

REPORT TO WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28.10.2020
Application Number	19/07647/REM
Site Address	Land North West of Boreham Mill, Bishopstrow Road, Warminster, Wiltshire
Proposal	Reserved matters application for: layout, scale, appearance and landscaping pursuant to outline permission 13/06782/OUT
Applicant	Backhouse (Boreham Mead) Ltd
Town/Parish Council	WARMINSTER
Electoral Division	Warminster East – Councillor Andrew Davis
Grid Ref	389532 - 144383
Type of application	Reserved Matter
Case Officer	Morgan Jones

Reason for the application being considered by Committee

In accordance with the Council's 'Scheme of Delegation Specific to Planning', this application is brought to committee at the request of Councillor Andrew Davis on the grounds of: - 'Scale of development', 'Visual impact upon the surrounding area', 'Relationship to adjoining properties', 'Design – bulk, height, general appearance', 'Car parking (use)', and 'for the committee to consider the Self Build' proposals.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and other material planning considerations and to consider the recommendation to approve the reserved matters application.

If the Committee resolve to grant reserved matters consent, it is recommended that delegated authority be passed to the Head of Development Management to issue the consent following the favourable conclusion of the Habitats Regulations Appropriate Assessment which would be completed by Wiltshire Council as the 'competent authority'.

2. Report Summary

The key issues for consideration are: -

- The Principle of Development;
- Layout, Density, Design & Impact on Landscape Character;
- Impact on Highway & Pedestrian Safety;
- Impact on Ecology;
- Impact on Heritage Assets;
- Flood Risk, Surface Water & Drainage;
- Environmental Impact.

3. Site Description

The application site is broadly circular in shape measuring approximately 1.22ha located on the southern side of Boreham Road, on the eastern edge of Warminster. The southern boundary is formed by the river Wylde and Boreham Mill lies to the south east. Beyond that lies Bishopstrow Conservation Area. The existing access into the site is near the north western corner of the site on the northern boundary, which runs adjacent and parallel to Boreham Road.

The site is partly within the River Avon Special Area of Conservation (SAC) which is a European designated site. The river is also notified at a national level as the River Avon System Site of Special Scientific Interest (SSSI).



Site Location Plan (Drawing no. P002 Rev.P04)

4. Planning History

By way of some background, the site was in agricultural use up until the early 1960s. In 1963 (under planning reference 44-1962/63), planning permission was granted for the tipping of building material and excavated soil. This permission was enacted and tipping operations were carried out which has resulted in raising the ground levels across the site by around 2m. The tipping operations have long since ceased and the land has been overgrown and unused for many years.

In 1974 a planning application for a motel/restaurant was submitted but was deemed premature pending the establishment of the Warminster bypass - which was eventually built in the 1990s.

A Neighbourhood Development Order (NDO) proposal for a self-build housing development was initiated in 2011 by Wiltshire Council with the support of the Town Council, but this was aborted by the Town Council in June 2013 following the appointment of new town councillors.

The following two applications were submitted but were later withdrawn to allow the applicant and his appointed agent(s) time to revise the submissions and to engage further with the local community.

13/02808/OUT Outline application for the erection of 35 dwellings and associated works including access and layout arrangements (including provision of 7 self - build plots) – application withdrawn

13/04282/LBC Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development – application withdrawn

The following two applications were subsequently submitted and approved: -

13/06782/OUT Outline application for the erection of 35 dwellings including access details – allowed at appeal on the 20th July 2017.

13/06783/LBC Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development. (Resubmission of 13/04282/LBC) – Listed Building Consent granted 11th June 2014.

On 11th June 2014 the Council's Western Area Planning Committee resolved to grant outline planning permission for application 13/06782/OUT subject to conditions and a legal agreement to secure appropriate planning obligations. The legal agreement was subsequently drawn up and was completed and dated on 20 January 2015, and outline planning permission was granted on the 21st January 2015.

The outline planning permission was however subject to a successful Judicial review which led to the quashing of the outline consent for 13/06782/OUT by the High Court on 9 October 2015. An associated costs decision was issued on 19 October 2015.

In light of the outcome of the judicial review the application was reconsidered by the Council and was refused outline planning permission by the Western Area Planning Committee on 6 April 2016.

The refusal was successfully appealed on 20 July 2017 under appeal ref APP/Y3940/W/16/3150774. Outline planning permission was granted subject to 19 conditions and a legal agreement in the form of a Unilateral Undertaking. The outline planning permission approved the erection of up to 35 custom build dwellings with detailed permission granted for a new vehicular access to be formed off Boreham Road (the B3414).

The Unilateral Undertaking (UU) dated 26 July 2016 restricts the housing provided to being Custom Build and it sets out a "cascade" mechanism for the sale of the market housing units. It also specifies that 30% of the houses would be affordable housing, and of those 80% would be for rent and the remaining 20% for shared ownership. The UU also sets a requirement for the applicant to prepare a Landscape and Ecological Management Plan (LEMP) to protect the proposed ecological buffer zone. The Unilateral Undertaking also provides for financial contributions towards open space and off-site sports provision as well as education school spaces and some limited highway works.

It is also relevant to note that the site is now formally allocated for residential development within the adopted Wiltshire Housing Sites Allocations Plan (WHSAP) which was adopted by the Council in February 2020 and is referenced as Policy site H2.8 Boreham Road).

The WHSAP allocates new sites for housing to ensure the delivery of additional housing throughout Wiltshire and until 2026 (the Wiltshire Core Strategy plan period) in order to maintain an up-to-date supply of housing which now needs to be tested against local housing need. The

WHSAP recognises that the site has previously been considered as an opportunity to provide for self-build homes and this remains the preferred form of development. The relevant policy, ref Policy H2.8, within the WHSAP does not however require the dwellings to be custom or self-build properties.

5. The Proposal

This application seeks reserved matters approval for the 'reserved' matters of 'appearance', 'landscaping', 'layout' and 'scale' for the erection of 34 custom build dwellings, pursuant to the consented outline application reference 13/06782/OUT.

