Wiltshire Council

The Town and Country Planning Act 1990

Notice of Approval of Reserved Matters

Application Reference Number: PL/2023/08046

Decision Date: 10 September 2024

Applicant:	Wiltshire Council County Hall, Bythesea Road, Trowbridge , Wiltshire, BA14 8JN
Particulars of Development:	Reserved matters application pursuant to Outline Planning Permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the Proposed Primary School (including Nursery and SEN provision)
At:	Land at Pathfinder Way, Bowerhill, Melksham, Wilts

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 here under:-

Conditions: (17)

1 The development hereby permitted shall begin no later than two years from the date of the last suspensive planning condition being discharged pursuant to this reserved matters approval or 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 as amended by the Planning and Compulsory Purchase Act 2004

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

Location Plan – drawing ref. MKS-AWW-XX-XX-D-A-0010-P03
Existing Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0011-P05
Proposed Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0100-P03
Proposed Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0300-P03
Proposed Site Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0305-P02
Proposed Ground Floor Plan – drawing ref. MKS-AWW-XX-00-D-A-0200-P03
Proposed Ground Floor Context Plan – drawing ref. MKS-AWW-XX-XX-D-A-0101-P05
Proposed First Floor Plan – drawing ref. MKS-AWW-XX-01-D-A-0201-P03
Proposed Roof Plan – drawing ref. MKS-AWW-XX-XX-D-A-0202-P02

Proposed Lighting Plan – drawing ref. MKS-HYD-XX-XX-D-E-0851 Rev: P01
Landscape Plan and Schedule (Sheet 1 of 2) ref: MKS-AWW-XX-XX-D-A-0380-P0
Landscape Plan and Schedule (Sheet 2 of 2) ref:MKS-AWW-XX-XX-D-A-0381-P03
Enclosure Details - Bin Store ref: MKS-AWW-XX-XX-D-A-0388-P02
External Canopy Details ref: MKS-AWW-XX-XX-D-A-0385-P02
Cycle Parking Details ref: KS-AWW-XX-XX-D-A-0386-P03
Enclosure Details - Air Source Heat Pump ref: MKS-AWW-XX-XX-D-A-0387-P03
Drainage Report ref: MKS-HYD-XX-XX-T-C-9000
Transport Statement ref: FS0614-HYD-XX-XX-DR-D-5001-P01-S4
Travel Plan ref: FS0614-HYD-XX-XX-DR-D-6001-P01-S4
Desk Study and Ground Investigation Report prepared by Hydrock;
Ecological Report prepared by Wessex Ecological Consultancy;
Flood Risk Assessment ref: 27203-HYD-XX-XX-WET-RP-0001 P02repared by Hydrock;
Drainage Strategy MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock;
Noise Impact Assessment prepared by Hydrock
Energy Statement prepared by Hydrock
BREEAM Pre-Assessment prepared by Hydrock

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

3 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

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:
• The movement of construction vehicles;
• The parking of vehicles and storage of materials
• The cutting or other processing of building materials on site;
• Wheel washing and vehicle wash down facilities;
• The transportation and storage of waste and building materials;
• The recycling of waste materials (if any);
• The loading and unloading of equipment and materials;
• The location and use of generators and temporary site accommodation;
• There shall be no burning undertaken on site at any time.
• No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday

The development shall be undertaken in accordance with the details set out in the approved Construction Management Statement.

REASON: To ensure the amenities and safety of future occupants and highway safety

of the development

4 No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Precautionary Methodology of Working for Great Crested Newts shall be submitted to the local planning authority for approval in writing and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase.

Development shall be carried out in strict accordance with the approved Precautionary Methodology of Working for Great Crested Newts.

REASON: To ensure adequate protection and mitigation for Great Crested Newts 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.

5 No development shall commence above ground slab level until a plan showing the details for siting, positioning and installation of integral nesting features for bats and birds has been submitted to, and approved in writing by, the local planning authority.

