



The Town and Country Planning Act 1990
Approval of Outline Planning Permission (Some Matters Reserved)
with Conditions

Application Reference Number: PL/2025/08865

Decision Date: 02/04/2026

Applicant:	Mr. Adam Jones 3 Lower Marsh Road, Warminster, Wiltshire, BA12 9PB
Particulars of Development:	Residential development (up to three dwellings).
At:	LAND EAST OF 3, LOWER MARSH ROAD, WARMINSTER

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:

- 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:

P - 01, Existing Location & Site Plan Proposed Site Plan, as received on 7 November 2025

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

NOTE: The Proposed Site Plan provided on the above-listed drawing is indicative only, as layout is not a matter open for consideration as part of this outline application.

- 5** Pursuant to Condition 2, the scheme of hard and soft landscaping must include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials

REASON: 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, 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 hereby approved shall be carried out in strict accordance with the following documents:

- Section 6 of the Preliminary Ecological Appraisal, Ecologic, as received 7 November 2025
- Mitigation and Constraints Plan, Ecologic, as received 7 February 2026
- Compensation and Enhancement Plan, Ecologic, as received 7 February 2026

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

- 8** No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

In order to discharge the above drainage condition the following additional information must be provided:

- Evidence that the surface water disposal hierarchy has been applied
- The strategy mimics the existing drainage characteristics of the site by retaining and utilising any existing drainage features
- The drainage drawings plan should show the pipe/link & manhole/node numbers used in the calculations to link the drawing with the detailed calculations
- The surface water drainage strategy should demonstrate that:
 - The 1 in 30-year rainfall event is contained within the drainage system without causing flooding to any part of the site
 - The 1 in 100 years plus climate change rainfall event does not cause flooding to any building (including a basement) or utility plant
 - The site has been designed to ensure that flows in excess of the 1 in 100-year rainfall event are managed in exceedance routes that minimise the risks to people and property
- Calculations that demonstrate the sizing of any attenuation/ SuDS features and cross-section drawings of these features
- Pre and post-development exceedance routing that demonstrates flood risk is not increased elsewhere
- Evidence that the finished floor levels are 300 mm above the maximum predicted flood level
- Details of how the proposed and existing drainage features on the site will be maintained and managed after completion, with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption

REASON: To ensure that the development can be adequately drained.

- 9** No development shall take place until ground investigations, including soakaway testing in accordance with BRE 365, have been carried out on site, and evidence has been provided to demonstrate that the results of these investigations have been considered in the drainage design which has been submitted to and approved by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information

must be provided:

- The site is located in an area susceptible to groundwater flooding. Therefore, in line with Wiltshire Council's Groundwater Management Strategy, the applicant is required to carry out a site-specific groundwater flood risk assessment that includes all available information and data from local sources such as historical records, parish councils, flood action

groups and borehole records. In areas susceptible to groundwater flooding infiltration SuDS is not permitted unless it can be demonstrated to be appropriate. The groundwater assessment must include/consider the following:

- Groundwater level monitoring (taking into account seasonal variations)
- The interaction between different sources of flooding
- How groundwater will impact on the proposed drainage system
- The interaction between groundwater, groundwater recharge and aquifers.

REASON: To ensure that the development can be adequately drained.

NOTE: The applicant is referred to Wiltshire Council's Surface Water Soakaway Guidance for the standards that must be met for planning approval and adoption.

- 10** The overnight 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 shall 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.

NOTE: A water efficiency calculation would 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/attach](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/fil)

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[e/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/fil)

- 11** The development hereby permitted shall not commence until evidence of compliance with 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 Core Policy 69 of the adopted Wiltshire Core Strategy.

- 12** No development shall commence on-site (including any vegetation removal or works to existing structures), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall include all precautionary measures to be implemented during the construction period, for the protection of sensitive habitats and species known to be present within or adjacent the site, with particular reference to bats, nesting birds, badgers, amphibians and reptiles, as well as the adjacent hedgerow and Cannimore Stream. The development shall be carried out in strict accordance with the approved Construction Method Statement.

REASON: To ensure adequate protection, mitigation and compensation for protected species and priority habitats throughout the construction period

- 13** A detailed Flood Warning and Evacuation Plan shall accompany any future reserved matters application and be approved in writing by the Local Planning Authority. The approved plan shall be fully implemented prior to the first occupation of any dwelling.

- 14** REASON: To ensure that owners and occupiers of the dwellings are aware of a safe route of access and escape and the appropriate course of action to be taken in the event of a flood.

There shall be no ground raising on ground below the level of 110.33m AOD or within Flood zones 2 and 3.

REASON: To protect the floodplain from inappropriate development

- 15** The finished floor levels of each dwelling shall be set no lower than 110.93 metres above Ordnance Datum (AOD), and this shall be fully implemented prior to the occupation of each dwelling. Such finished floor levels shall be retained and maintained thereafter over the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants

- 16** There shall be no built development located on ground below the level 110.33m AOD.

REASON: To reduce the risk of flooding to the proposed development and future occupants

Informative

- 1** 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>.

Informative

- 2** The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Informative

- 3** Evidence of compliance with 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.

Nic Thomas - Director of Planning, Economy and Regeneration

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