

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	26 October 2016
<b>Application Number</b>	15/11544/OUT
<b>Site Address</b>	Peacock Grove (adjacent to Brook Drive), Corsham, Wiltshire, SN13 9AZ
<b>Proposal</b>	Outline Application for the Erection of up to 31 dwellings Following the Demolition of 6 No. Existing Dwellings & Associated Access.
<b>Applicant</b>	RST Corsham Ltd
<b>Town/Parish Council</b>	CORSHAM
<b>Electoral Division</b>	CORSHAM TOWN – Cllr Philip Whalley
<b>Grid Ref</b>	387678 169367
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

**Reason for the application being considered by Committee**

The application has been called in by the local Member in order to consider the scale of development, relationship to existing properties, design, environmental/highway impact, flooding implications and principle of 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 authority is delegated to the Head of Development Management to grant outline planning permission, subject to conditions and completion of the Unilateral Undertaking within six months, or otherwise to refuse the application.

**2. Report Summary**

The main issues in considering the application are as follows:

- Principle of development;
- Impacts on local highways;
- Impacts on site drainage and flooding;
- Impacts on ecology;
- Impacts on landscape character;
- Relationship to the Great Western Railway;
- Impact on residential amenity; and
- S106 contributions

Corsham Town Council has objected to the application, which has attracted a further 81no. letters of objection from neighbouring occupants and local residents. Further details are set out later in this report.

### **3. Site Description**

The 2.16ha application site is located on the southeast fringes of Corsham, immediately northward of a well-established mid-C20<sup>th</sup> development of suburban housing at Brook Drive/Broadmead. The site is largely comprised of an embankment of made ground formed through the extraction of material to create the Great Western Railway cutting, which runs along the northern boundary, and extending to include 6no. semi-detached dwellings at the corner of Brook Drive.

There is a public right of way, CORM105, leading from this corner through to the area known as The Batters, a wooded green link to the town centre owned and maintained by the Town Council. The southern site boundary is marked by the Byde Mill Brook running across the end of the rear gardens of Brook Drive to a modest bridge and culvert at Ladbrook Lane, upward of which the site's embankment is populated by a mixture of self-seeded trees. The higher part of the site has largely been cleared of trees and comprises a grassland meadow, with further trees lining the railway cutting boundary. A single property – 'Highlands', a large bungalow with generous garden – occupies the eastern end of the site, taking access from both Ladbrook Lane; a relatively narrow country lane linking the Lacock Road and Melksham Road to the East of Corsham, and a modest slab bridge at the far end of Brook Drive.

The site is located outside of, though immediately adjacent to, the saved development framework boundary for Corsham. The planning history of the site is very limited, with the only relevant case being the refusal of planning permission for 20no. dwellings on the site over 25 years ago (88/03024/OUT refers).

### **4. Planning History**

N/95/01622/FUL	EXTENSIONS TO DWELLING EXTENSIONS (27 Brook Drive) – Approved
N/88/03024/OUT	OUTLINE -RESIDENTIAL DEVELOPMENT (20 No DWELLINGS) - Refused
14/01670/RWN	Reconstruction of Bridge Deck – Prior Approval granted

### **5. The Proposal**

An application for planning permission is made in respect of the erection of up to 31no. dwellings and associated access, with all matters of landscaping, layout, scale and appearance reserved.

The proposal comprises the demolition of the six dwellings at the corner of Brook Drive together with the bungalow at the eastern end of the site in order to create a residential development comprising 31no. units indicatively shown as a mixture of detached, semi-detached and terraced dwellings.

Whilst the Ladbrook Lane and slab bridge accesses to the existing bungalow are to be re-used, most of the units are to be accessed via a new road bridge at the northwest corner of Brook Drive. In light of concerns raised in respect of the level of landscaping

detail provided, landscaping has been withdrawn from the matters sought for approval at this time; leaving only access subject to detailed consideration at this time.

Other matters of layout, scale and appearance remain reserved, although some detail in respect of the former is necessary to address fundamental issues such as ecology. The proposals have been revised from their original quantum of 53no. dwellings following initial concerns raised by various consultees whose cumulative effect is to compress significantly the developable area within the site, to which the reduction in units is a response.

