

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

Application Reference Number: PL/2021/10503

Decision Date: 09 January 2025

Applicant: Greatworth Property Managers Ltd & Horton's Estate
Developments Ltd
C/o Agent

Particulars of Development: Residential development for up to 9 No. dwellings and
associated vehicular access.

At: Land North of Brick Hill Farm, 48 Bath Road,
Warminster, BA12 8PF

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 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.

Informative Note to the above condition on landscaping - a detailed planting plan setting out species, planting locations, densities, and specification (to National Plant Specification) and all tree pits shall be sized to provide enough soil volume for the tree species specified to allow it to reach its mature spread and height (as required in the Wiltshire Design Guide Supplementary Planning Document). The landscaping scheme shall also include an up to date Arboricultural Impact Assessment and a Tree Protection Plan, prepared by a qualified Arboriculturalist and in accordance with BS5837:2012.

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/documents:

- Site Location Plan, Dwg No. 4161-BB -XX -XXX -DR-A-PL01 rev. D
- Illustrative Overlay of Development Access and WWUE Roundabout, Dwg No. 014
- Proposed Site Access, Dwg No. 012 rev A

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

- 5 The development will be carried out in strict accordance with the following documents:

- Parameters Plan. DWG: 4161-BB-XX-XXX -DR-A-SK03 Rev A. Boon Brown (27/01/2023)

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

- 6 No part of the development shall be first occupied, until the visibility splays shown on the

approved plans (2.4m x 160m in north-west direction and 2.4m x 151m in the south-west direction) have been provided with no obstruction to visibility at or above a height of 0.9m above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

- 7 No part of the development hereby permitted shall be first occupied until the site junction has been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before occupation, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

- 9 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, swept paths, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall be constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner

- 10 The development hereby permitted shall not commence until evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69.

Informative Note to the above condition: Evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme. Any alternative mitigation package must be approved by the local planning authority and Natural England with evidence of allocation to the scheme.

- 11 The 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) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report 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.

Informative Note to the above condition: A water efficiency calculation will be needed to discharge this condition. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

- 12 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 in accordance with measures outlined in Section 5 of the Ecological Assessment (Greenwood Ecology, November, 2021) and Confidential Annex letter (Greenwood Ecology, Ref: 2020#027.2#BB), including but not necessarily limited to, the following:

- (a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- (b) Working method statements for protected/priority species, such as badger, nesting birds and
- (c) reptiles.
- (d) 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.

(e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

(f) 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.

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.

- 13 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 (Wildlife Enhancement Zone, Hedgerow, bat and bird boxes) 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 long-term 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.

- 14 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

- 15 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface

water drainage has been constructed in accordance with the approved scheme.

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 the development can be adequately drained.

Informative Note to the above condition: The applicant is required to evidence the following as part of the discharge of the condition:

- In accordance with Wiltshire Council's betterment policy, the developer shall evidence how the post-development discharge rates for this greenfield development shall deliver a lower discharge rate betterment on pre-development discharge rates, when tested on the 1 in 1, 30 & 100+climate change event.
- The applicant must demonstrate pluvial surface water flood risk has been considered, and mitigated within the drainage strategy.
- The applicant must submit detailed cross and long section drawings of each of the SuDS features proposed, including the permeable paving.
- The applicant must provide a detailed overland exceedance flow path drawing, demonstrating exceedance is managed onsite, mitigating flood risk to people and property.
- The applicant must provide a construction management plan, detailing how pollution to groundwater and flood risk to people and property will be mitigated
- The applicant must provide a maintenance plan for the surface water drainage system, including SuDS, detailing who will be responsible for maintenance, and the frequency of maintenance.

- 16 No development shall commence on site until details of the works for the disposal of sewerage (including the point of connection to the existing public sewer where necessary) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

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 the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 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, or in

accordance with a programme to be agreed in writing with the Local Planning Authority.

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 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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

Informatives: (4)

- 18 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>.
- 19 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.

- 20 The attention of the applicant is drawn to the contents of the correspondence provided by the Councils Land Drainage officer when generating the necessary level of detail to resolve the surface water SUDs strategy.
- 21 The applicant should note that Wessex Water have advised that the site is crossed by an existing 300mm public water main. Wessex Water will not permit any build over or build near to this significant asset. Wessex Water also oppose to any building or structures within 5 metres either side of the public water main. This includes the siting of attenuation ponds and pumping stations.

The 300mm public water main must be accurately located and plotted on site to fully inform any REM submission. The proposed detailed layout submitted at REM stage must clearly allow for these easements on both sides of the water main or a water main diversion will be required. More information can be found on the Wessex Water website.

The applicant must obtain the written consent to cross 3rd party land to connect into the existing sewers.

The applicant must also obtain an agreement with the local statutory sewerage undertaker to agree a discharge rate for both the foul and surface water; and liaise and agree with the respective sewerage undertaker with regard to any on-site pump station, with the full understanding of the pump station adoption and the responsibilities for its performance and maintenance for the lifetime of the housing 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