The integral nesting features should identify:

a) the bird/bat species likely to benefit from the proposed integral nest feature;
b) the type of integral nest feature to be installed;
c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
d) the location on each building where features are to be installed.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained (or replaced as necessary) for the lifetime of the development.

REASON: For the protection, mitigation and enhancement of biodiversity.

6 No development shall commence on site above slab level until details of the materials to be used for the external walls, cladding and roofs, windows and doors 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: In the interests of visual amenity and the character and appearance of the area.

7 The development hereby approved shall not be brought into use until details of a design showing a no right hand turn exit onto Pathfinder Way from the school entrance have been submitted to the LPA and approved in writing. The approved scheme shall be delivered on site prior to first use of the building and shall be retained as such for the lifetime of the development

REASON: In the interests of highway safety

8 No part of the development hereby permitted shall be first brought into use until the 'No Waiting At Any Time' road markings (double yellow lines) have been installed along the entire length and on both sides of Pathfinder Way.

REASON: To discourage on-street parking in the vicinity of the school access in the interests of pedestrian and highway safety

9 No part of the development hereby permitted shall be first brought into use until the car parking spaces shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05, have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site and in the interests of highway safety.

10 No part of the development hereby permitted shall be first brought into use until the cycle and scooter parking as shown on the approved drawing ref: Cycle Parking Details 0386 Rev P03, has been provided in the locations shown and in accordance with the approved details. This provision shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made within the site for the parking of cycles and scooters in the interests of sustainable travel.

11 No part of the development hereby permitted shall be first brought into use until the pedestrian access gate and path have been provided on the northern site boundary (to the west of the Gas Governor) to connect with the path on the site perimeter and as shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05. The access and gate shall be retained and maintained for the lifetime of the development and made available for use at school drop off and pick up times.

REASON: To encourage sustainable travel choices and in the interests of highways safety

12 No part of the development hereby permitted shall be first brought into use until, a small sign shall be provided near to the school main entrance gate, to direct pedestrians arriving along the footway adjacent Pathfinder Way from the north to the pedestrian access gate (located to the west of the Gas Governor). The sign shall be retained for the lifetime of the access use.

REASON: In the interests of pedestrian safety

13 No part of the development hereby permitted shall be first brought into use until the window in the southwest facing elevation at first floor level and the last two windows on the western side of the rear facing elevation at first floor level shall be glazed with obscure glass only to an obscurity level of no less than level 3 and the windows shall be permanently maintained with obscure glazing in perpetuity

REASON: In the interests of residential amenity and privacy.

14 No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

15 The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy ref: MKS-HYD-XX-XX-D-C-9000 P01 & MKS-

HYD-XX-XX-D-C-9001 P01 prepared by Hydrock.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

16 The development hereby approved shall be undertaken in accordance with the approved landscape strategy.

REASON: 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 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.

Informatives: (1)

18 Informatives

1. 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.

2. 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.

3. 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.

4. Wiltshire Council as Highway Authority is proposing to install 'No Waiting At Any Time' markings on Pathfinder Way. The applicant must liaise with the Highway Authority to ensure the timescales for the necessary TRO correspond with the school delivery programme to meet Condition 7

5. The applicant is encouraged to consider the inclusion of rainwater harvesting as part of school site to maximise the sustainability performance of the school.

6. The applicant is also encouraged to enter discussion with the Council's highways team, the respective Town and Parish Councils and education colleagues to bring forward a safe walking route to the school for residents from Berryfield and Semington Road.

7. It is noted that the proposed boundary treatments for the school site can be erected under permitted development rights, and it is understood that the applicant intends to erect a secure boundary fence of 2m in height and secure gates to ensure the safety and of users of the school. It is strongly encouraged and advised that the applicant provides this before the school is brought into use

8. The applicant is also strongly advised to enter discussions with respective colleagues within the Council to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using received s106 money secured from the housing developer as part of the 16/01123/OUT development.

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

4 **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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy