

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	3rd August 2002
Application Number	PL/2021/05209
Site Address	Land south of Filands, Malmesbury
Proposal	Erection of 70 no. dwellings with public open space and associated infrastructure, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 19/11569/OUT.
Applicant	Bloor Homes South West
Town/Parish Council	Malmesbury Town Council
Division	Malmesbury
Grid Ref	393572 188606
Type of application	Reserved Matters
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application was called in for Committee determination by the Local Ward Member Cllr Gavin Grant to consider the impact of development on the character appearance and visual amenity of the area; design quality; accordance with Outline submissions and the provision of services and facilities, especially connections and linkages to Malmesbury, adjacent areas and other development.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved and conditions discharged.

2. Report Summary

The key issues relate to the reserved matters and conditions discharge details for which permission is sought and so include:-

Design Quality

Impact on the Character appearance and visual amenity of the area - landscaping

Residential Amenity

Access, Highways & Parking

Drainage

Ecology

A total of 54 objections and comments were submitted over multiple periods of consultation but with 3 representations from members of the public.

Malmesbury Town Council objects to the scheme proposals.

3. Site Description

The context, description and constraints are well established and are as set out in the outline application and related report to Committee.

The site is mostly open agricultural fields, with a drainage ditch running within the eastern extent. It is enclosed by hedgerows along northern and eastern boundaries. To the west of the application site, is a detached two storey dwelling. Further to the west is a development of 180 residential dwellings, known as Filands View. The land directly to the south of the application site was identified and permitted for the creation of a primary school, as part of the approval for Filands View.

The geo-environmental desk study has highlighted the potential for contamination in the northeast corner of the site. The southern section of the site has areas with records of surface water flooding. The site is an area of archaeological potential as evidenced by previous archaeological work done within the site in 2014 and in the adjacent development area in 2015.

A public right of way (MALM 8) runs alongside the ditch in the eastern extent of the site, running from the B4014 footway to Reeds Farm estate to the south. A significant Oak tree is located within the rear garden of the detached dwelling to the west, this tree is protected by Tree Preservation Order (LPA ref: N/10/00010/ND), and adjoining the connection point within the site between the current proposal and Filands View.

The site is located outside of the framework boundary for Malmesbury and is not allocated within the Malmesbury Neighbourhood Plan (MNP) for residential development. The land has an agricultural land classification of 3.

4. Planning History

The following is a list of the relevant applications relating to this site and adjoining land but is not intended to be a definitive list of all applications in the vicinity.

N/11/04126/OUT Outline Application For Residential Development Comprising of 180 Dwellings and Provision of Land for Primary School. Approve with Conditions at appeal

15/05015/REM Reserved Matters Application (Appearance, Landscaping, Layout & Scale) for 180 Dwellings, Internal Road Network, Garages & Parking, Drainage Infrastructure, Public Open Space & Associated Works, Pursuant to Outline Planning Appeal Decision Notice Reference APP/Y3940/A/12/2183526 for Residential Development Comprising of 180 Dwellings & Provision of Land for Primary School. Approve with Conditions

15/07311/VAR Variation of Conditions 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21 & 22 of Planning Permission N/11/04126/OUT to enable the development to be constructed in phases (in order to allow the residential development to be completed separately from the development of the primary school). Approve with Conditions

16/01206/VAR Variation of condition 2 of Reserved Matters Application 15/05015/REM to vary the approved plans and allow for the substitution of 10 plots with improved house types to reflect customer interest Approve

16/07288/OUT Outline planning application (all matters reserved except means of access) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure. Refused Appeal withdrawn

19/11569/OUT Outline planning application (all matters reserved except means of access only in relation to a new point of access into the site) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure. Approve with Conditions

PL/2021/08453 Outline planning application (all matters reserved except means of access) for residential development, including the construction of dwellings, the creation of a new vehicular access with footways and cycle ways and ancillary road infrastructure, public open space, children's play area, allotments, landscape planting, surface water attenuation and associated infrastructure Appeal against non determination – decision not issued at the time of writing.