As proposed, the development would be made up of 24 open market homes (equating to 70% of development) and 10 affordable homes (i.e. 30% of the development) which would comprise of a mixture of one, two, three and four bed dwellings. The development would be served by a single point of vehicular access to be created via Boreham Road and would be served by 82 parking spaces. The layout of the proposed development is shown in the site layout plan below:-



Proposed Site Layout (Drawing no. P100 Rev.P06)

The application was originally submitted and registered back in August 2019, but the proposed scheme has been materially revised through 2020 in order to address a number of consultee and third-party comments and concerns. The following sets out the dates and submission of revised plans and additional / amended technical documents: -

- **4th November 2019:** Design & Access Statement Addendum, an Arboricultural Method Statement, and revised highways, drainage and landscaping plans;
- **4th February 2020:** A Construction Environmental Management Plan (CEMP), Landscape & Ecological Management Plan (LEMP), Ecology reports, Drainage Technical Note, revised Design & Access Statement, and revised hard and soft landscaping plans;
- **11th March 2020:** additional Drainage information, calculations and a revised plan;
- **22nd April 2020:** revised CEMP and LEMP, drainage reports and drawings, and layout and hard and soft landscaping plans;
- **12th June 2020:** a further revised LEMP;
- **16th June 2020** revised soft landscaping plans;
- **1st & 7th September 2020:** revised soft landscaping plans and final LEMP.

It is also important to report that the applicant has submitted a series of separate submissions to discharge the planning conditions imposed on the outline consent which evidences the applicant's commitment to implement to consent as set out below: -

- **Discharge of Condition application ref 19/08603/DOC** was submitted in relation to condition 6 which required full details of the culvert beneath the access prior to commencement, condition 9 which required full details of footway reconstruction prior to on-site commencement, condition 10 which required a foul and surface water strategy also prior to commencement. The submitted plans and documents, as amended, satisfy the stated conditions.
- **Discharge of Condition application ref 19/11510/DOC** was submitted in relation to condition 15 which required a scheme for water efficiency, and condition 17 which required a land contamination assessment prior to commencement of the development. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20) and a Geo-Environmental Review Technical Note completed by Clarke Bond (ref B05066 and dated 11.18.19) has been approved.
- **Discharge of Condition application ref 20/03527/DOC** was submitted in relation to condition 14 which required the submission and approval of a Construction Environmental Management Plan (CEMP). The amended Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology satisfies the condition.

6. Planning Policy

The **National Planning Policy Framework** (2019).

The adopted **Wiltshire Core Strategy** (2015), in particular:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 31 Spatial Strategy: Warminster Community Area;
- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 46 Meeting the Needs of Wiltshire's Vulnerable and Older People;
- 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 & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;
- Core Policy 69 Protection of the River Avon SAC.

The **Warminster Neighbourhood Plan** (2016), in particular:

- Policy L1 – Design.

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

The adopted **Wiltshire Housing Site Allocations Plan** (February 2020), in particular

- Policy H2.8 Boreham Road.

7. Consultations

Warminster Town Council – No objection.

Bishopstrow Parish Council – Object, on the following grounds: -

- Most trees in the Tree Survey Schedule have not been fully inspected. Their condition is therefore uncertain and until this is ascertained any scheduled for removal should be removed from the appropriate list.
- The development is very high density in comparison with the open nature of the locality. 34 new houses/flats plus summer houses, parking and road design will make this development out of character with the area.
- The design of the houses will repeat the mistake of Mill Island with the wooden cladding. The houses of the area, in Boreham Road and Bishopstrow are largely of stone and brick. The design principles are therefore not in harmony with the locality.
- The “Custom Build House” allows for hard landscaping which is not in keeping with the locality and will act against the interests of biodiversity. Additionally, there is also a proposal to allow extensions to properties and other configurations out of character with the area. Extensions increase the amount of built on land, once again removing garden space from the quantum of the biosphere.
- It is proposed to direct an attenuated or controlled discharge directly into the drainage ditch that lies within the site boundary. This ditch already receives flows from Woodcock Road and the roundabout on Boreham Road and has been shown, by regular flood events, to be incapable of dealing with the volumes generated. During the flood events, the roundabout has become impassable and raw sewage has been discharged on to the road. We need complete assurance that no further flooding will occur as a result of any development. We would further argue that Wiltshire Council drainage engineers consider the implications of any development alongside an understanding of the local drainage system, both up and downstream from the site and including the current run-off from the local roads.
- In the planning statement, much is made of the change of the former Beeline site into a residential development. The conversion of Brownfield sites, such as this, into housing is to be commended and should not be compared with the development of a Greenfield site, such as the one in this application.
- In the original outline planning application, much was made of the environmental protection of the developed site, including the formation of a management body. We hope that this is maintained and is effective in monitoring, policing and improving environmental outcomes on the site.
- There will be, inevitably, increased use of our field and our road. We welcome visitors

to our village but any additional use from residents from the proposed site is not funded through our modest precept and it should not be down to Bishopstrow to fund any additional costs.

- The road is the most obvious route to the A350 (South) and the A303 West. Our road gets blocked frequently and the surface is degrading and needs resurfacing with a noise deadening finish. We have used village funds to increase signage in order to prevent speeding and to encourage more considerate driving. We also have an active speed watch group. It would, therefore, be imperative, if this application is accepted, for provisions to be made to secure our village.
- During any construction work, we would not want our village to become an access route or rat-run for delivery vehicles and plant. A condition in this respect should be part of any agreement.

Historic England – No objection but raised concerns with the impact of the proposed development on the setting of the Bishopstrow Conservation Area.

Wiltshire Council Conservation Officer – No observations.

Milestone Society – No observations.

Wiltshire Council Archaeologist – No objection.

Wiltshire Council Highways – No objections, subject to conditions to secure the layout, parking, and access arrangement as shown.

Wiltshire Council Spatial Planning Officer – No objection.

Wiltshire Council Arboricultural Officer – No objection.

Wiltshire Council Landscape Officer – Supports the application.

Wiltshire Council Urban Design Officer – No objection subject to conditions to secure final design details of boundary treatments and other minor works.

Wiltshire Council Ecologist – No objection in principle in recognition of the consented outline, but there are ongoing discussions in relation to the River Avon SAC phosphate mitigation strategy which will need to be resolved prior to the completion of the Habitats Regulations Assessment.

Natural England – No objection, the revised reserved matters proposal is unlikely to have significant impacts on the natural environment.

Environment Agency – No objection to the revised scheme subject to conditions to ensure the recommendations of the Flood Risk Assessment and Surface Water Scheme are implemented.

Wessex Water – No observations.

Wiltshire Council Drainage Engineer – No objection to the drainage scheme following a series of updates and amendments.

Wiltshire Council Public Protection Officer – No objection subject to conditions to control working hours, to secure a construction environmental management plan, and contaminated land survey with remediation strategy if necessary.

Wiltshire Council Public Arts Officer – No observations.

