Wiltshire Council

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Dear Sir

Discharge of Condition

Application No:	PL/2023/08355
Proposal:	Discharge of Condition No 10 on 19/07647/REM Particulars of Development: - Reserved matters application for: layout, scale, appearance and landscaping pursuant to outline permission 13/06782/OUT
Site Address	Land North West of Boreham Hill, Warminster, BA12 9FN
On Behalf of	Rhys Nelson

Thank you for your recent request to discharge conditions related to the above. The DOC is however refused.

This discharge of condition (DOC) application relates to condition 10 on Ref: 19/07647/REM. The full wording of this condition is thus:

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.

The condition was partly discharged on 23/07/2021 under Ref: PL/2021/05060. The part of the condition

which remained outstanding is highlighted in bold above. Indeed, in the Council's response to PL/2021/05060 it was stated; "I can confirm that the Remedial Method Strategy (26 June 2020 / P01 SO2) by clarkebond, and the cut & fill assessment as presented on drawing no.0730 Rev.P01, are considered acceptable and satisfy conditions 10 and 11. As such, the conditions are hereby discharged. Please note that in order to fully comply with condition 10 the Local Planning Authority will require the submission of a verification report at the conclusion of remedial works". The current submission seeks to discharge the currently outstanding part of condition 10 as underlined above.

After reviewing the submitted information and consulting with the Council's Public Protection team, it was concluded that

"There are no documents provided to us regarding this discharge, a remediation statement and subsequent verification report are required to discharge this condition".

Whilst a lot of information has been submitted, the requisite information required to address the specific requirements of the condition is missing. The Case Officer sought to secure this from the applicant's agent on two separate occasions however no response has been received.

For the reasons detailed above, it is therefore recommended that the request to discharge the condition should be refused

Yours faithfully
Head of Development Management