PL/2022/04057 Discharge of condition 8 of 19/11569/OUT. Discharge approved.

PL/2021/04148 Discharge of Condition 9 of 19/11569/OUT. Discharge approved.

The Southern Parcel – adj land

21/01641/OUT Outline planning application (all matters reserved) for residential development, associated infrastructure and public open space. Dismissed at appeal.

21/01363/OUT Outline planning application (all matters reserved) for residential development and land for a nursery, associated infrastructure and public open space. Allowed at Appeal.

20/05470/106 Discharge of planning obligation relating to N/11/04126/OUT. Dismissed at appeal.

5. The Proposal

Erection of 70 no. dwellings with public open space and associated infrastructure, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 19/11569/OUT.

The proposal is submitted in accord with the conditions attached to the outline permission with respect to the reserved matters for which approval is required and the timing of submission. The proposals also include details seeking to discharge other conditions attached to the outline permission including 6, 7, 8, 11, 13, 15, 19, 20 & 22

As noted above Condition 9 relating to archaeology has already been discharged and a separate application has also been submitted to discharge 8 Construction Ecological Management Plan which has now also been approved.

6. Planning Policy

Wiltshire Council Core Strategy 2015
Core Policy 1: Settlement strategy
Core Policy 2: Delivery strategy

Core Policy 3: Infrastructure requirements
Core Policy 13: Malmesbury Community Area
Core Policy 43: Providing affordable homes
Core Policy 45: Meeting Wiltshire's housing needs
Core Policy 50: Biodiversity and geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment
Core Policy 60: Sustainable transport
Core Policy 61: Transport and new development
Core Policy 62: Development impacts on the transport network
Core Policy 63: Transport strategies
Core Policy 67: Flood Risk

Saved policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

H4: Residential Development in the open countryside
NE14 Trees and the control of new development
NE18 Noise and Pollution
CF3 Provisions of Open Space

The Wiltshire Housing Site Allocations Plan (WHSAP) was adopted 25 February 2020.
Settlement Boundary Review & site allocations.

Wiltshire Council Waste Core Strategy 2009
WCS6 – Waste Reduction and Auditing

Malmesbury Neighbourhood Plan (MNP) (Made Feb 2015)
1.1.6 & 1.1.7 – Objectives and Policies
Policy 1 – Backbridge Farm Allocation
Policy 2 – Burton Hill Allocation
Policy 4 – Local Need Assessment
Policy 5 – Assessment Against Approved Consents
Policy 6 – Burnham House Allocation
Policy 12 – Primary School Expansion and Timing of Development
Policy 13 – Development in Accordance with MNP Volume II

National Planning Policy Framework 2021
Paragraphs: 2, 3, 7, 8, 9, 11, 12, 13, 14, 15, 34, 38, 47, 57, 74, 75, 76, 77, 95, 110, 111, 112, 124, 130, 134, 167, 169, 174, 180, 185, 195, 203 -205.

Supplementary Planning Guidance and Other Relevant Documentation

- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.
- Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4
- Open Space provision in New Housing Developments – A Guide
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement April 2019 (published December 2020)
- Wiltshire CIL Charging Schedule May 2015
- Wiltshire Planning Obligations SPD May 2016

Neither the Local Plan Review nor the MNP review are at a sufficiently advanced stage that weight can be attributed.

7. Consultations

There have been multiple phases of consultation following several additional and revised submissions made by the application team. The following is a summary of the final position reached and not a full recitation of all representations made. All consultation responses are in the public record.

Highways Officers – No objections subject to minor scheme alteration in respect of footpath link at site entrance (since addressed).

Urban Design – No objections subject to change proposed material to pennant stone for boundary treatments (since addressed).

Public Protection – No objections. Additional info required to discharge some conditions (since addressed); some conditions can be discharged.

Public Rights of way – No objections

Ecology – No objections. Additional information and revisions sought to accord with parameters approved at outline stage and achieve no net loss of biodiversity (since addressed and related condition discharged).

Waste & Recycling – No objections

Drainage – No objections

Wessex Water – No objections (Separate submission from the applicant indicate alternate service providers may be pursued).

Spatial Planning – No objections

Education – No objections.

Affordable Housing – No objections

Trees Officer – No objections

Landscape – Objection. Original design parameters not fully incorporated into scheme proposals. Site area reduced, scale of development maintained and site landscaping and facility provision compromised. Street trees required by national guidance inadequate. High quality design not achieved.

Public Open Space – concern that playspace provision is dependent upon the southern parcel/adjacent site. Also wish to see trim trail provided.

Malmesbury Town Council – Objection. Provision for community needs not fully addressed; Linkages and connections to neighbouring areas, the town and neighbouring development not achieved; site is reliant on development within the southern parcel delivery of which cannot be guaranteed. High quality design not achieved.

St Paul Malmesbury Without – Objection. The proposals are premature and should integrate with the adj site/southern parcel. Lack of detail for energy efficiency/sustainable construction proposal e.g. solar panels, electric vehicle charging. (Since addressed). Site and asdj land not allocated for development.

8. Publicity

There have been multiple phases of consultation following several additional and revised submissions made by the application team. The following is a summary of the final position reached and not a full recitation of all representations made. All representations are in the public record.

3 Representations raising matters of concern were submitted over the whole consultation period. Matters raised can be summarised as follows:-

- Concern regarding the adequacy of the proposed drainage systems.
- Concern regarding relationship to adjacent land approved for development and integration of drainage provision/systems
- Concern over maintenance of existing drainage systems with which the new provision will integrate.
- Proposals will add to congestion in the town
- Inadequate supporting infrastructure, facilities and employment opportunities in the town for additional population/residential development.
- Additional large scale development has recently taken place in the town.

9. Planning Considerations

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Malmesbury Neighbourhood Plan (MNP) (Made Feb 2015).

It is not considered that material circumstances and considerations have changed since the outline application was determined such that it is now considered that the application should be the subject of Environmental Impact Assessment under The Town and Country Planning Environmental Impact Assessment Regulations 2017. This is including the revised context formed by applications, appeals and permission on adjacent land.

Regarding the principle of development this has been established by the outline planning permission 19/11569/OUT and is not available for reconsideration in respect of matters and details for which approval is now sought. The proposals are in broad accord with the outline approval and are not considered to be so contrary to the approved development/outline permission as to constitute a different development proposal.

Design Quality

As noted above the application has been the subject of multiple phases of submissions which have added to and revised initial submissions. All are in the public record. The proposals before the Council provide sufficient and full details to allow determination of all reserved matters.

With respect to the scale, layout and external appearance of the dwellings themselves the details as submitted, revised and augmented are considered to reflect and be consistent with the approved and implemented development on land adjacent to the west and south west –

the earlier phase of the “Filands” development. The proposals are considered to broadly accord with the design parameters established by the outline permission including design and access statement albeit not fully. The proposals are considered to be in broad accord with the relevant policies of the plan and provision of the framework in these respects, including WCS CP43 & CP57 and P13 & Part II of the MNP.

With respect to specific elements of the site layout especially landscaping the proposals are not considered to be in full accord with the design parameters of the outline permission. The proposals are also not considered to achieve the highest quality of design in respect of place shaping, particularly as the site has been dealt with independently from the “southern” parcel – the adjoining land immediately to the south of the application site the development of which has been allowed at appeal and for which the applicant has prepared reserved matters submissions. In the latter respect submitted details were incomplete and so an application has not yet been registered. As part of the review of that submission and consideration of this application the applicant has been repeatedly encouraged to address the two sites jointly and together. This follows previous recommendations in respect of applications submitted on the southern parcel site. The applicant has steadfastly refused to do so and maintains that it is neither necessary nor appropriate as the sites can be appropriately laid out and development integrated whilst pursuing the sites separately. The LPA cannot insist upon a concurrent or joint submission and a refusal of the current application solely on the basis of not having agreed to do so would not be sound or defensible. It must also be noted that this situation does not fetter the Council’s ability to determine the REM app for the southern parcel once registered although it does raise issues for that southern parcel site layout that may not be easily addressed.

It is Officers’ view that addressing the two parcels together and as a single development now both are consented in principle would allow for greater continuity in layout, greater efficiency, better use of space and siting of supporting facilities and infrastructure – in short better integration and with place shaping aims and objectives set out in the development plan and indeed the framework being more readily achieved, resulting in a higher quality of design and ultimately community cohesion. That has not taken place and as a consequence an opportunity is lost and the highest quality of design cannot be said to be fully achieved.

The situation is also reflected in concerns that have been consistently raised by a range of consultees. Whilst most consultees now raise no objections this is more a recognition that sufficient detail to allow consent to be granted is available and significant harm does not arise as a consequence of the scheme proposals. In that context and in relation to these specific matters the Council’s Urban Design Officer does not raise objection. The exception to this position being the Council’s Landscape officer who considers that the scheme proposals do not achieve high quality design and identifies a number of matters whereby the approved design parameters are not met, elements of the site landscaping are compromised and some provision is reliant on the southern parcel development. This is addressed further below.

As noted whilst it cannot be said that high quality design in its fullest sense has been achieved through the revised and additional reserved matters submissions, it similarly cannot be said that the proposals result in significant harm. There is considered to be some level of conflict with the relevant policies the plan and provisions of the framework but this is not considered to be of such significance that a refusal on this basis would be robust, defensible and withstand appeal.

In this context it is also material to note that the Council cannot demonstrate a framework compliant available and deliverable supply of land for housing including necessary buffer. The site was granted consent at Committee as part of the Council’s action plan for addressing the shortfall. It’s delivery and implementation is a pressing priority.

Impact on the Character appearance and visual amenity of the area

As noted above the principle of development in this location has been accepted under the outline planning permission granted. As such landscape change and impact of built development on the open character of the site and immediate vicinity has been accepted.

As noted above the Council's landscape officer maintains objection to the scheme proposals identifying that original design parameters approved at outline have not been fully reflected within the reserved matters scheme proposals. The site layout and position, scale and form of proposed landscape areas has been altered from that envisaged at the outline application stage. A number of matters of detail are also raised as concerns including play space facilities, provision of paved footpaths, linkages within the site and street tree planting. It is noted that this position in part stems from a reduced overall site area for the northern parcel and the lack of integration in site layout planning with the southern parcel.

Having said that it cannot be said that the proposals are of a form that landscape and design quality is poor and significant harm arises. Similarly, whilst some aims and objectives of development plan policies and national guidance are not met as fully as would be possible with comprehensive site planning and integration of the two parcels it cannot be said that significant policy conflict arises. It is not considered that the proposals provide a robust and defensible basis for refusal on landscape grounds. The proposals broadly reflect the outline scheme proposals and do not result in harm in and of themselves.

Again it is material to note that the Council cannot demonstrate a framework compliant available and deliverable supply of land for housing including necessary buffer. The site was granted consent at Committee as part of the Council's action plan for addressing the shortfall. It's delivery and implementation is a pressing priority. Furthermore it is considered that the southern parcel is highly likely to be developed, as noted initial reserved matters submission have been made.

Other consultees do not raise objection with respect to site layout and site landscaping including the Council's Trees Officer, Urban Designers and Ecologists.

On this basis the proposals are considered to accord with the relevant policies of the plan and provision of the framework as they relate to the character, appearance and visual amenity of the locality.

Residential Amenity

Given the site location and relationship to neighbouring development alongside the form scale and layout of development proposed it is not considered that harm to existing residential amenity arises from the proposals.

The design and layout of the proposed residential dwellings is considered to secure an acceptable level of residential amenity for future occupants of the proposed dwellings.

The Council's Urban Design and Public Protection Officers raise no objections to the scheme proposals in this regard.

As identified by several consultees the proposals as revised and as they relate to supporting open space and leisure provision are in part dependent upon the southern parcel. The applicant as noted declines to address the two sites together whereby this matter could have been fully overcome at this stage. It is considered that the southern parcel is highly likely to be delivered and as noted initial submissions have been made regarding site layout details.