## 6. Planning Policy

Wiltshire Core Strategy:

Core Policies 1 (Settlement strategy), 2 (Delivery strategy), 3 (Infrastructure requirements), 11 (Spatial strategy; Corsham Community Area), 41 (Sustainable construction and low carbon energy), 43 (Providing affordable homes), 50 (Biodiversity and geodiversity), 51 (Landscape), 52 (Green infrastructure), 57 (Ensuring high quality design and place shaping), 60 (Sustainable transport), 62 (Development impacts on the highway network), 67 (Flood risk)

North Wiltshire Local Plan 2011:

Saved policy NE14 (Trees, site features and the control of new development)

National Planning Policy Framework:

Paragraphs 14 & 17, Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment)

## 7. Summary of consultation responses

**Corsham Town Council** – Objections –

*“Resolved:*

*That the Town Council strongly recommends refusal of the application for the following reasons: exacerbation of flooding problems; creation of additional traffic problems including highway safety; reduction in privacy as the site is elevated; unjustified Greenfield development; unsustainable impact on primary education and health service provision; environmental and ecological harm; creation of a harsh and highly visible manmade skyline; detriment to the landscape character; visual impact in terms of scale; poor and unsuitable design quality; overdevelopment with a very high housing density; non-compliance with Wiltshire Council Core Strategy Policies CP1, 2, 11, 50, 51, 52 and 57; exacerbation of problems with water run-off and foul water flooding; Corsham will already exceed Core Strategy housing targets; lack of adequately sized gardens; destruction of woodland and the soft green transition from town to countryside; destruction of habitat used by rare species of protected bats; causes fragmentation and isolation of natural habitats; outside of the settlement boundary; the land should be returned to its former state; the character and scale and design is out of keeping with the Broadmead Estate/Brook Drive; the site is excluded from Wiltshire Council’s Core Strategy Draft Development Plan Document; the site is excluded from the emerging Corsham.”*

**Spatial Planning** – support

**Highways** – no objection, subject to conditions

**Drainage** – no objection, subject to conditions

**Ecology** – objections; citing harm to protected and non-protected species

**Landscape** – objections; concerns of adverse impacts due to overdevelopment

**Trees** – no objection, subject to conditions

**Urban Design** – no objection, subject to conditions

**Waste** – recommend suitable contributions

**Environmental Health** – no objection, subject to conditions

**Environment Agency** – no objection, subject to conditions

**Natural England** – no objection, supporting the comments of the County Ecologist

**Network Rail** – no objection in principle, subject to proper consideration of railway impacts in respect of: planting, fencing, stability, drainage, access, lighting, amenity and construction.

The Council consultees' responses where planning contributions are recommended are set out at the 'S106 Contributions' section below.

## 8. Publicity

The application was advertised by neighbour notification, press advert and site notice.

81 letters of objection were received from neighbours, local residents and on behalf of the Corsham Estate and Corsham Civic Society, raising the following issues (number of citations in brackets):

- Inadequate highways infrastructure and/or adverse impact on highways (74)
- Impacts on local drainage and flood risk (65)
- Impacts on local ecology and protected species (64)
- Impacts on local character (50)
- Inadequacy of local infrastructure (45)
- Impact on residential amenity (39)

Other issues raised included the need for additional housing, overdevelopment of the site, adverse effects from the railway, loss of trees/green infrastructure and loss of historic significance.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### Principle of Development:

In light of the recent Shurnhold appeal decision, in which the Inspector concluded that the Council did not have demonstrable five-year housing land supply and thus Core Policy 2 was out-of-date, it is considered that limited weight can be ascribed to the saved development framework boundary for Corsham for the time being. Accordingly, the merits of the site in spatial terms rely upon its situation and relationship to Corsham as an identified Market Town capable of providing most day-to-day services and offering a good range of employment and local public transport. It should be noted that although projected delivery at Corsham stands at around the target figures set out at Core Policy 11, these are expressed as a minimum and therefore the potential to exceed these does not weigh against the proposal.

The Council's Spatial Planning Officer has therefore supported the proposals as a means of delivering a significant number of new dwellings both on the open market and as affordable units. It is considered that the quantum of development is commensurate

with the approaches set out at Core Policies 1 and 11, whilst the site benefits from good links to the town and a degree of self-containment due to its enclosure by the railway, Brook Drive and Ladbrook Lane. The inquiry into the Chippenham Sites Development Plan Document has recently been re-opened and the Inspector's report expected by the end of 2016; although relevant to the broader picture of future housing delivery, when treated with due caution this does not significantly alter the above judgement at the time of writing. As such, residential development is considered acceptable in principle.