Wiltshire Council Housing Officer – No objection, the proposed development will deliver affordable housing units in accordance with the terms of the outline planning permission.

Wiltshire Council Public Open Space Officer – No objection.

Wiltshire Police, Designing Out Crime Officer – replied with a series of recommendations to alter the design of the proposal to ensure the development is as safe as possible and discourages crime and anti-social behaviour.

8. Publicity

The application was publicised by both press and site notices and individual neighbour notification letters. As a result of the original publicity, one letter of objection was received from the East Boreham Residents Action Group (EBRAG) and 7 additional individual letters of objection were received from neighbouring residents which raised the following concerns: -

- It is questioned whether there is a need to build on greenfield land and it is questioned why brownfield land cannot be developed.
- It is argued that the building on this site at Boreham is unwarranted and completely unnecessary.
- Development on this site is of no benefit to the community and is against the majority wishes of the residents of Warminster East Ward and Bishopstrow.
- The site is the last open space between Warminster and Bishopstrow, in other words the last divide between town and village, and therefore very important it remains so.
- The design of the proposed housing layout is out of character in terms of housing density and design with the local environment.
- The houses of the area, in Boreham Road and Bishopstrow are largely of stone and brick.
- The “Custom Build House” allows for hard landscaping which is not in keeping with the locality and will act against the interests of biodiversity.
- The proposal is not a true ‘self-build’ but 34 high density basic timber clad house structures which are similarly constructed, with the customer “self-build” option explained as an ability to add additional rooms, conservatories and/or verandas etc
- The garden sheds located close to the river are an unnecessary and obtrusive structures and should not be allowed.
- The fencing on the boundaries would have been traditional hedges so why are natural hedges not being planted on the external side of the fence
- It is questioned whether the post and rail fencing would safeguard a child's safety.
- The site abuts the Bishopstrow Conservation Area and if built upon would be detrimental to the Conservation Area.
- A properly surveyed Tree Survey Schedule needs to be undertaken to ascertain the condition of the limited trees and shrubs surrounding the site.
- It is proposed to direct an attenuated or controlled run-off water discharge directly into the drainage ditch surrounding the site boundary.
- This area has been shown, by regular flood events, to be incapable of dealing with the volumes generated during heavy downfalls.
- The site was flooded in 2014.
- The overdevelopment of the site and discharge into the river system is of very real concern for flooding downstream in Bishopstrow. A less dense development will allow ponds to be constructed within the site and slow the discharge into the river.
- In addition to not measuring the current surface water discharge already occurring, no measurement or estimate of the additional discharge created from the upstream flood plain that discharges into the site ditch during river flooding has been measured.

- The land north-west of Boreham Mill is on a floodplain. The land north-west of Boreham Mill is a water meadow and therefore has a capacity to absorb floodwater. If it is concreted into a housing estate, it will lose that capacity, and the potential for flooding will increase.
- For the builder to provide a plan which encroaches raised ground in the flood zones 2-3, and which raises the rest of the site to prevent areas changing over time from zones 2 to 3 due to climate change, shows that the developer understands that the only method of flood management being employed is that of pushing the extra water onto properties already built that cannot raise themselves to avoid future flooding. The storage areas on site will be at new higher ground level and as such will only mitigate on site flooding, they will not mitigate for the flood storage areas being lost to raised grounds, foundations, piles and banking across the site and through the zones 2-3.
- The upper Wylve is part of the Avon River system, and the area is SSSI, AONB. No new building should be allowed in such places, except in cases of the direst necessity.
- The development will cause a great loss of wildlife habitat.
- The land north-west of Boreham Mill, commonly referred to as Spurt Mead, being a water meadow, is home to a number of endangered species: water-voles, slow worms, lizards, crested newts, grass snakes.
- It is hoped that a management body is set up as required and is effective in monitoring, policing and improving environmental outcomes on the site.
- There appears to be no increase of funding to accommodate the increased use of local recreational and pastoral facilities and accommodate additional traffic.
- The construction phase should be controlled by a construction management plan.
- The site is made up of made ground and it is suggested that trial pits are undertaken to determine the true level of fill, and contamination levels before anyone builds a home on the site.
- The proposed application will impact on the busy Boreham Road highway and the development will add to the traffic build-up at the crossroads at peak times.

As a result of the re-consultation exercise, which was carried out on 12 November 2019, three letters of objection were received which raised the following: -

- Concerns still remain over the drainage proposals and impacts and the damage to wildlife habitat and pollutants entering the proposed Culvert and the Wylve itself.
- The development would have a significant impact on the local community, wildlife, infrastructure and increased risk of flooding.
- The revisions have not resolved these issues.
- The 2013 HRA screening by HPH LTD is insufficient and Natural England has stated that an HRA should be completed by the Appropriate Authority which is Wiltshire Council. The HRA should include additional projects/developments in combination up-river that has the potential to impact on the Special Area of Conservation (SAC).
- If this development is approved, it would set a detrimental precedence for future development in relation to the SAC
- The proposed development "run off" remains of considerable concern and points directly to an overdevelopment of the land.

A further re-consultation exercise was carried out on 27 February 2020, which led to another letter of objection from the East Boreham Residents Action Group (EBRAG) and 3 separate letters of objection from neighbouring residents which argued that the revisions had not addressed the grounds of objection listed above.

A final re-consultation exercise was carried out on 24 April 2020. One letter was received as a result which questioned whether the proposed scheme constituted as being a genuine custom-build development.

9. Planning Considerations

9.1 Principle of Development

The principle of residential development for up to 35 dwellings at this site has been established by outline planning permission reference 13/06782/OUT which was granted on appeal on 20 July 2017 which was subject to 19 planning conditions and bound by a legal agreement in the form of a Unilateral Undertaking (UU).

The principle of the proposed quantum of housing is not open for the Council to reconsider at this stage and with the outline approval also granted detailed permission for a new vehicular access, that is not open for reconsideration either. The key planning consideration and determinative matters relate to whether the proposed details of 'layout', 'scale' 'appearance' and 'landscaping' are considered acceptable and in line with the parameters and conditions set by the outline planning permission.

The outline planning permission allows the construction of up to 35 dwellings with detailed permission granted for a new vehicular access to be formed off Boreham Road (the B3414). The development proposed within this current reserved matter application seeks approval for the erection of 34 custom build dwellings to be served by the previously approved vehicular access.