It remains indicative of design quality concerns that this matter and related place making objectives have not been fully addressed by a comprehensive development proposal involving both sites. However, given the very high likelihood of the southern parcel being delivered it is not considered that significant harm and related development plan policy and national guidance conflict arises such that the application could defensibly be refused on this basis. Again it is also material to note here the Housing Land Supply position and the pressing need to deliver development at this site.

On this basis the proposals are considered to accord with the relevant policies of the plan and provisions of the framework as they relate to residential amenity.

Access, Highways & Parking

As noted above the application proposals have been subject to multiple phases of submissions, including revisions and additional information. In part this has sought to address representations received from consultees, in particular the Council's Highways Officers and Waste and Recycling Team. Also as noted above the applicant has resisted requests to consider the layout and access provisions for this site alongside and jointly with the adjacent southern parcel.

However, the proposals have been designed to address concerns regarding accessibility and connections to the neighbouring existing development through to this site and ultimately the southern parcel. In particular controls at the connection to Gilmour Road in the adjacent development have been included in accord with the S106 provisions attached to the southern parcel permission. This provides for pedestrian, cycle and bus connections through and restricts access by private motor vehicle.

Revisions have also been made to secure a greater degree of internal site legibility, linkages and internal site movement with a broadly circular road network now included, albeit a number of cul de sacs do still remain.

Some provision has been made for street tree planting in accord with the Landscape officer's recommendation and provision of the framework and has been designed to address Highways Department concerns regarding the impact of trees in the highway verges.

Adequate parking provision is considered to have been made for the proposed residential dwellings and visitors. Provision has been made for public right of way connections and linkages. The main site access accords with details approved in full at outline planning application stage.

Sufficient and acceptable detail has been provided to allow approval of discharge of a number of conditions attached to the outline permission in highways and access respects.

On this basis consultees, in particular highways officers, raise no objection to the scheme proposals and various conditions attached to the outline consent are considered capable of being discharged. Harm is not considered to arise and thereby no significant conflict with the relevant policies of the plan and provisions of the framework such that the application ought to be refused on this basis. It remains the case though that greater integration, connectivity, legibility and accessibility could have been achieved by planning the site layout and related access and highway provisions as a comprehensive development with the southern parcel/adjacent site. There are however no safety or highways hazard issues in this regard, but it is considered indicative that a higher standard of design quality could have been achieved in place making terms. In assessing and weighing such matters it is material to note again that the Council cannot demonstrate a framework compliant supply of land for

housing and there is a pressing need to deliver this approved development as a consequence.

On this basis the proposals are considered to accord with the relevant policies of the plan and provision of the framework as they relate to residential amenity.

Drainage

As noted above the application proposals have been subject to multiple phases of submissions, including revisions and additional information. In part this has sought to address representations received from consultees, in particular the Council's Drainage Team. Significant detail has been submitted in respect of drainage calculations and flows. The proposals centre on a large attenuation basin in the south eastern corner of the site with connections to adjoining existing drainage provision; flow control measures; and discharge to adjacent watercourses.

The Council's Drainage Team having considered and assessed all submissions raise no objection and it is therefore considered in drainage terms that the application proposals are acceptable, result in no conflict with the policies of the plan or provisions of the framework and related conditions attached to the outline permission can be discharged. Similarly Wessex Water raise no objection and identify that necessary easement for their existing infrastructure is achieved by the application proposals.

It is noted that the proposed attenuation basin is located in land forming part of the on site open space provision. Concerns have been raised in this respect and continuity with the outline application approved design parameters by other consultees. Again the development proposed is in part linked to the adjacent southern parcel and so again the matter was capable of comprehensive resolution and potentially a higher quality design in place making terms for this site could have been achieved. Once again though it is not considered that significant harm arises with related policy and guidance conflict. The southern parcel is highly likely to be delivered and initial submissions in that context have been made. Again it is material to note the HLS position and the pressing need to deliver this development.

On this basis the proposals are considered to accord with the relevant policies of the plan and provision of the framework as they relate to residential amenity.

