Wiltshire Council

The Town and Country Planning Act 1990

Application Reference Number: PL/2023/04865

Decision Date: 15 September 2023

Applicant:	Persimmon Homes Persimmon House, Tetbury Hill, Malmesbury, United Kingdom, SN16 9JR
Particulars of Development:	Variation of Condition 17 of 16/06401/FUL (Residential Development Comprising 201 Dwellings (Use Class C3) and the Provision of Land for the Potential Expansion of Malmesbury Primary School, New Vehicular Access, Public Open Space, Landscaping and other Associated Infrastructure Works at Land at Backbridge Farm).
At:	Land at Backbridge Farm, Malmesbury, Wiltshire.

Conditions: (23)

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Received by the Council 04/07/2021: P15200-G-Rep-G201C-210220-SDH Footbridge Modelling Report Received by the Council 08/12/2020: P15200_PL02_P7 Main Access Road Layout Received 19 August 2020: PERW20567-9C Play Area Proposals Received by the Council 22/04/2020: PERW20567-10N Landscape masterplan PERW20567-8H Access Road masterplan Received by the Local Planning Authority on 11 March 2020 128_RM_100 rev K Planning Layout 128_101 rev A Site location Plan 128_RM_153 Electricity Sub Station 128_RM_111 rev C Site context plan 128_RM_102 rev D Materials Key Plan Received by the Local Planning Authority on 17 July 2019: PERW20567aia-amsA including Tree Protection Plan PERW20567-03A-Sheets 1 to 4 Received by the Local Planning Authority on 7 May 2019: 128_RM_106 rev C Storey Heights Plan-(A1) 128_RM_104 rev A Boundary Treatments-(A3) 128_RM_103 rev C Fences & Enclosures Plan-(A1) 128_RM_109 rev C Access & Movements Plan-(A1) 128_RM_112 rev B South East Area and Flood Zone Plan-(A2) 128 Urban Core House Types 02.05.19 128 Rural Edge House Types 02.05.19 128_RM_108 rev C Garages & Parking Plan-(A1) 128_RM_105 rev C Affordable Housing Plan-(A1) 128_RM_107 rev C Bin Storage & Collection Points Plan-(A1) 128 Garages Bin & Cycle Stores 02.05.19 128_RM_113 rev B CIL Phasing Plan-(A2) 128_RM_120-1 rev B Street Scenes Sht1of2 128_RM_120-2 rev A Street Scenes Sht2of2 P15200_PL01_P7_Proposed Levels Layout P15200_PL03_P7_Vehicle Tracking Layout P15200_PL04_P7_Visibility splays Layout Received by the Local Planning Authority on 12 March 2019: 128 Village Green House Types 06.03.19 128 High Street House Types 06.03.19 PERW20567-13

Village Green Extract Received by the Local Planning Authority on 17 September 2018: P15200_PL05_P2_Tetbury Road B4014 Junction Layout Received by the Local Planning Authority on 10 August 2017: Pumping Station Layout @ A4 REASON: For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted shall be begun before the expiration of three years from 22 October 2021.

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.

3 The development hereby permitted shall be for up to a maximum of 201 C3 dwellings.

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

4 Construction of the footbridge over the Tetbury Avon shall not commence until such time as a scheme for compensatory floodplain storage in the vicinity of the site of the proposed footbridge has been submitted to and approved in writing by the LPA.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

5 The development shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement prepared by ACD Environmental Rev A dated 05.07.2019 (Ref: PERW20567aia-amsA including Tree Protection Plan PERW20567-03A-Sheets 1 to 4).

REASON: To prevent trees on site from being damaged during construction works.

6 No development shall commence on site until a scheme of hard and soft landscaping broadly in accordance with the landscape masterplans (PERW20567-10N Landscape Masterplan; PERW20567-13 Village Green Extract; PERW20567-8H Access Road Landscape Masterplan) 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;
• a detailed planting specification showing all plant species, supply and planting sizes

and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- tree(s), 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.

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, 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. 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 development shall commence within the full length of the western access road (Roman remains), an area centred on Trench 14 from the evaluation (Bronze Age remains found), and the area of green space to the south of the development where attenuation ponds and LEAP are proposed, as well as the school expansion site until:

a. The approved programme of archaeological work has been carried out in accordance with the approved details (Cotswolds Archaeology WSI CA Project: CR0624 Received 05.06.2021).