The proposed development has been designed to accord with the requirements of the Unilateral Undertaking. A key element of the development is the need for all the residential units to be '**Custom Build**' which is defined within the agreement as:

"the Residential Units built to a shell and the finishing design commissioned by individuals or groups of individuals for their own use being non-speculative housing with an identified end-user owner/occupier directly involved in the post-shell design process".

The Design and Access Statement submitted in support of this REM application explains that custom build allows for a choice of design, quality and configuration by the property purchasers. The document details how each house type can be configured or adapted to suit a number of customisation options. These options include how the dwellings would be arranged internally including the size of the rooms and the number of bedrooms along with the external hard and soft landscaping options.

It is recognised that many of the third-party representation have questioned whether the proposed scheme represents a true self-built development. These observations are acknowledged and understood, however, whilst the definition of 'custom build' and 'self-built' have evolved since the outline planning permission was granted, the definition as appended to the outline planning permission is the only one of relevance to this current reserved matters application. The proposed development aligns with the definition set within the Unilateral Undertaking and it is not open for the Council to reconsider this definition at this stage and doing so would be ultra vires and unreasonable.

Officers are fully satisfied that this revised REM application is compliant with the terms of the approved outline application, and in terms of dealing with the individual customised house submissions, subsequent discharge of condition applications would be required to be approved by the Local Planning Authority to appraise the individual final house designs and the appearance of each individual custom-build dwelling.

9.2 Layout, Density, Design & Impact on Landscape Character

The proposed development has been designed in accordance with the design principles which were agreed as part of the outline planning permission. The development would be accessed

via Boreham Road and the dwellings would be arranged around a central area of green open space. The development would deliver 10 affordable dwellings and 24 open market dwellings. There would be a mixture of open market dwellings in terms of housing types and scale, they comprise, 13 three bed homes, 7 four bed homes, and 4 larger four bed homes. There would be a total of 84 parking spaces.



Proposed Layout & Landscape Plan (Drawing no. JBA 19-01902 Rev.L)

The development would be contained within the red line site boundary although an informal gravel path would be provided to allow residents to walk through the western woodland.

One of the key areas of concern raised by Bishopstow Parish Council and other interested parties relate the density and design of the proposed development.

The made Warminster Neighbourhood Plan requires development to complement and enhance the existing character of the town whilst recognising its unique form and landscape. However, it accepts that “*Warminster does not have any particular building designs, features or local materials that transcend the existing neighbourhood area. This Neighbourhood Plan therefore requires the adoption of a more general set of criteria that can be applied to new developments. Against this background, Bfl12 represents an appropriate standard. It is not just about the design and quality of buildings. The layout of developments and their associated infrastructure need to reflect good urban design. There is a parallel desire to conserve and enhance the local environment, including access to the surrounding countryside and leisure facilities.*” (Appendix A.2, para A.2.3).

Furthermore, Policy 'L1 – Design' of the Warminster Neighbourhood Plan encourages new developments “to reflect the principles outlined in the Building for Life 12 industry standard”.

The Warminster Neighbourhood Plan explains that “Good urban design ensures: the quality of a development; its attractiveness to prospective residents; the functionality of the community; and contributes to a feeling of safety. It is achieved by planning the space around and between new homes, including how they sit within a development. It therefore goes beyond the design of individual buildings alone. This Neighbourhood Plan encourages new housing to reflect the Building for Life 12 industry standard, which is endorsed by government for well-designed homes and neighbourhoods” (para 4.45).



Artist Impression & Photomontage of Proposed Development

The Council's Urban Design Officer has assessed the proposed development against the design principles within the Building for Life 12 which is the industry standard for the design of new housing developments, and he has concluded that the proposed development would create a very positive and distinctive character in terms of the urban design. The layout has

sought to respond to its landscape setting and to create additional landscape features. The arrangement of the plots, and rhythm of the proposed built form would reinforce a sense of deliberate composition and place. The Council's urban designer also supports the aspect that buildings would be designed and positioned with landscaping to define and enhance the streets and spaces and would address street corners well, with feature windows articulating the gables. The crescent shape made by the run of detached units, as shown on the artists impression of the development above, would create a striking enclosure to the central open space. There is also officer support for the proposed tree planting which has been well planned to define the edges of streets and to break up the areas of car parking.

The Council's urban designer concludes by stating that *"the submitted details demonstrate a high-quality development by the standards of the Building for Life guidance. In terms of Wiltshire Core Policy 57, I also find the reserved matters details to realise and generally improve upon the Outline's vision and deliver a bespoke scheme that can contribute very positively to the area"*.

In terms of the impact on the wider landscape character, the Landscape and Visual Assessment submitted in support of the outline planning application explained that due to the significant tree cover surrounding the site, and the lack of elevated vantage points in the immediate surrounding landscape, the proposed development would be physically and visually well contained. The current application is supported by a series of photomontages which demonstrate the impact of the proposal when viewed from outside the site.

The supporting text explains that *"the external views are from the north east along Boreham Road, and from the east from Bishopstrow Road, and demonstrate that the proposed two storey development [would] be well contained in landscape terms by the structure of the established mature perimeter vegetation. Filtered views of the proposed development [would] be evident, but these views demonstrate that the housing [would] not be unduly prominent. This analysis concurs with the Landscape and Visual Impact Assessment, which was considered by the Secretary of State in determining the outline planning application, which was approved in July 2017."*



Photomontage of Proposed Development (from south-west outside the site)

The revised proposal includes the retention of a group of trees which were previously identified for removal. Despite not being of the highest quality, through negotiation, the applicant concurs that they do not need to be removed to accommodate the development. The revised landscape scheme involves the planting of more trees around the site periphery to strengthen the green landscape structure around the site. The proposed development is considered to

meet the objectives of Core Policies 51 and 57 of the WCS which seek to secure high quality design and mitigate against any unavoidable harm to local landscape character.

9.3 Impact on Highway & Pedestrian Safety

Core Policies 60 'Sustainable Transport' and 61 'Transport and New Development' of the WCS seek to ensure that new developments are located within sustainable locations and are designed to encourage the use of sustainable transport facilities. Core Policy 61 also seeks to ensure that all new developments are capable of being served by safe access to the highway network. Core Policy 62 'Development Impacts on the Transport Network' seeks to ensure that developments provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The outline planning permission granted detailed permission for the new vehicular access onto Boreham Road and the associated planning conditions (numbers 5 – 9 & 19) require the access to be delivered prior to the occupation of the development, along with the submission and approval of full details of the footway reconstruction and the culvert beneath the access. Discharge of Condition application reference 19/08603/DOC provided the details of the culvert design and the footway reconstruction has been approved by the Council with the support from the local Highways Authority.