Ecology

As noted above the application proposals have been subject to multiple phases of submissions, including revisions and additional information. In part this has sought to address representations received from consultees, in particular the Council's Ecologists. Also as noted above the applicant has resisted requests to consider the layout and landscaping provisions for this site alongside and jointly with the adjacent southern parcel.

The proposals have been amended and added to and do now include details of and provision for site landscaping as it relates to this parcel including provision for agreed ecological mitigation measures e.g. wildflower meadow, seasonal wetlands, native planting to expand and augment existing hedgerows and planting on site. Construction Environmental Management Plan, Construction Management Plan, Landscape and Environmental Management plan and separately a Construction Ecological Management Plan has been submitted and the related condition discharge approved.

The Council's Ecologists do not raise formal objection and previously identified requirements for additional information and revisions are now considered to have been addressed.

On this basis it is considered that ecological mitigation requirements and commitments of the outline permission have been incorporated and addressed in the scheme proposal such that no significant harm arises and there is no net loss of biodiversity. Consequently, it is not considered that conflict with the relevant policies of the plan or provisions of the framework arises such that consent ought to be refused on this basis.

10. Conclusion

The application seeks permission for a range of details reserved by condition attached to the outline permission issued and which established the principle of development at the site. The details submitted are in most respects in accord with the outline permission issued and do not constitute a revised development proposal at complete variance from the outline permission.

In many respects the scheme proposals also reflect the design and layout of major development undertaken on adjacent land and seek to integrate with the established design character and parameters of the locality. Additionally following several phases of submissions and revisions comprehensive details have been submitted in all respects sufficient to approve the application and discharge multiple conditions attached to the outline permission.

These details have been considered and assessed by consultees against the relevant policies of the plan and provisions of the framework. It is not considered that significant harm arises as a consequence of the development as proposed.

The development proposed was granted consent in principle at outline planning application stage as part of the Council's efforts to address the identified shortfall in the required supply of land for housing as defined by the framework. Its delivery therefore remains a high priority and indeed is pressing given the ongoing proposals for speculative housing development in this locality and the wider Wiltshire area.

It is considered that the failure to consider reserved matters detail at this site in conjunction with the adjacent land to the south, which also has outline permission albeit granted at appeal, is a missed opportunity and that a higher standard of design in place making terms could potentially have been achieved if that approach had been pursued. However, given the context and absence of significant harm arising, with broad policy and guidance compliance, it is not considered that refusal on these grounds alone is defensible. The scheme proposals are acceptable, do not result in significant harm or policy conflict and in accordance with para 11 of the framework consent is recommended.

RECOMMENDATION

That Reserved matters details are approved and related conditions 2 and 3 discharged subject to the following conditions. Further planning conditions (6, 7, 8, 11, 13, 15, 19, 20 & 22) attached to 19/11569/OUT are discharged or partially discharged as set out below.

1 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

32441 Design Statement 04
32441 Garages and Substation

32441 HTb Private and Affordable House types
32441 Parking Schedule Rev A
32441 PL-01 Site Location Plan
32441 PL-02 Site Context Layout
32441 SS-01a Site Sections

SW102-EN-2502P01(Road & Sewer Profiles+Sheet 1)
SW102-EN-2503P01(Road & Sewer Profiles+Sheet 2)
SW102-EN-2504P01(Road & Sewer Profiles+Cross section A-A)

All Received 11 January 2021

220406_P1176_C2_LEMP_Final03 LEMP EAD Ecology
220407_P1176_C2_CecoMP_Final03 CEMP EAD Ecology
Construction Method Statement 12 April 2022
Stage 3 Arboricultural Method Statement Report, RSK, May 2021 & Tree Protection Plan
32441 PL-07d Refuse Strategy Layout
32441 SE-01d Street Elevations
Car Charging Point Plan ref. SW146-PD-2250B and Wallpod EV Specification EV charging

