Wiltshire Council

Town & Country Planning Act 1990

Notice of Approval of Reserved Matters

Application Reference Number: 19/07647/REM

Agent Planning Sphere Ltd Coworking Bath The Guild High Street Bath BA1 5EB	**Applicant** Backhouse (Boreham Mead) Ltd c/o Agent
Particulars of Development: - Reserved matters application for: layout, scale, appearance and landscaping pursuant to outline permission 13/06782/OUT	
At: Land North West Of Boreham Mill, Bishopstrow Road, Warminster, Wiltshire	

In pursuance of their powers under the above Act, the Council hereby PERMIT the above development to be carried out in accordance with the details of the RESERVED MATTERS submitted by you, and subject to compliance with the conditions specified hereunder;-

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

- Document. Design & Access Statement Addendum (November 2019) by AHMM Architects, received 04.11.19;
- Document. Design & Access Statement (Date of issue 21 January 2020) by AHMM Architects, received 04.02.20;
- Document. Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology, received 29.04.20;
- Document. Landscape and Ecological Management Plan (ref JBA 19/019) (September 2019 Rev F 07.09.20), by JBA, received 07.09.20;
- Document. Updated Ecology Appraisal (February 2020) by Seasons Ecology, received 04.02.20;
- Document. Updated Dormouse Survey (July to November 2019) by Seasons Ecology, received 04.02.20;
- Document. Updated Water Vole and Otter Survey (August / November 2019) by Seasons Ecology, received 04.02.20;
- Document. Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19), received 02.12.19;
- Document. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20), received 13.03.20;
- Document. Flood Risk Assessment Addendum by Clarke Bond (date 29/07/19) (report no. B05066-CLK-XX-XX-RP-FH-1001 / Number. P3 / Status. S2), received 07.08.19;

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Number. P02 / Status. S2), received 07.10.19;
- Document. Drainage Operations and Maintenance Manual (report no.B05066-CLK-XX-XX-RP-C-0001 / Status S2) by Clarke Bond, received 23.04.20;
- Document no.0004 Rev.P03 – Highway Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Document no.0006 Rev.P03 – Private Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Drawing no.0515 Rev.P04 – Flood Exceedance Route Plan, received 23.04.20;
- Drawing no.0535 Rev.P03 – Drainage & Tree Removal Plan, received 23.04.20;
- Drawing no.0010 Rev.P01 – Proposed Ditch Re-Profile, received 04.02.20;
- Drawing no.0705 Rev.P01 – Engineering Levels & Contours Layout, received 23.04.20;
- Document. Arboricultural Method Statement (October 2019) by James Blake Associates, received 04.11.19;
- Document. Tree Survey Schedule by James Blake Associates, received 07.08.19;
- Drawing no. JBA 19-019 TP01 Rev. B – Tree Protection Plan, received 04.11.19;
- Drawing no. JBA 19-019 TP01 Rev. B – Tree Removal Plan, received 04.11.19;
- Drawing no. P002 Rev.P04 – Proposed Site Plan, received 23.04.20;
- Drawing no. P100 Rev.P06 – Proposed Masterplan, received 23.04.20;
- Drawing no. P101 Rev.P04 – Proposed Unit Type Plan, received 23.04.20;
- Drawing no. P102 Rev.P04 – Proposed Tenure Plan, received 23.04.20;
- Drawing no. P103 Rev.P04 – Proposed Parking Plan, received 23.04.20;
- Drawing no. P101 Rev.P03 – Boat House – Type B4.1, received 07.08.19;
- Drawing no. P101 Rev.P03 – Large Boat House – Type LB4.1, received 07.08.19;
- Drawing no. P102 Rev.P03 – Large Boat House – Type LB4.2, received 07.08.19;
- Drawing no. P101 Rev.P03 – Terrace – Type TA1.1, received 07.08.19;
- Drawing no. P102 Rev.P03 – Terrace – Type TA2.1 & TA2.2, received 07.08.19;
- Drawing no. P103 Rev.P03 – Terrace – Type TA3.1, received 07.08.19;
- Drawing no. P104 Rev.P03 – Terrace – Type T3.1, received 07.08.19;
- Drawing no. P105 Rev.P03 – Terrace – Type T3.2, received 07.08.19;
- Drawing no. P106 Rev.P03 – Terrace – Type T3.3, received 07.08.19;
- Drawing no. P107 Rev.P03 – Terrace – Type T3.4, received 07.08.19;
- Drawing no. P108 Rev.P03 – Terrace – Type TA2.3, received 07.08.19;
- Drawing no. P201 Rev.P03 – Proposed Road Elevations – AA & BB, received 07.08.19;
- Drawing no. P203 Rev.P03 – Proposed Road Elevations – CC & DD, received 07.08.19;
- Drawing no. P203 Rev.P03 – Proposed Road Elevations – EE, received 07.08.19;
- Drawing no. JBA 19-01901 Rev. I – Proposed Hard Landscape, received 23.04.20;
- Drawing no. JBA 19-01902 Rev. L – Detailed Soft Landscape Proposals for Plots and POS, received 01.09.20;
- Drawing no. JBA 19-01903 Rev. L – Detailed Soft Landscape Proposals for Plots and POS, received 01.09.20;
- Drawing no. JBA 19-01904 Rev. H – Proposed Boundary Treatments, received 23.04.20;
- Drawing no. 0006 Rev.P02 – Boundary Conditions Retaining Walls, received 04.11.19;
- Drawing no. SK003 – Boundary Treatment Cross Sections, received 04.11.19;
- Drawing no. SK003 – Masterplan Upon Highway Officers Comments, received 04.11.19;