In terms of the proposed layout and parking provision for the 34 dwellings, revisions have been submitted to satisfy the comments and recommendations of the local highways authority and to ensure that the main estate road is built to adoptable standards and allow for the safe movement of vehicular traffic and pedestrians around the site. The scheme would deliver both private and visitor parking spaces in line with the Council's Car Parking Strategy.

In light of the above it is considered that subject to conditions to secure the parking and access arrangements within the site as shown on the submitted amended plans the development would not result in unacceptable highway safety impacts.

9.4 Impact on Ecology

Core Policy 50 titled 'Biodiversity & Geodiversity' of the adopted WCS requires all development proposals to demonstrate how they would protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, Core Policy 69 'Protection of the River Avon SAC' it is essential that new development should avoid and reduce potential environmental impact on the River Avon.

The outline planning permission secured an "Ecological Buffer Zone" around the periphery of the site in order to create an undeveloped natural ring around the new development thus creating and maintaining the green boundary to the site. The Ecological Buffer Zone surrounds the entire red line site boundary, and through the associated Unilateral Undertaking requirement of securing a Landscape and Ecological Management Plan (LEMP), officers are fully satisfied that this application proposal would safeguard the Ecological Buffer Zone, and with the proposed area of open space the proposal would deliver net ecological enhancement and biodiversity gain.

The submitted Landscape and Ecological Management Plan (LEMP ref JBA 19/109 Rev. F) and dated September 2019 and completed by JBA meets the requirements of the legal agreement. The application is also supported by a Construction Environmental Management Plan (CEMP dated April 2020 [V2]) and produced by Seasons Ecology which would minimise ecological impacts during the construction phases. An updated Ecology Appraisal, and

Updated Dormouse, Water Vole and Otter Surveys were submitted in support of the reserved matters application and have been approved by the Council's ecologist.

The Council's ecologist supports the amended scheme subject to planning conditions to include water minimisation measures which link with building regulation restrictions to secure appropriate phosphate loading mitigation, to remove permitted development rights for any new buildings or structures within the gardens adjacent to the ecology zone to safeguard its integrity and biodiversity value. Conditions are also considered necessary to secure the implementation of the soft landscaping and planting scheme, and to secure full details of the design and wording of the information boards to be erected within the ecology zone.

Natural England did not object to the outline application and have indicated that the reserved matters application is unlikely to have significantly different impacts on the natural environment than the original proposal. However, for a significant period throughout 2020, there has been strategic discussions held between the Council and Natural England regarding the potential impacts from all new planned development within the catchment of the River Avon SAC, which extends beyond the Warminster Community Area. These discussions have taken place because the ecology and biodiversity of the SAC are at risk from elevated levels of phosphorus from new development discharging into the sewage treatment works and package treatment plants. As such, any scheme with the potential for additional phosphate loading into the river requires to be appraised in line with the Habitat Regulations.

The levels of phosphorus discharging into the River Avon SAC has been an issue of focus, investigation and action for some time. In 2015 the Environment Agency, Natural England, and Wiltshire Council published the nutrient management plan (NMP) for the River Avon SAC which set out ambition targets to reduce the phosphate loading to the river from diffuse sources, in order to support compliance with conservation objectives, the requirements of the Habitats Directive and the Water Framework Directive, while still allowing some increase in point source (sewage) loadings from population growth. A Working Group (Natural England, the Environment Agency, Local Planning Authorities [including Wiltshire Council] and Wessex Water) was established to deliver the NMP which was primarily through the Catchment Sensitive Farming (CSF) initiative.

It became apparent that the CSF was not achieving the reductions in phosphates loading to the river required to meet the ambition targets. As such, in 2018 the Working Group signed a Memorandum of Understanding (MoU) that set out a more stringent approach to planning, requiring that new development in the catchment needs to be 'phosphate neutral' which is defined as follows in the MoU: -

“The additional phosphorous load generated by new development after controls at source, reduction by treatment and/or offsetting measures leads to no net increase in the total phosphorus load discharged to the River Avon SAC”

The MoU committed the signatories to working cooperatively to set out and cost appropriate phosphate mitigation measures over the period 2018 – 2025. This period is known as the 'interim period' because after this time, it is expected that the 'interim approach' will be replaced by an approach that would take account of water company planning as well as government policy and legislation.

The River Avon SAC Working Group subsequently developed the Interim Delivery Plan (IDP) (January 2019) for the purpose of describing the 'interim approach' to achieve phosphorous neutral development over the period to 2025. It includes a calculation of the estimated additional phosphorous load that would be discharged in the river catchment through increased volumes of sewage effluent and sets out a suite of measures that could be deployed

to mitigate that load. The report demonstrates that it is feasible to achieve the necessary reductions in diffuse phosphorous pollution to mitigate planned growth.

In April 2020, Natural England alerted Wiltshire Council that it does not have sufficient evidence to conclude that new development (which would discharge a net increase in foul water flows) would be compliant with the Habitats Regulations. This followed new modelling which was undertaken by the Environment Agency which revealed that the catchment is further away from meeting the SAC conservation objectives than was previously thought.

As a result, Wiltshire Council has had very detailed discussions with Natural England over several months in order to further develop a phosphate reduction scheme and demonstrate that the Interim Delivery Plan is fit for purpose and effective. These discussions are ongoing. Before the consent can be issued, the Council, as the 'competent authority', will be required to complete a Habitat Regulation Assessment (HRA) Appropriate Assessment which can be done as a defer and delegate matter (should the committee resolve to approve this REM application), which legally must be completed prior to the issuing of any decision so that the development is in compliance with the phosphate reduction scheme and mitigation strategy which would safeguard the integrity of the SAC.

9.5 Impact on Heritage Assets

Core Policy 58 titled 'Ensuring the Conservation of the Historic Environment' of the adopted WCS seeks to ensure that development protects, conserves and where possible enhance the historic environment. Through the approval of the outline planning application, it has been established that the site can be developed to accommodate up to 35 dwellings without harming the setting of Boreham Mill or the character and appearance of the Bishopstrow Conservation Area immediately to the south of the site.

