

APPLICATION FOR DISCHARGE OF PLANNING CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/02270
APPLICATION TYPE:	Approval of details reserved by condition
SITE ADDRESS:	Land West of, Semington Road, Melksham, SN12 6DP
DEVELOPMENT DESCRIPTION:	Discharge of condition 4 (Materials) relating to application PL/2023/00808
RECOMMENDATION:	Condition 4 of PL/2023/00808 be DISCHARGED

REASON FOR APPLICATION

Application 20/07334/OUT, *outline planning permission for up to 50 dwellings and formation of access and associated works (Outline application to consider access with all other matters reserved)*, was refused under delegated powers on 04.07.2024 and later allowed at appeal under appeal APP/Y3940/W/21/3285428 on 30.05.2022 subject to 17no. conditions.

Application PL/2023/00808, *approval of reserved matters [...]*, was approved under delegated powers on 03.08.2023 subject to 9no. conditions which included the requirement for further detail to be submitted to and approved in writing by the Local Planning Authority prior to a set point in time.

This application is requesting discharge of condition 4 of PL/2023/00808 only; at the time of writing no application has been made to discharge any other condition associated with PL/2023/00808.

CONDITION 4 OF PL/2023/00808

Condition 4 states:

No carriageway or pavement shall be surfaced until details and samples of the materials to be used for the surfacing have been submitted to and approved in writing by the Local Planning Authority. The material treatment shall illustrate priority of pedestrian movement along key corridors and shall provide a contrast to adjacent carriageway areas. Prior to the occupation of any dwelling, the footways and junction transition areas shall be completed in all respects with the approved details and maintained as such thereafter.

REASON: The application contained insufficient information and the matter is required to be agreed in the interests of visual amenity, the character and appearance of the area and to maximise the priority of sustainable modes of transport within the development in accordance with Core Strategy Policy 60 and 61.

RELEVANT LEGISLATION, POLICY AND GUIDANCE

[Planning Policy Guidance \(PPG\)](#)

[Town and Country Planning Act 1990 \(TCPA\)](#)

REPRESENTATIONS

Councils Highways Team: No objection

I refer to the above planning application which seeks the discharge of condition 4 of the permission on application PL/2023/00808. [...] The [...] condition was not requested by the HDM Team.

The details of the materials for the footway/footpath for the initial sections from the junction with Semington Road are shown of a terracotta colour tarmac, which is not normally accepted for adoptable highways due to issues with future maintenance. However, if the coloured tarmac for these sections of footway/footpath are a planning requirement, there are no highway objections to the discharge of the condition 4.

INFORMATION PROVIDED WITH THE APPLICATION

The following summarised information has been provided to/assessed by the Local Planning Authority (LPA):

Application form	Indicating that the requested condition for discharge is Condition 4 of PL/2023/00808	Signed and dated on 01.04.2026	Sufficient to clarify the reason for application and to provide additional supporting information.
Copy of Decision Notice	Confirming condition wording associated with PL/2023/00808	Dated 03.08.2023	
Covering Letter	Prepared by Living Space confirming submitted detail	Dated 10.03.2026	

Copy of Location Plan	Showing the extent of the site associated with PL/2023/00808	Dated July '22	
Detailed design phase 1 materials sheet 1	Drawing no. A380-CIV-PH1-701 Revision H annotating intended surface materials to be used in areas including the following: - Carriageway - Footway/cycleway - Paths and crossings - Kerbs	Dated July 2023	Representation from the Councils highways team confirms that detail is sufficient to discharge condition 4.
Detailed design phase 1 materials sheet 2	Drawing no. A380-CIV-PH1-702 Revision M annotating intended surface materials as above, and including the vehicular access	Dated July 2023	

ASSESSMENT AND CONCLUSION

Sufficient information, including receipt of the Councils highways teams representation of no objection, has been provided to allow for the Local Planning Authority to make an informed decision on whether the provided detail is consistent with the aims of condition 4.

The representation received from the highways team indicates that condition 4 was not requested by them for inclusion but raises no objection on highway safety grounds. Assessment contained within the Delegated Report associated with PL/2023/00808 suggests that condition 4 was necessary in the interest of visual amenity and there is no indicated preference for specific surfacing materials or colours.

The materials plans submitted as part of this application provide a sufficient level of detail to meet the requirements of condition 4. The proposed materials are, mostly in-keeping with those seen in the locality. Whilst the highways team have indicated that they would not have explicitly requested the adoptable footway/cycleway/service strip to be finished in terracotta tarmacadam it is intended to be used as an accent, not a primary material finish. In that context, noting that there is some terracotta roof tiling seen on buildings near the site, the applicants request for it to be included as part of the materials palette would not be harmful to the visual amenity of the area and would not likely result in an incongruous feature in the streetscene.

RECOMMENDATION: Condition 4 of PL/2023/00808 be DISCHARGED

INFORMATIVES TO APPLICANT:

- The Local Planning Authority is satisfied that the details submitted under this application (PL/2026/02270) meet the aims of part of condition 4 to such a degree that development associated with the surfacing of carriageway and pavements can commence in accordance with the following approved detail:

Detailed design phase 1 materials sheet 1; A380-CIV-PH1-701

Detailed design phase 1 materials sheet 2; A380-CIV-PH1-702

- The requirements of Condition 4 for the footways and junction transition areas to be completed in all respects with the approved details and maintained as such thereafter, prior to the occupation of any dwelling, remains.
- The requirements for approval of separate detail required by other Conditions attached to PL/2023/00808, remains.
- This decision should be read in conjunction with PL/2023/00808