REASON: To enable the recording of any matters of archaeological interests within the site following the results of the archaeological evaluation undertaken in 2017.

9 No dwelling permitted by this permission shall be occupied until those parts of the Residential Travel Plan (Ref: Travel Plan P630-DOC05 TP - Issue 2 - FULL REPORT) capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented for the period set out in the Residential Travel Plan. The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period from 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.

10 The footpath / cyclepaths indicated on plan number 128_RM_109_Rev C Access and Movements Plan by a red dotted line shall be provided at a minimum width of 3 metres.

REASON: In the interests of safe and convenient pedestrian and cycle access to the proposed development.

11 Prior to commencement of development a Landscape and Ecological Management Plan will be submitted to the LPA for approval. This will integrate the recommendations for management identified in the individual species and habitats survey reports and will include specific prescriptions that will protect and enhance habitat for great crested newts, reptiles, water voles and nesting birds. Particular focus should be given to the 10m buffer strips on the northern and western site boundaries and to the area adjacent to the river corridor which is to remain undeveloped other than ancillary facilities e.g. Footbridge, play area etc. In this part of the site, care must be taken that there is no conflict between provision of public open space or public access and the function of the riparian habitats to support protected species, particularly water voles. The Plan must include details of those responsible for management, together with mechanisms

for monitoring and for altering individual management prescriptions that are shown to be ineffective. It should also include a site plan annotated with management prescriptions for each habitat type or retained/created feature within the site and long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) The landscape and ecological management plan shall be carried out as approved 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 development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity and to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

12 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 and incorporate the recommendations given in the individual species reports, for precautionary working practices designed to avoid impacts to sensitive habitats and species. The CMS should include a timeline of works and a table of timing constraints where appropriate. It shall include details of the following:

a) the parking of vehicles of site operatives and visitors;
b) loading and unloading of plant and materials;
c) storage of plant and materials used in constructing the development;
d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
e) wheel washing facilities;
f) measures to control the emission of dust and dirt during construction;
g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
h) measures for the protection of the natural environment.
i) hours of construction, including deliveries;
j). The cutting or other processing of building materials on site;
k). The location and use of generators and temporary site accommodation
l). Pile driving (If it is to be within 200m of residential properties)
m) drainage arrangements
n) construction vehicle routeing, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway
The construction/demolition phase of the development will be carried out fully in

accordance with the construction management plan at all times.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment and protected species, priority species and priority habitats through the risks of pollution and dangers to highway safety, during the construction phase.

13 No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass and a lux plot that shows that a level of 0.5 lux can be achieved at the edge of any sensitive habitat areas, specially hedgerows, trees and the riparian vegetation within 10m of the top of the river bank, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E1 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012.The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter. The Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light" can be found free online on the following website. www.theilp.org.uk/

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats and in the interests of visual and residential amenity.

14 No development shall commence on site 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 in order to protect public health, environmental quality and amenity.

15 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

16 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 window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

17 *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no garages, sheds in excess of 5 square metres and 2.5 metres in height, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site except as shown on the approved plans*

REASON: To safeguard the character and appearance of the area.

18 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 satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.

REASON: To safeguard the character and appearance of the building and area.

19 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of

highway safety.

20 No development shall commence on site until a Strategy (with programme) and scheme for the discharge of foul water from the site (with any phasing), including any required off site capacity improvements needed to existing public sewerage system to allow the site to be served together with details of any proposed pumping station (and above ground works) in accordance with P630-DOC01 FRA Issue 8; P630-DOC06 Addendum to FRA; and P15200 Foul Drainage Technical Note, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others

21 The development shall not be first occupied until foul water drainage, including any required off site capacity improvements needed to existing public sewerage system to allow the site (or phase) to be served, has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others

22 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway) (with any phasing), incorporating sustainable drainage details together with permeability test results to BRE365 with determination of top ground water levels taking into account seasonal variations and full catchment investigations with regards to existing flooding in/adjacent to the site in accordance with P630-DOC01 FRA Issue 8.; P630-DOC06 Addendum to FRA; and P15200 Foul Drainage Technical Note, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others

23 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 without increasing flood risk to others

Informatives: (1)

24 This decision notice should be read in conjunction with the original decision notice ref. 16/06401/FUL issued 22 October 2021 and any other variations, amendments and discharge of condition applications that have been permitted by the Local Planning Authority since 22 October 2021 relating to that permission.

Parvis Khansari **- Corporate Director, Place**