Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/09930

Decision Date: 30th January 2025

Applicant:	Persimmon Homes Verona House, Tetbury Hill, Malmesbury, SN16 9JR
Particulars of Development:	Proposed Residential Development Comprising 21 Dwellings and New Vehicular Access, Landscaping and other Associated Infrastructure Works.
At:	Punters Farm, Malmesbury, SN16 9JP

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 39 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 the following conditions:

Conditions: (17)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 following approved plans:

Application Form & Certificate 16th November 2023
Plans Ref:
GL2078 01D Soft Landscape Proposals
House Types & Garages Design Sheet Booklet Issue No.2
129.109 rev B Access and Movement Plan A3L
129.100 rev E Planning Layout A2P

129.102 rev B Materials Key Plan A3P
129.103 rev C Fencing & Enclosures A3P
129.105 rev B Storey Heights Plan A3L
129.106 rev C Affordable Housing Plan A3L
129.107 rev C Parking Strategy A3L
129.108 rev B Refuse Strategy Plan A3L
Energy and Sustainability Statement
FRA and Drainage Strategy Punters Farm Malmesbury - Rev B
230206-PHW-D-001 H Drainage Layout-A0
230206-PHW-GA-001 H Engineering Layout-A1
230206-PHW-H-001 B Highway Long Sections-A1
230206-PHW-H-002 G Fire Tender Swept Path Analysis-A1
230206-PHW-H-003 G Refuse Vehicle Swept Path Analysis-A1
230206-PHW-LA-002 F Adoption Plan-A0
REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development will be carried out in strict accordance with the following documents:
• Preliminary Ecological Appraisal v 4.0. October 2024. IES Consulting
• Statutory Biodiversity Metric. October 2024. IES Consulting
• Biodiversity Net Gain Design Stage Report V 5.0. October 2024. IES Consulting
• Soft Landscape Proposals GL2078 01D. May 2024. Golby and Luck
• Planning Layout. Planning Layout 129.100 rev E

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

4 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

• Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
• Working method statements for protected/priority species, such as nesting birds and reptiles.
• Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise

the pre-construction/construction related elements of strategies only.
• Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
• Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
• Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

5 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which longterm implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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.

6 No further external light fixture or fitting than those detailed on the submitted plans, 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.
The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats

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Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works. This condition will be discharged once photographic evidence of installed features has been submitted to and approved by the local planning authority.

REASON: To provide mitigation /enhancement for biodiversity

8 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

o A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing. This plan should also identify canopy spreads and root protections areas of all trees which will be affected by this proposal;

o A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;

o A schedule of tree works conforming to British Standard 3998: 2010;

o Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

o Plans and particulars showing the siting of the service and piping infrastructure;

o A full specification for the method of construction of any internal road which affects trees including details of the no-dig specification and extent of the areas to be constructed using a no-dig specification;

o Details of the works requiring arboricultural supervision to be carried out by the developer’s arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

o Details of all other activities, which have implications for trees on or adjacent to the site.

o In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and the designated site foreman, to discuss details of the proposed work and working procedures.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

9 No occupation of the site shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

The following information is required:
o 1. It is noted that the applicant plans to restrict discharge rates from the site to the greenfield Qbar rate (corresponding to the 1 in 2.33year rainfall event) for all events up to the 1in 100year + climate change storm; it is acknowledged that for the higher return period rainfall events this will provide betterment, however this will not provide the required level of betterment for lower return period events (such as the 1 in 1 year rainfall event). Wiltshire Council's betterment policy for greenfield sites states:
"With regards the control of surface water discharges from greenfield sites, Wiltshire Council requires post development discharges to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100 year, 6 hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards."

The applicant will be required to resubmit calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.

o 2. The applicant has applied a 40% climate change uplift to the micro-drainage calculations, Wiltshire Council requires a 45% uplift be applied to all new developments to suitably account for potential climactic changes. Drainage

calculations should be resubmitted using this increased figure.

o 3. The applicant must demonstrate that urban creep been accounted for the hydraulic calculations in line with LASOO guidance. To account for increases in impermeable surfaces throughout the lifetime of the development.

o 4. The FRA / Ground investigations show that ground water has been encountered at a level that could interact with the attenuation. The applicant should provide flotation calcs to demonstrate that the interface with groundwater has been safely managed.

o 5. No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

o 6. Within the calculations, the MADD factor must be set to zero.

o 7. Evidence of an agreement in principle with the sewerage undertaker to discharge surface water as proposed within the drainage strategy.

o 8. Details of measures taken to prevent silt entering the geo-cellular tank must be provided - such measures may involve either the detailing of silt capture measures, or the applicant needs to increase the size of the attenuation tank in line with 21.9.9 of the SuDS Manual

o 9. The applicant must demonstrate overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event.

REASON: To ensure the site is effectively drained.

10 The footpath links shown on Planning Layout Drawing Number 129.100 revision E shall be provided to a minimum width of 3m.

REASON: In the interests of safe and convenient pedestrian and cycle access to the Proposed Estate.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by 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 ensure that adequate provision is maintained for parking in the interests of highway safety and amenity.

12 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
ii. A description of management responsibilities;
iii. A description of the construction programme;
iv. Site working hours and a named person for residents to contact;
v. Detailed Site logistics arrangements;
vi. Details regarding parking, deliveries, and storage;
vii. Details regarding dust and noise mitigation;
viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13 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.

14 No construction or demolition 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 Saturdays.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

15 Notwithstanding the Energy & Sustainability Statement Submitted 3rd july 2024, the dwellings shall be constructed to meet as a minimum the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

16 No development above slab level shall occur until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and EV charging infrastructure) have been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55 and CP57 of the Wiltshire Core Strategy.

17 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 29th January 2025.

Informatives: (8)

18 The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

19 The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits

20 There is a residual risk that great crested newts/reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in the Preliminary Ecological Appraisal Report. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

21 Consent will be required for any outfalls from the proposed drainage systems into a public sewer or other drainage system not owned by the applicant.

22 The developer/applicant will be expected to enter into an S38 Agreement with the Highway Authority before the commencement of works hereby approved.

23 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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

24 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

25 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought directly from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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 Community Infrastructure Levy (CIL) - Wiltshire Council