### Highways

Whilst the previous proposals were received with concern by the Council's Highways Officer owing principally to the intensification of the re-use of the Ladbrook Lane access, this impact has now been addressed. The number of dwellings served by this access has been reduced from eight down to two, and it is considered by the Officer that the increase of one dwelling is compensated for by the proposed installation of a right turn in/left turn out arrangement at the junction with Ladbrook Lane. Similarly, the anticipated level of traffic and limited potential for conflict over the shared use of the existing Brook Drive slab bridge is not considered to be detrimental to the proposal subject to a suitable limit on the number of dwellings accessed via this route. Both arrangements can be secured by condition, as can the upper limit on the number of dwellings served by either, and therefore no objection is raised in this respect. As the internal circulation of traffic is a reserved matter, no detailed consideration has been given to this at the current time. However, residential streets and parking should be provided in line with the adopted countywide standards, and it is anticipated that the form of development will ultimately include a number of private driveways bringing, inter alia, potential ecological benefits/mitigation.

Turning to the prospective installation of a new road bridge at the northwest corner of Brook Drive, whilst a significant undertaking in engineering terms, the Highways Officer is satisfied that this will not have a significant adverse impact on the wider highway network including on traffic flows through Broadmead/Brook Drive. On-street parking has been raised as a concern in several representations received however this is a pre-existing situation borne in part out of the sporadic pattern of parking on either side of the road. With several private driveways enabling cars to pass one another where highway width and alignment is at its most restricted, it is not considered that the additional traffic generated will have a detrimental impact on highway safety or the living conditions of residents. A peripheral matter discussed, however, is the current junction between Ludmead Road and the B-classified Prospect/Pound Pill, where on-street parking frequently restricts access. It is considered that in light of the potential for additional traffic to exacerbate this situation a planning contribution should be made available to fund a suitable parking order if this is considered necessary in future.

### Drainage

Of understandable local concern is the impact of the development in respect of drainage and flood risk, the latter made most apparent as a significant issue by events in 2014 when several gardens on Brook Drive were severely flooded together with sections of Ladbrook Lane and the adjacent railway, both of which became temporarily impassable. Whilst there is evidence of a lack of maintenance of the downstream ditch/watercourse that may have exacerbated these issues it is clear that surface runoff must be managed on site rather than relying upon any excess capacity in the downstream network. Through direct liaison between the applicant and Environment Agency, it has been accepted by the latter that, as made ground, the developable part of the site itself is not liable to flooding and that subject to proper management of runoff no objection is raised in principle.

In light of these comments, the Council's Drainage Engineer has considered the proposals and is content to offer no objection subject to conditions requiring subsequent approval of suitable engineering details. Due to the constraints on the site, however, attenuation ponds are not appropriate in this instance and would be of limited efficacy in an extreme flood event. Instead, the applicant has indicated a tanking facility to be accommodated beneath a section of highway traversing the upper part of the site, from which flows can be piped through to the existing outfall at a controlled rate. Independently, it is considered that this offers a practical solution that will ensure a net reduction in peak runoff rates and suitable attenuation during extreme events. As responsibility for maintenance downstream lies with the riparian landowner, no objection is raised in respect of site drainage.

### Ecology

Together with The Batters, the neighbouring segmental green route, the site forms an important commuting and foraging corridor for bats including European protected species Bechstein's and Greater and Lesser Horseshoe Bats. Having completed an initial Judgement of Likely Significant Effects (JLSE) of development on these species, the County Ecologist recommended significant changes to the scheme. Through two further iterations in which the quantum of development has been successively reduced, the parameters plan accompanying the substantive revised plans now incorporates robust strategic landscaping proposals around the site periphery intended to achieve policy compliance in respect of conserving and enhancing priority habitats and species. The associated reduction in the developable envelope, which can be secured by condition, provides some degree of reassurance that the most sensitive ecological receptors can be conserved and other habitats mitigated/compensated within the site without the need to translocate species to a receptor site.