- SW102-EN-2140P04(Swept Path Analysis+Refuse Vehicle+Overview)
- SW102-EN-2141P04(Swept Path Analysis+Refuse Vehicle+Sheet 1)
- SW102-EN-2142P04(Swept Path Analysis+Refuse Vehicle+Sheet 2)
- SW102-EN-2143P04(Swept Path Analysis+Refuse Vehicle+Sheet 3)
- SW102-EN-2144P04(Swept Path Analysis+Refuse Vehicle+Sheet 4)
- SW102-EN-2500P09(Drainage Layout+Sheet 1)
- SW102-EN-2501P07(Drainage Layout+Sheet 2)
- SW102-EN-2505P04(Misc Engineering+FW+Outfalls Layout)
- SW102-EN-2515P05(Misc Engineering+Flood Exceedance)
- SW102-EN-2715-P07(Engineering Layout+Sheet 1)
- SW102-EN-2716-P07(Engineering Layout+Sheet 2)
- SW102-EN-2800P05(Surface Finishes)
- Updated Drainage calcs B05397-CLK-XX-XX-CA- 0001 P01

All Received 12 April 2022

- PROW Long Sections (A-A) – SW146-EN-900
- PROW Long Sections (B-B) – SW146-EN-901
- Visibility Layout Sheet 1 – SW103 EN-2150 Rev P05
- Visibility Layout Sheet 2 – SW103 EN-2151 Rev P05
- Site Landscaping – SW146-LS-006c
- Site Landscaping – SW146-LS-007c
- PV Plan – SW146-SL-2252 B

All Received 1 June 2022

- Planning Layout – PL-03 Rev N
- Materials Layout – PL-04 Rev F
- External Works Layout – PL-05 Rev G
- 32441 DET-01e External Works Details
- Site Landscaping – SW146-LS-005D
- Site Landscaping – SW146-LS-008D
- Site Landscaping – SW146-LS-009D
- 32441 PL-06E Public Open Space Layout

All Received 14 July 2022

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

2 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, 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.

3 No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.

REASON: To safeguard the character and appearance of the building and area.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or 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 secure the retention of adequate parking provision, in the interests of highway safety.

9 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.

INFORMATIVES:

This approval of matters reserved refers only to conditions 2 and 3 of outline planning permission 19/11569/OUT dated 1 September 2020, but does not by itself constitute a planning permission.

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. 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.

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

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.

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 direct 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.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

The following conditions of planning permission 19/11569/OUT are discharged or partially discharged as indicated:

6 No development shall take place until full details of the proposed site levels (above ordnance datum), together with the finished floor slab levels of the proposed buildings and structures (including roads and footpaths), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the finished levels are acceptable in the interests of visual amenity.

7 The first reserved matters application shall include, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management, including long term objectives to ensure management in perpetuity on land outlined in red on boundary plan 15.019.DR.001.P2;
- d) Appropriate management options for achieving aims and objectives as set out in points a)-c) above ;
- e) Prescriptions for management actions for the site outlined in red on 15.019.DR.001.P2
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures which shall include measurable targets;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. A report shall be submitted to the local planning authority annually detailing the works undertaken and performance against the targets set.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed in writing with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species and priority species.

8 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity and tree protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority every three months from the start of the development until the completion of the final planting.

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 adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

Condition 8 partially discharged

11 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries; and
- j) drainage arrangements during the construction works;
- k) vehicle routing for construction vehicles.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The

development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Development proposals will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

15 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, 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 in writing by the Local Planning Authority.

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

19 No development shall commence on site until full details of the route and design of the up-graded MALMS8 (where it crosses the site) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the route of the PROW is maintained as part of the development.

20 No development shall commence on site until a scheme for the discharge of surface water from the site / phase, including SuDS (sustainable drainage systems) and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. Scheme details shall include any required off-site capacity improvements needed to allow the site/phase to be served, and to include a programme allowing sufficient time for the delivery of any required improvements.

REASON: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

22 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:

- * A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- * A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;

- * A schedule of tree works conforming to British Standard 3998: 2010;
- * Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- * Plans and particulars showing the siting of the service and piping infrastructure;
- * A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- * 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
- * Details of all other activities, which have implications for trees on or adjacent to the site.
- * Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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.

Background Documents Used in the Preparation of this Report:

Application plans and documents
19/11569/OUT Reports and Plans
WCS; WHSAP; MNP
NPPF
NPPG