to the residential development hereby approved in outline form 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.

4 The access works serving the development shall be carried out in strict accordance with following plan indicative layout plan 004 Rev K.

REASON: For the avoidance of doubt

5 The total number of dwellings hereby permitted shall be a maximum of 46 dwellings and the overall layout and built form shall be generally in accordance with the approved indicative layout plan ref 004 Rev K, the submitted Scale diagram, and the submitted sectional drawings.

REASON: For the avoidance of doubt and in order to protect amenity, retain the character of the area, ensure highways safety is retained, and to ensure that a suitable layout and open space is provided.

6 The proposal shall be carried out in accordance with the following plans:

Location plan ref 001 Rev B
Existing site layout and sections ref 002 & 003
Westside Close January 2022 (09-02-2022). BNG Metric Calculation

And carried out in general accordance with the following plans:

**I**ndicative site layout plan 004 Rev K
Sectional details and scale plan ref 005
Indicative Habitats Plan. Dwg No: 007 Rev C. (Bright Space architects, 26.07.2022)

REASON: For the avoidance of doubt

7 Before development commences, the retained trees and surrounding grassland on site shall be protected as shown in the Barrell Tree Consultancy Tree Protection Plan and associated arboricultural assessment and method statement dated 6th September 2021 ref 21095-AA2-CA

REASON: In order to retain mature trees and other areas on site in the interests of visual amenity and biodiversity

8 Before development commences, a full Residential Travel Plan shall be submitted in accordance with the Framework Travel Plan dated September 2021. No part of the development shall be occupied prior to the implementation of the Full Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.

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

9 The development hereby permitted shall not commence until a Construction Management Plan providing details of the management of construction traffic carrying excavated material or delivering materials to the site, their routes approaching and leaving the site, and measures to keep the public highway free from mud and dust, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing highway links that serve the site from damage by large goods vehicles, to assist in the environmental protection of the interests of nearby residents, and in the interests of highway safety.

10 No part of the development hereby permitted shall be occupied until the turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

11 No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

12 Before any of the dwellings are first occupied, cycleway / footpath links shall be provided to the boundaries of the site to enable future connections to Bunting Lane and Henry Lane to the east and Partridge Way to the west, in accordance with details to be first submitted to and approved by the Local Planning Authority. The details so submitted shall include the ability to provide tie-ins with the existing carriageways and footways and measures to prevent vehicular access onto Henry Lane.

REASON: In the interests of encouraging sustainable travel patterns and good access to local facilities

13 No development shall commence within the area indicated 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 in writing by the Local Planning Authority. The investigation should comprise the excavation of the area of archaeological interest, namely an area focused on exploratory Trench 3, with contingency to extend the area of investigation subject to the results; 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.

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Further to the findings of the noise impact assessment by Clarke Saunders Associates (Ref; AS12257.211025.R1, dated 2nd December 2021, no development shall commence on site until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the layout, design, acoustic insulation and other mitigation measures proposed to adequately protect the future occupants against noise from the football stadium. The approved scheme shall be implemented in full before the developments use commences and maintained at all times thereafter.

REASON: In the interests of amenity

15 The development hereby approved shall not commence, 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 avoidance, mitigation and protective measures to be implemented before and during the construction phase, 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; and
ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
x.There shall be no burning undertaken on site at any time
xi.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.
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 reptiles.
xiv.Work schedules for activities with specific timing requirements in order 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.
xv.Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

Reason: In the interest of amenity and 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.

16 No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the Local Planning Authority. The scheme must be approved by the Local Planning Authority prior to implementation and thereafter be permanently retained.

REASON: In order to limit the impact of the development on air quality

17 The development shall be carried out in accordance with the approved Flood Risk Assessment rev 2 by Ridge and Partners LLP dated 06.07.2022

REASON: In order to limit the impact of the proposal on the area in terms of drainage and flooding

18 The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

19 Before development commences, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMP shall also include confirmation of the details of the S106 legal agreement funding mechanism(s) by which long-term implementation of the plan will be secured.

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.

20 Any new (non-solar powered) external lighting should be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, ‘Guidance for the Reduction of Obtrusive Light’ (ILP, 2021), and Guidance note GN08-18 “Bats and artificial lighting in the UK”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity

**Informatives:**

Condition 18- A water efficiency calculation will be needed to discharge this condition. For guidance on how to do this and what is required, please refer to the following document: *'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency'*, Appendix A (p36-44). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

Condition 20 - Artificial Lighting - The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

S106
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated 9th May 2023

CIL
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.

Party Wall matters
The development is located directly adjacent existing established development. 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.

Reserved matters design and layout

Future layout - To minimise any noise impact from the football stadium when its operational, the plots adjacent to the open space should be carefully designed and located. All plots should be designed so that the impact on the amenity of adjacent existing dwellings around the boundaries of the site is limited as much as possible, in terms of overlooking, proximity, and general

overshadowing. The final layout and design of the scheme should be mindful of the matters raised by the submitted noise assessment, ecological assessment, and the tree protection plan and assessment.

If the site is to be adopted as public highway then the applicant should be aware that some drainage solutions are not acceptable in the highway, such as permeable paving and soakaways beneath the carriageway.

**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