Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/05286

Decision Date: 19 December 2024

Applicant:	Vistry Partnerships Ltd C/O Agent
Particulars of Development:	Variation of conditions 2, 16, 18 & 19 relating to PL/2021/06594 - (Residential development comprising 106 dwellings including formation of vehicular access and footways, open space, drainage, landscaping and associated works) in connection to parking allocation, the delivery timescales of the Section 278 works and practicalities around house delivery and pumping station together with Deed of Variation to associated S106.
At:	Land North of Netherhampton Road, Netherampton Road, Salisbury, SP2 8FT

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

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 compliance with the following conditions:

Conditions: (23)

1 The development hereby permitted shall be begun before the expiration of three years from the date of the full planning permission granted on 13 December 2022 under reference PL/2021/06594.

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.

2 The development hereby permitted shall be carried out in accordance with the approved plans and reports listed in Drawing Issue Sheet I project no CB_78_232 Vistry Homes with the following exceptions:

Affordable housing plan rev D dated 26/8/22 as contained within the s106 legal

agreement dated 9/12/2022.
C2070_PRE_PL_001_K – Planning Layout
DD562L21 Open Space Plan dated 12.11.24
CB_78_232_006 Parking Strategy Plan Rev E
DD562L08 Rev E (Detailed Planting Plan Sheet 2 of 6)
DSM-E4991-302 E - Section 278 General Arrangement
DSM-E4991-311 - Section 184 General Arrangement
DSM-E4991-451 G - Domestic Drainage Layout 1 0f 7
DSM-E4991-452 H - Domestic Drainage Layout 2 of 7
DSM-E4991-453 J - Domestic Drainage Layout 3 of 7
DSM-E4991-454 H - Domestic Drainage Layout 4 of 7
DSM-E4991-455 H - Domestic Drainage Layout 5 of 7
DSM-E4991-456 J - Domestic Drainage Layout 6 of 7

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

3 Development shall be carried out in accordance with the approved details of materials, ref CB_78_232_008 External Finishes Plan Rev G and document ref 23-0511 C2070 NRN Condition 3 (as approved in writing by the Local Planning Authority under reference PL/2023/04008).

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

4 All railings, fences, gates, walls, bollards and other means of enclosure shall be carried out in accordance with the approved details, listed below, (as approved in writing under reference PL/2023/04008) prior to the development being occupied.

• GROUP-VIS-S-EX-D2-A-FC-0261 BRICK SCREEN WALL
• GROUP-VIS-S-EX-D2-A-FC-0215 LAP LARCH PANEL FENCE
• CB_78_232_009 External Enclosures Plan Rev E
• GROUP-VIS-S-EX-D2-A-FC-0213 CLOSE BOARDED FENCE (1800MM)
• 23-0511 C2070 NRN Condition 4

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

5 The development shall be carried out in accordance with the approved scheme of hard and soft landscaping (as approved in writing by the Local Planning Authority under reference PL/2023/04008) and comprising the following documents:

• DD562L01A_Hard Landscape Plan_1 of 6
• DD562L02A_Hard Landscape Plan_2 of 6
• DD562L03A_Hard Landscape Plan_3 of 6
• DD562L04A_Hard Landscape Plan_4 of 6

• DD562L05A_Hard Landscape Plan_5 of 6
• DD562L06A_Hard Landscape Plan_6 of 6
• DD562L07_Detailed Planting Plan_1 of 6
• DD562L08_Detailed Planting Plan_2 of 6
• DD562L09_Detailed Planting Plan_3 of 6
• DD562L10_Detailed Planting Plan_4 of 6
• DD562L11_Detailed Planting Plan_5 of 6
• DD562L12_Detailed Planting Plan_6 of 6

REASON: 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.

6 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.

7 The development shall only take place in accordance with the written scheme of investigation for a programme of archaeological excavation and strip, map and sample prepared by Museum of London Archaeology (MOLA), Site code – SBYWM:2021.20, and dated June 2022. The condition shall not be discharged until the programme of assessment, analysis, and publication elements of the programme has been fulfilled.

REASON: To enable the recording of any matters of archaeological interest.' This mitigation work is to be carried out following the standards and guidelines for archaeological excavations and monitoring of groundworks as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

8 The development shall be carried out in accordance with the approved drainage strategy, as shown in drawing numbers DSM-E4991-451 G, DSM-E4991-452 H, DSM-E4991-453 J, DSM-E4991-454 H, DSM-E4991-455 H and DSM-E4991-456 J and completed prior to first occupation of the development.

REASON: To ensure a satisfactory surface water drainage strategy for the development.

9 The development will be constructed in strict accordance with the Ecological Parameters Plan, Drwg no edp6768_d023f.

REASON: In the interests of conserving biodiversity and to ensure that legally protected habitats and species are not permanently displaced as a result of development.

10 All works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) Refenced edp6768_r010a dated February 2023 and Plan reference CB_78_232_101 (as approved in writing under reference PL/2023/01439).

REASON: To 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.

11 All works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, shall be carried out in accordance with the approved Landscape and Ecological Management Plan (LEMP) Ref DD562R01 dated 10/02/2023 (as approved in writing under reference PL/2023/04008).

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.

12 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 post construction stage certificate 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

13 External light fixtures and fittings shall be installed in accordance with the approved lighting strategy as shown in document ref. MMA17020 - Netherhampton Road - S38 proposed Lighting - Design layout - R2 (as approved in writing under reference PL/2023/04008) prior to the completion of development. External lighting shall be maintained in accordance with the approved strategy to ensure that a level of 0.5Lux

or less is achieved at the edges of the dark corridors marked on the Ecological Parameters Plan which forms part of this permission.

REASON: In the interests of conserving biodiversity.

14 The development will be carried out accordance with the approved scheme of bat and bird boxes and reptile refugia as shown on plan ref edp6768_d017-D-Landscape Detailed Design (as approved in writing under reference PL/2023/01439) prior to the completion of the development. These features shall thereafter be permanently maintained as approved.

REASON: In the interests of conserving biodiversity.

15 No residential unit shall be occupied until those parts of the Residential Travel Plan 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 as long as any part of the development is occupied. 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.

16 Prior to first occupation of any dwelling the ghost island right turning lane outlined on drawing CB/78/232/001/C including a pedestrian refuge, any required street lighting and highway drainage alterations to accommodate the right turning lane shall all be provided in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

REASON: In the interests of providing safe and convenient access to the development

17 Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the west and 120 metres to the east.

REASON: In the interests of highway safety.

18 Prior to occupation of any 50th dwelling 2 bus stops including flag signs, road markings and high bus access kerbs shall have been provided on the A3094 near to the development, with the Northern side stop consisting of a bus layby, together with the resurfacing of the entire width of the A3094 over the length of the right turning lane

scheme, the footway to be provided over part of the site frontage, and the tactiled crossing of the access track to the east, shall be laid out in accordance with the planning layout drawing rev H dated 7/11/22. Both bus stops, and the resurfacing works, shall be carried out in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of providing safe and convenient access to public transport for occupiers of the development.

19 The parking spaces for plot 26, located separate from the plot curtilage shall be clearly demarcated as private spaces for use by the residents of plot 26, prior to the plot being occupied. The demarcation shall be maintained in perpetuity.

REASON: In the interests of making clear that these spaces are not for general use.

20 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Stantec, Ref: 3322310515/4001 Rev: B, dated June 2021 and the mitigation measures detailed therein. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent increasing flooding elsewhere.

21 The development shall be carried out in accordance with the approved scheme of Ultra Low Energy Vehicle infrastructure within document ref 23-0123 C2070 NRN EV and plan numbers 4459-RHB-XX-XX-DR-E-4210 and 4459-RHB-XX-XX-DR-E-4211 (as approved in writing under reference PL/2023/01439) and thereafter be permanently retained.

REASON: In order t demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

22 No construction work (excluding the internal fitting out of dwellings) nor the movement of spoil from the site shall take place outside the hours of 0700 – 2000 Monday to Thursday, 0700 – 1800 on Friday, 0800 – 1300 on Saturday and at no time on Sundays and Bank holidays.

REASON: In order to protect the residential amenity of future and adjoining residents

23 The children's play area, as shown in plan no. 2311.40763 (NetherhamptonNorthLAP_LindenHomesW)rev A dted 7/11/23, as agreed by the Local Planning Authority by letter dated 18 December 2023 shall be constructed prior to occupation of the 25th dwelling on the site and shall be maintained in perpetuity.

REASON: In the interests of ensuring adequate outdoor play and recreational facilities exist on the site.

Informatives:

1 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated 9 December 2022 and Deed of Variation dated 18 December 2024.

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