The duty placed on the Council under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The outline appeal decision found that the impact of the development would be neutral and that there would be no conflict with the statutory duty on the preservation or enhancement of the character or appearance of Conservation Areas. Historic England has raised concerns with the proposed dwellings along the south-east of the site being of a regimented layout and being somewhat incongruous in relation to the Conservation Area. However, officers argue that it is important to appreciate that the site is visually separated from the Conservation Area and the mitigating factors considered at the time of the outline application remain relevant whereby Boreham Mill effectively shields the majority of the Conservation Area from the site and protects its setting, apart from a small section of field which faces the site across the river Wylye. Furthermore, the proposed dwellings would be set back from the site boundary due to the landscape and ecological buffer zone around the periphery of the site, which in combination would lead to a neutral heritage impact.

The principle of the development has previously been agreed and the proposed scheme has been designed in line with the parameters of the outline planning permission which was issued by the Secretary of State, and officers have concluded that the proposed development would not harm the significance or setting of the designated heritage asset.

9.6 Flood Risk, Surface Water & Drainage

Core Policy 67 titled 'Flood Risk' of the adopted WCS sets out that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (i.e. sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The outline planning permission requires the development to be carried out in accordance with the recommendations of the approved Flood Risk Assessment and the submission and approval of a surface water scheme. The current application is supported by a Flood Risk Assessment Addendum (dated 29/07/19) and a Drainage Strategy (dates 29/07/19) produced by Clarke Bond.

The proposed surface water scheme presented as part of this reserved matters application, in order to satisfy condition 10 of the outline planning permission, has been subject to significant discussion with the Lead Local Flood Authority (LLFA), and officers have been mindful that the site is located within a sensitive area in land drainage terms being surrounded by watercourses with surface water runoff / flooding concerns raised by local residents being a matter that has been central to the engagement of the LLFA.

The applicant's Drainage Strategy has been informed by a geo-environmental site assessment (which was prepared by Ground Investigation (South West) Ltd) which reveals that the site is not suitable for soakaways. However, there are two watercourses bordering the site. One is the River Wyllye located along the southern and eastern borders of the site, and the other is a drainage ditch that is situated on the western and northern borders of the site.

Under this REM application, it is proposed to direct an attenuated or controlled discharge of surface water directly into the drainage ditch that lies within the site boundary and falls under the riparian ownership of Backhouse Housing Ltd. The site would be split into two separate systems, with one system dealing with the runoff created by the private impermeable areas, and the second system handling all the on-site highway drainage, which would be adopted by the highway authority and would be conveyed via highway runoff.

The Environment Agency is satisfied that the proposed surface water scheme and flood risk mitigation measures are acceptable and supports the application subject to the imposition of a planning condition to ensure that: -

1. The finished floor levels are set no lower than 104.65 metres above Ordnance Datum;
2. The rate of surface water discharge is kept to 6.2l/s;
3. There is no ground raising within flood zone 2 & 3.

The first and third points are covered by Condition 11 of the outline planning permission and condition 10 requires the approval of the surface water scheme which would secure the approved rate of surface water discharge.

The LLFA is also in support of the revised submission proposal and has confirmed that the proposed drainage strategy would result in *"post development discharge rates [being] about half of what it is currently. Greenfield runoff rates for the 100-year event is 11.5 l/s and post development it [would] be 6.2 l/s. So, the development should decrease flood risk in the area. They will also be re-grading ditches which will improve the flow in the ditches"*.

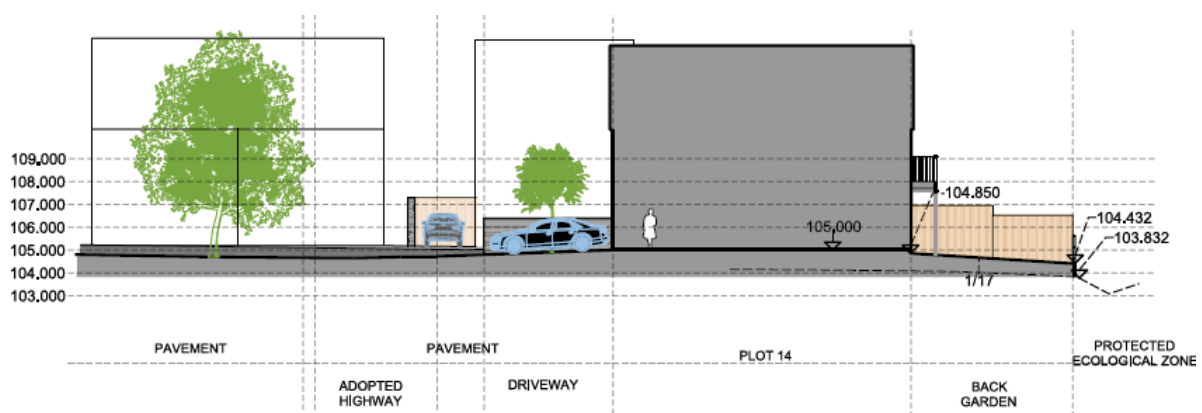
9.7 Environmental Impact

Core Policy 56 titled 'Contaminated Land' of the adopted WCS sets out that development proposals which are likely to be on or adjacent to land which may have been subject to contamination need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity.

The outline planning permission includes a planning condition which required a land contamination site investigation to be submitted and approved along with details of any

remediation measures to render the site suitable for the development. This REM application is supported by a Geo-Environmental Review Technical Note by Clarke Bond which includes a review of the Geo-Environmental Site Assessment Report completed by Ground Investigation (South West) Ltd. A full site assessment has been carried out and chemical exceedances against human health criteria were identified and the requirement for a clean cover system to gardens and soft landscaping areas as a remedial option (comprising 600mm of clean cover to private gardens and 300mm within the communal landscaping areas).

The Council's Public Protection officer is satisfied with the level of on-site investigation and supports the requirement for the clean cover system to the private gardens and communal areas. However, in order to meet the full requirements of the condition, a remedial strategy is necessary to set out how and where the works will be carried out, which should then be followed up with verification reporting to confirm the nature of the clean cover placed in private gardens and communal areas including the locations, depth profiles, photographs and soil analysis.



Extract from Cross Sections Plan (Drawing no. SK003)

The need for the clean cover system is accepted and the proposed new site levels are detailed on the proposed site and section plans. However, subsequent full and precise details would need to be submitted and approved by the Local Planning Authority, and suitable conditions are recommended to secure the requisite earthwork details and a remediation strategy as noted above.

10. Conclusion

This application seeks reserved matters approval for the erection of 34 custom build dwellings with vehicular access via Boreham Road pursuant to outline planning permission (13/06782/OUT) which was granted on appeal on 20 July 2017.

The proposed details of 'layout', 'scale' 'appearance' and 'landscaping' of the development are considered acceptable and in line with the parameters and the conditions set by the outline planning permission.