- Drawing no. 0140 Rev.P06 – Swept Path Analysis Refuse Vehicle, received 04.11.19;
- Drawing no. 0141 Rev.P06 – Swept Path Analysis DB32 Fire Tender, received 04.11.19;
- Drawing no. 0142 Rev.P06 – Swept Path Analysis DB32 Fire Tender, received 04.11.19;
- Drawing no.0145 Rev.P03 – Visibility Constraints Plan, received 23.04.20.

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

2 Prior to the post-shell design process and customisation of the dwelling on each plot, full details of the final design, layout, appearance and landscaping used in the construction of that plot, in accordance with the customisation options detailed within the approved Design & Access Statement by AHMM Architects (ref R001 Rev.P05) shall be submitted to and approved in writing by the Local Planning Authority. The design, layout, appearance and landscaping of each plot shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom-build scheme, in accordance the outline planning permission, ref 13/06782/OUT.

3 Prior to the first occupation of the development hereby permitted full details of the design and wording of the information boards required to be installed in line with paragraph 5.6.2 of the Ecological Management Plan (ref JBA 19/109) (September 2019) by JBA shall be submitted to an approved in writing by the Local Planning Authority. The approved information boards should be installed prior to the first occupation of the development.

REASON: In order to ensure long-term protection of habitats and wildlife in line with the requirement of the approved Ecological Management Plan.

4 Prior to the first occupation of the development hereby permitted the boundary between the development and the ecology zone shall be defined by the fencing and native hedgerow shown on the approved Detailed Soft Landscape Proposals for Plots and POS drawings (JBA 19/019-02 Rev L and JBA 19/019-03 Rev L) and the Proposed Boundary Treatments drawing (JBA 19/019-04 Rev H). The boundary treatments shall thereafter be retained for the lifetime of the development. None of the land within the ecology zone will be incorporated into gardens or used for any purpose including any temporary use other than for nature conservation, pedestrian access along the footpath marked on the Masterplan (P100 Rev P06) and works related to ditch and river management.

REASON: In order to ensure long-term protection of habitats and wildlife in line with the requirement of the approved Ecological Management Plan.

5 No above ground development shall commence on site 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 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, in the interests of visual amenity and the character and appearance of the area.

6 Notwithstanding the details shown on the approved plans, no railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted, including the enclosure of the Pump Station, until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

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 dwellings 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 The development hereby permitted shall be carried out in strict accordance with the Arboricultural Method Statement (October 2019) by James Blake Associates, received 04.11.19.

REASON: 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.

