Wiltshire Council

The Town and Country Planning Act 1990

Approval of Outline Planning Permission (Some Matters Reserved) with Conditions

Application Reference Number: PL/2023/09493

Decision Date: 26 March 2025

Applicant:	Hannick Homes & Developments Ltd Dammas House, Dammas Lane, Old Town, Swindon, Wiltshire , SN1 3EF
Particulars of Development:	Outline Planning Application (with all matters reserved except access) for up to 9 Dwellings, Open Space, Landscaping and Associated Engineering Works.
At:	Land off Russley Green, Baydon, Marlborough, SN8 2LJ

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: (11)

1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The scale of the development;
(b) The layout of the development;
(c) The external appearance of the development;
(d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of 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.

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

AC Archaeology Results of an archaeological trial trench evaluation 02/12/2024 Version 2 (received 09/12/2024)
MHP Landscape Clarification Note dated 04/12/2023 (received 13/12/2023)
Ellendale Environmental EEL649 Russley Green, Baydon - Ecological Parameters Plan (received 08/05/2024)
Ellendale Environmental Biodiversity Net Gain (BNG) Assessment 20/09/2023 (received 08/05/2024)

Received 01/11/2023:
MHP Landscape and Visual Appraisal 23156 V4 dated October 2023
PFA Consulting H672-FN02 Transport Note Issue 2 July 2023
MHP Arboricultural survey, impact assessment and protection plan ref: 23143 Version 1
PFA Drainage Strategy October 2023 Issue 2 12/10/2023
Proposed Site Access Arrangements H672/3 RevA
Planning Portal Location Plan 01/11/2023 PP-12471824v1
Landgage Heritage Historic Environment Desk-Based Assessment PR0185 1st Issue 29/09/2023
Ellendale Environmental Preliminary Ecological Assessment 01/08/2023 V1

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

5 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.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: To ensure high quality design and place shaping such that appropriate levels of amenity are achievable to comply with Core Policy 57 of the Wiltshire Core Strategy 2015.

6 Prior to commencement of development an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which if approved must be implemented in full prior to occupation of the approved dwellings.

REASON: To ensure high quality design and place shaping such that appropriate levels of amenity are achievable to comply with Core Policy 57 of the Wiltshire Core Strategy 2015.

7 No development shall take place until details of the drainage strategy, including surface water drainage works which have been designed in accordance with Non-Statutory Standards of Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that surface water can be safely managed within the proposed development in compliance with Core Policy 67 of the Wiltshire Core Strategy 2015.

9 No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

REASON: To ensure that the proposal is provided with a satisfactory means of

drainage and does not increase the risk of flooding and to comply with Core Policy 67 of the Wiltshire Core Strategy 2015

10 The development hereby permitted shall be carried out in accordance with Figure 1 of the document titled 'Ecological Parameters Plan EEL 649 (Ellendale Environmental, 07/05/2024).' This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site and to comply with Core Policy 50 of the Wiltshire Core Strategy 2015.

11 All lighting shall be installed in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication Guidance Note GN01:2021, '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.

REASON: In the interests of conserving biodiversity and to comply with Core Policy 50 of the Wiltshire Core Strategy 2015.

12 No development shall take place until a plan (details) for the selection, siting, positioning and installation of integral roosting/nesting features (ratio of 1 feature: 1 building) for bats and birds is submitted to, and approved in writing by, the local planning authority.

The plan should show the green infrastructure that the development is to provide, illustrating how birds and bats using the boxes have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting feature should identify, as a minimum:

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, shown on all appropriate building plans and elevations;.

The integral nest box plan should be implemented in accordance with the approved details and all boxes retained in that manner thereafter.

REASON: For the protection, mitigation and enhancement of biodiversity and to comply with Core Policy 50 of the Wiltshire Core Strategy 2015.

Informatives: (2)

13 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.

14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Wiltshire Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:
https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments
Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply.

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