The County Ecologist has noted that the proposals would have a number of residual negative impacts upon a number of ecological receptors including the Byde Mill Brook, mixed deciduous woodland, reptiles and birds. Although significantly improved through successive iterations of the scheme, the creation of the access road would also result in some loss/fragmentation of the tree belt, partially offset by the enhancement of foraging habitat along the northern site boundary. The Officer is satisfied, however, that the residual effects are unavoidable and have been reduced as far as possible, such that they are relatively minor. Accordingly no further objection remains on these grounds.

The substantive scheme has since been taken through the process of a Habitats Regulations Assessment (HRA), which requires review and ratification by Natural England as a formalised component of the process. Natural England has confirmed its acceptance of its findings and confirmed its support of the Ecologist's recommendations in respect of the site as a whole. The draft assessment concludes that there will be no significant effects on the integrity of the Bath and Bradford-on-Avon Bats SAC; either independently or in conjunction with other existing and planned development in the locality. The Ecologist is also satisfied that the proposals will not have any significant adverse impact for other bat species not protected at a European level.

### Landscape

The supporting Landscape and Visual Impact Assessment (LVIA) provides a selection of viewpoints toward the application site. It is apparent from the reasonably limited public viewpoints that the site's wider visual impact would be most pronounced from surrounding private land and it is considered that the development would not be seen in any planned or important public views. However, visual impacts described as

'Major/Moderate' in line with the standard guidance have been identified in the immediate vicinity at the Ladbrook Lane railway bridge and at Brook Drive itself. It is noted that both points are characteristically urban – the Ladbrook Lane bridge having recently been partially rebuilt in a more substantial engineered form to support electrification of the GWR line – and already at variance with the rural nature of many other selected viewpoints. At this range, the severity of any adverse visual impact of the development will be largely dependent upon the quality of layout and landscaping of the scheme, with high quality design capable of conserving amenity although representing a profound change in the character of the site. Consequently, it is considered that there is little long-range landscape impact and that more immediate effects can be addressed through the submission of suitable details at reserved matters.

Owing to the scale of the development, it is not considered that the proposals will have any significant impact on the setting of the Cotswolds AONB, the closest edge of which is some distance beyond the brow of the land north of the site that eliminate any direct inter-visibility between the two. The site's location is recognised in the Landscape Character Assessments as Type 16A – Malmesbury-Corsham Limestone Lowlands – being typified, inter alia, by sporadic woodland blocks, copses and frequent hedgerow trees. Whilst less 'managed' than these examples, the trees present on the brook embankment retain considerable group amenity value that would be reduced considerably by the piecemeal reduction or removal of individuals, which may also present ground stability issues. The Council's Trees Officer has raised concerns in relation to direct and indirect pressure on this bank of planting resulting from underground utilities, engineering works, construction work and eventual occupation and expectations in terms of residential amenity.

It should be recognised that the site itself, despite the recent removal of a significant number of trees, remains of value as a piece of green infrastructure together with The Batters serving as a transitional section between Corsham town and the countryside to the East. The value of the tree buffer to the Western and Southern of the site has recently been recognised through the designation of an area Tree Protection Order, which may be revised to a group Order in respect of managed improvement of these elements. The visual impact of the development for users of The Batters is identified as 'minor' however the related roles of The Batters and the application site as a wedge of green infrastructure linking the open countryside and town centre (albeit the latter is in private ownership) is significant. It is considered that the fundamental change in the character of the site and degree of management brought in respect of boundary planting will have a more pronounced effect than speculated. However, the introduction of a managed scheme of landscaping and creation of a new footpath link is likely to increase inter-visibility and alter the experience of the existing right of way for users, particularly in conjunction with the new highway access. This should be balanced against the value of a continuous, high-quality right of way and its capacity to improve links to the countryside and the availability of urban green infrastructure, however. To this end, subject to suitable details at reserved matters, it is considered that the overall scale of change is likely to be minor adverse with some independent benefits, and should be weighed accordingly in the planning balance.