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 the tree protective fencing has 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 fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and 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: 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 development shall commence on site until full details of the remedial works recommended within the Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19) has been submitted to and approved in wiring by the Local Planning Authority via a remediation strategy. The approved works shall thereafter be carried out in accordance with a timetable that shall be detailed within the remediation strategy. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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 land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

NOTE: The Geo-Environmental Review Technical Note recommends a cover systems to private gardens and communal areas and as such the remedial strategy should detail how and where this will be carried out; to be followed by verification reporting that confirms the nature of clean cover placed in private gardens and communal areas including locations, depth profiles, photographs and soil analysis.

11 With the exception of the installation of the access road, no development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be carried out in accordance with the details approved under this condition.

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.

12 Prior to the occupation of each dwelling hereby permitted the access, turning area and parking spaces serving that dwelling shall be completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

13 No dwelling shall be occupied until details of secure covered cycle parking serving each individual dwelling have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to the occupation of each dwelling and retained for use at all times 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.

14 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 to, or extensions or enlargements of 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 enlargements.

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), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roof slopes of the dwellings hereby permitted.

REASON: In the interests of residential amenity and privacy.

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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

17 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 garages hereby permitted shall not be converted to habitable accommodation.

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

INFORMATIVES TO APPLICANT:
The attention of the applicant is drawn to the conditions imposed on the outline planning permission reference 13/06782/OUT, dated the 20th July 2017. However, the Local Planning Authority can confirm that the details hereby approved under this reserved matters consent, as listed within condition 1 and detailed below, satisfy pre-commencement conditions 6, 9, 10, 14, 15 & 17 of outline planning permission 13/06782/OUT: -

Condition 6 - Culvert Details

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Issue Number. P02 / Status. S2), received 08.10.19.

Condition 9 - Footway Reconstruction

- Drawing no.0110 Rev.P1 - Highway Construction Details - Sheet 1, received 06.09.19;
- Drawing no.0200 Rev.P1 - S278 Works Proposed Junction Site Clearance Plan received 06.09.19;
- Drawing no.0801 Rev.P1 - S278 Kerbing & Surfacing Plan, received 06.09.19.

Condition 10 - Drainage Strategy

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Number. P02 / Status. S2), received 07.10.19
- Document. Drainage Operations and Maintenance Manual (report no. B05066-CLK-XX-XX-RP-C-0001 / Status S2) by Clarke Bond, received 23.04.20;
- Document no.0004 Rev.P03 - Highway Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Document no.0006 Rev.P03 - Private Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Drawing no.0515 Rev.P04 - Flood Exceedance Route Plan, received 23.04.20;
- Drawing no.0535 Rev.P03 - Drainage & Tree Removal Plan, received 23.04.20;
- Drawing no.0010 Rev.P01 - Proposed Ditch Re-Profile, received 04.02.20.

Condition 14 - Construction Environmental Management Plan

- Document. Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology, received 29.04.20.

Condition 15 - Water Efficiency

- Document. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20), received 13.03.20.

Condition 17 - Land Contamination Investigation

- Document. Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19), received 02.12.19.

The approved details listed above, which enable the pre-commencement conditions to be discharged, has been submitted under Discharge of Condition applications reference 19/08603/DOC, 19/11510/DOC, & 20/03527/DOC in tandem with the reserved matters application.

This approval of matters reserved refers only to condition 2 of outline planning permission 13/06782/OUT but does not by itself constitute a planning permission.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Wylye , designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board

Under the terms of the Land Drainage Act 1991 the prior written Land Drainage Consent of the Lead Local Flood Authority (Wiltshire Council in this case) is required for any proposed works or structures that could affect the flow of an ordinary

watercourse (all non-main river watercourses/streams/ditches etc.). To discuss the scope of their controls and please contact Flood Risk Management Team at Wiltshire Council.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Water voles and their burrows are legally protected from harm and disturbance. Management works to the ditches should be conducted with advice from an ecologist to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended).

The ecology zone comprises land within 8m of the River Wylye which is main river and 4m of the ditches which are ordinary watercourses. The relevant authority (Environment Agency /Local Land Drainage Authority) should be consulted and approval sought for any new works proposed in these zones or any proposed new discharges to the river/water courses. This includes the works proposed under the current application and any subsequent changes

Signed
Sam Fox
Director Economic Development & Planning
Dated: 14 January 2021

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 – 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.

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 District 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.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fee chargeable is £25 per request for householder development and £85 per request for all other types of development. 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. 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.