The development would contribute towards meeting the identified local housing need on a site that is now allocated for development by the Council within the Wiltshire Housing Site Allocations Plan.

The concerns of Bishopstrow Parish Council and third parties have been carefully considered and it should be noted that many of the expressed environmental impacts and site sensitivities which have been subject to extensive negotiations. The applicant has proactively engaged with the relevant stakeholders and has revised the application to address individual statutory consultee comments to ensure that the scheme can be delivered without unacceptable

ecological or environmental impacts, or harm to highway safety and wider landscape character.

The scheme is considered to be in accordance with both national and local planning policies and with suitably worded planning conditions it is recommended that reserved matters consent be approved.

RECOMMENDATION

It is recommended that the committee delegates the approval of this reserved matters application to the Head of Development Management subject to the following conditions and informatives following the completion of the necessary HRA Appropriate Assessment in respect to the SAC.

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents and plans:
 - Document. Design & Access Statement Addendum (November 2019) by AHMM Architects, received 04.11.19;
 - Document. Design & Access Statement (Date of issue 21 January 2020) by AHMM Architects, received 04.02.20;
 - Document. Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology, received 29.04.20;
 - Document. Landscape and Ecological Management Plan (ref JBA 19/019) (September 2019 Rev F 07.09.20), by JBA, received 07.09.20;
 - Document. Updated Ecology Appraisal (February 2020) by Seasons Ecology, received 04.02.20;
 - Document. Updated Dormouse Survey (July to November 2019) by Seasons Ecology, received 04.02.20;
 - Document. Updated Water Vole and Otter Survey (August / November 2019) by Seasons Ecology, received 04.02.20;
 - Document. Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19), received 02.12.19;
 - Document. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20), received 13.03.20;
 - Document. Flood Risk Assessment Addendum by Clarke Bond (date 29/07/19) (report no. B05066-CLK-XX-XX-RP-FH-1001 / Number. P3 / Status. S2), received 07.08.19;
 - Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Number. P02 / Status. S2), received 07.10.19;
 - Document. Drainage Operations and Maintenance Manual (report no.B05066-CLK-XX-XX-RP-C-0001 / Status S2) by Clarke Bond, received 23.04.20;
 - Document no.0004 Rev.P03 – Highway Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
 - Document no.0006 Rev.P03 – Private Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
 - Drawing no.0515 Rev.P04 – Flood Exceedance Route Plan, received 23.04.20;
 - Drawing no.0535 Rev.P03 – Drainage & Tree Removal Plan, received 23.04.20;
 - Drawing no.0010 Rev.P01 – Proposed Ditch Re-Profile, received 04.02.20;
 - Drawing no.0705 Rev.P01 – Engineering Levels & Contours Layout, received 23.04.20;
 - Document. Arboricultural Method Statement (October 2019) by James Blake Associates, received 04.11.19;
 - Document. Tree Survey Schedule by James Blake Associates, received 07.08.19;

- Drawing no. JBA 19-019 TP01 Rev. B – Tree Protection Plan, received 04.11.19;
- Drawing no. JBA 19-019 TP01 Rev. B – Tree Removal Plan, received 04.11.19;
- Drawing no. P002 Rev.P04 – Proposed Site Plan, received 23.04.20;
- Drawing no. P100 Rev.P06 – Proposed Masterplan, received 23.04.20;
- Drawing no. P101 Rev.P04 – Proposed Unit Type Plan, received 23.04.20;
- Drawing no. P102 Rev.P04 – Proposed Tenure Plan, received 23.04.20;
- Drawing no. P103 Rev.P04 – Proposed Parking Plan, received 23.04.20;
- Drawing no. P101 Rev.P03 – Boat House – Type B4.1, received 07.08.19;
- Drawing no. P101 Rev.P03 – Large Boat House – Type LB4.1, received 07.08.19;
- Drawing no. P102 Rev.P03 – Large Boat House – Type LB4.2, received 07.08.19;
- Drawing no. P101 Rev.P03 – Terrace – Type TA1.1, received 07.08.19;
- Drawing no. P102 Rev.P03 – Terrace – Type TA2.1 & TA2.2, received 07.08.19;
- Drawing no. P103 Rev.P03 – Terrace – Type TA3.1, received 07.08.19;
- Drawing no. P104 Rev.P03 – Terrace – Type T3.1, received 07.08.19;
- Drawing no. P105 Rev.P03 – Terrace – Type T3.2, received 07.08.19;
- Drawing no. P106 Rev.P03 – Terrace – Type T3.3, received 07.08.19;
- Drawing no. P107 Rev.P03 – Terrace – Type T3.4, received 07.08.19;
- Drawing no. P108 Rev.P03 – Terrace – Type TA2.3, received 07.08.19;
- Drawing no. P201 Rev.P03 – Proposed Road Elevations – AA & BB, received 07.08.19;
- Drawing no. P203 Rev.P03 – Proposed Road Elevations – CC & DD, received 07.08.19;
- Drawing no. P203 Rev.P03 – Proposed Road Elevations – EE, received 07.08.19;
- Drawing no. JBA 19-01901 Rev. I – Proposed Hard Landscape, received 23.04.20;
- Drawing no. JBA 19-01902 Rev. L – Detailed Soft Landscape Proposals for Plots and POS, received 01.09.20;
- Drawing no. JBA 19-01903 Rev. L – Detailed Soft Landscape Proposals for Plots and POS, received 01.09.20;
- Drawing no. JBA 19-01904 Rev. H – Proposed Boundary Treatments, received 23.04.20;
- Drawing no. 0006 Rev.P02 – Boundary Conditions Retaining Walls, received 04.11.19;
- Drawing no. SK003 – Boundary Treatment Cross Sections, received 04.11.19;
- Drawing no. SK003 – Masterplan Upon Highway Officers Comments, received 04.11.19;
- Drawing no. 0140 Rev.P06 – Swept Path Analysis Refuse Vehicle, received 04.11.19;
- Drawing no. 0141 Rev.P06 – Swept Path Analysis DB32 Fire Tender, received 04.11.19;
- Drawing no. 0142 Rev.P06 – Swept Path Analysis DB32 Fire Tender, received 04.11.19;
- Drawing no.0145 Rev.P03 – Visibility Constraints Plan, received 23.04.20.

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

- 2 Prior to the post-shell design process and customisation of the dwelling on each plot, full details of the final design, layout, appearance and landscaping used in the construction of that plot, in accordance with the customisation options detailed within the approved Design & Access Statement by AHMM Architects (ref R001 Rev.P05) shall be submitted to and approved in writing by the Local Planning Authority. The design, layout, appearance and landscaping of each plot shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom-build scheme, in accordance the outline planning permission, ref 13/06782/OUT.

- 3 Prior to the first occupation of the development hereby permitted full details of the design and wording of the information boards required to be installed in line with paragraph 5.6.2 of the Ecological Management Plan (ref JBA 19/109) (September 2019) by JBA shall be submitted to an approved in writing by the Local Planning Authority. The approved information boards should be installed prior to the first occupation of the development.

REASON: In order to ensure long-term protection of habitats and wildlife in line with the requirement of the approved Ecological Management Plan.

- 4 Prior to the first occupation of the development hereby permitted the boundary between the development and the ecology zone shall be defined by the fencing and native hedgerow shown on the approved Detailed Soft Landscape Proposals for Plots and POS drawings (JBA 19/019-02 Rev L and JBA 19/019-03 Rev L) and the Proposed Boundary Treatments drawing (JBA 19/019-04 Rev H). The boundary treatments shall thereafter be retained for the lifetime of the development. None of the land within the ecology zone will be incorporated into gardens or used for any purpose including any temporary use other than for nature conservation, pedestrian access along the footpath marked on the Masterplan (P100 Rev P06) and works related to ditch and river management.

REASON: In order to ensure long-term protection of habitats and wildlife in line with the requirement of the approved Ecological Management Plan.

- 5 No above ground development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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, in the interests of visual amenity and the character and appearance of the area

- 6 Notwithstanding the details shown on the approved plans, no railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted, including the enclosure of the Pump Station, until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7 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 dwellings 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.

- 8 The development hereby permitted shall be carried out in strict accordance with the Arboricultural Method Statement (October 2019) by James Blake Associates, received 04.11.19.

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 9 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until the tree protective fencing has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance with British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 10 No development shall commence on site until full details of the remedial works recommended within the Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19) has been submitted to and approved in writing by the Local Planning Authority via a remediation strategy. The approved works shall thereafter be carried out in accordance with a timetable that shall be detailed within the remediation strategy. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

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 land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

NOTE: The Geo-Environmental Review Technical Note recommends a cover systems to private gardens and communal areas and as such the remedial strategy should detail how and where this will be carried out; to be followed by verification reporting that confirms the nature of clean cover placed in private gardens and communal areas including locations, depth profiles, photographs and soil analysis.

- 11 With the exception of the installation of the access road, no development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be carried out in accordance with the details approved under this condition.

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.

- 12 Prior to the occupation of each dwelling hereby permitted the access, turning area and parking spaces serving that dwelling shall be 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.

- 13 No dwelling shall be occupied until details of secure covered cycle parking serving each individual dwelling have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to the occupation of each dwelling and retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 14 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 to, or extensions or enlargements of 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 enlargements.

- 15 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 roof slopes of the dwellings hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 16 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.

- 17 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 garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

INFORMATIVES TO APPLICANT:

The attention of the applicant is drawn to the conditions imposed on the outline planning permission reference 13/06782/OUT, dated the 20th July 2017. However, the Local Planning Authority can confirm that the details hereby approved under this reserved matters consent, as listed within condition 1 and detailed below, satisfy pre-commencement conditions 6, 9, 10, 14, 15 & 17 of outline planning permission 13/06782/OUT: -

Condition 6 - Culvert Details

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Issue Number. P02 / Status. S2), received 08.10.19.

Condition 9 - Footway Reconstruction

- Drawing no.0110 Rev.P1 - Highway Construction Details - Sheet 1, received 06.09.19;
- Drawing no.0200 Rev.P1 - S278 Works Proposed Junction Site Clearance Plan received 06.09.19;
- Drawing no.0801 Rev.P1 - S278 Kerbing & Surfacing Plan, received 06.09.19.

Condition 10 - Drainage Strategy

- Document. Technical Note (Access Culvert Design) by Clarke Bond (date 07/08/19) (report no. B05066-CLK-XX-XX-TN-C-0001 / Number. P02 / Status. S2), received 07.10.19
- Document. Drainage Operations and Maintenance Manual (report no. B05066-CLK-XX-XX-RP-C-0001 / Status S2) by Clarke Bond, received 23.04.20;
- Document no.0004 Rev.P03 - Highway Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Document no.0006 Rev.P03 - Private Network with Surcharge (Surface Water Calculations & Scheme Design), received 23.04.20;
- Drawing no.0515 Rev.P04 - Flood Exceedance Route Plan, received 23.04.20;
- Drawing no.0535 Rev.P03 - Drainage & Tree Removal Plan, received 23.04.20;
- Drawing no.0010 Rev.P01 - Proposed Ditch Re-Profile, received 04.02.20.

Condition 14 - Construction Environmental Management Plan

- Document. Construction Environmental Management Plan (April 2020 [V3]) by Seasons Ecology, received 29.04.20.

Condition 15 - Water Efficiency

- Document. Water Efficiency Calculations (ref. Jon no.4748 / date 11.03.20), received 13.03.20.

Condition 17 - Land Contamination Investigation

- Document. Geo-Environmental Review Technical Note by Clarke Bond (ref B05066 / dated 11.18.19), received 02.12.19.

The approved details listed above, which enable the pre-commencement conditions to be discharged, has been submitted under Discharge of Condition applications reference 19/08603/DOC, 19/11510/DOC, & 20/03527/DOC in tandem with the reserved matters application.

This approval of matters reserved refers only to condition 2 of outline planning permission 13/06782/OUT but does not by itself constitute a planning permission.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Wylfe, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board

Under the terms of the Land Drainage Act 1991 the prior written Land Drainage Consent of the Lead Local Flood Authority (Wiltshire Council in this case) is required for any proposed works or structures that could affect the flow of an ordinary watercourse (all non-main river watercourses/streams/ditches etc.). To discuss the scope of their controls and please contact Flood Risk Management Team at Wiltshire Council.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Water voles and their burrows are legally protected from harm and disturbance. Management works to the ditches should be conducted with advice from an ecologist to avoid committing an offence under the Wildlife and Countryside Act 1981 (as amended).

The ecology zone comprises land within 8m of the River Wylfe which is main river and 4m of the ditches which are ordinary watercourses. The relevant authority (Environment

Agency /Local Land Drainage Authority) should be consulted and approval sought for any new works proposed in these zones or any proposed new discharges to the river/water courses. This includes the works proposed under the current application and any subsequent changes