### Character

Whilst landscaping, layout, appearance and landscaping remain reserved matters, the infrastructure necessarily detailed at this stage – ecological mitigation planting, access and drainage – provides some indication of the constraints to the site perimeter and thus the likely residual developable area. This can in turn be used to provide some assurance as regards the general form of development in terms of overall density and, in some instances, orientation of units as necessary to secure appropriate treatments to

bat commuting corridors. The most significant landscape buffers – to the West and South site edges – are to be maintained and improved, reinforcing a recognised local feature whilst protecting neighbouring properties along Brook Drive in particular from an abrupt change in built character. There will be some change in character due to the introduction of the road bridge and increased activity associated with the right of way however it must also be recognised that the site falls within/adjacent to the built envelope of Corsham where neither is particularly out of keeping with the role of the area.

The final density and form of new dwellings has been raised as a concern in a number of responses, including the Urban Designer's early comments. It is agreed that three-storey dwellings and/or large blocks of flats are inappropriate for this site and therefore the reduction in the quantum of development is likely to alleviate pressure for the inclusion of such units within the final layout. It is not considered that a quantum of 31 dwellings – 27 within the upper portion of the site, rather than on Brook Drive – is unreasonable even given the evident constraints of the site. On a less complex site, a higher number would be expected in light of the policy desire for layout efficiency however the current number makes a practical concession proportionate to the constraints.

#### Relationship to the Great Western Railway

The application site is comprised largely of made ground resulting principally from the creation of the GWR railway cutting in the mid-C19<sup>th</sup> and latterly the development of Broadmead/Brook Drive with the mid-C20<sup>th</sup> expansion of Corsham. The site retains a close relationship with the railway line, although this section shows limited signs of recent maintenance, with a mixture of self-seeded scrub characterising the trackside part of the land. Network Rail have been consulted on the proposals and have raised a number of general concerns as set out in the relevant section above. Most of these relate to final layout and safeguarding the railway against structural movement, obstruction and unauthorised access. None is considered to impede the prospects of development in principle, but will require careful consideration of matters agreed by condition and as reserved matters; not least bank stability and planting and fencing specifications.

#### Residential Amenity

Reflexive of the potential for the development to impact on the safe operation of the railway line in this location is the prospect of the railway in turn affecting the residential amenity of future occupants. In the immediacy, the Council's Environmental Health Officer has recommended that any final scheme incorporates suitable acoustic fencing parallel to the railway although due to the abrupt landscape impact this would have it is likely that this would need to be rebated slightly into the proposed planting buffer to this boundary. Whilst design features such as acoustic glazing may be appropriate, the benchmark for occupation without undue noise incursion from the railway should be the peaceful enjoyment of dwellings with windows open. Although with electrification of the GWR shortly the likely noise levels associated with the railway are unknown, this matter can be addressed by condition, as has been used elsewhere. To this end, the withdrawal of the 'landscape' matter at this time is supported, in order to avoid over or under-specifying planting and acoustic measures.

Concerns have been raised in respect of the prospective loss of residential amenity to the occupants of Brook Drive, who currently enjoy open aspects to their rear gardens as these are orientated toward the brook and embankment to afford a degree of enclosure. It is considered that the same considerations that would discourage front elevations

facing the brook (i.e. to avoid intrusion from/to trees) in a final layout would similarly protect the existing residents of Brook Drive from unacceptable inter-visibility with their new neighbours. Units would typically need to be orientated side-on to the tree belt to protect bat commuting corridors from undue light pollution, an effect extended to properties beyond the tree belt.

### S106 Contributions

The Council's New Housing Officer has confirmed a requirement for the provision of 30% on-site affordable housing, equating to 8no. units on the basis of the net figure. This should be dispersed through the site with a range of unit and tenancy types.

The development should also provide 2280m<sup>2</sup> of public open space, of which 225m<sup>2</sup> should be dedicated play space. This should include a useable link between The Batters and Ladbrook Lane and should be offered in the first instance for adoption by the Town Council in line with the Officer's recommendations.

The Council's Education Officer has confirmed that the development generates a need for 9 primary and 7 secondary school places, requiring a contribution of £152,811 in respect of the primary places, with the secondary element to be funded by CIL.

In line with the Council's Waste Strategy, developer contributions of £91/dwelling will be required in order to secure the provision of on-site waste containers, equating to a total contribution of £2,275 in this regard.

The scheme will also be liable for contributions under the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, equating to £55/m<sup>2</sup> for eligible floor space.

### Conclusions

The current lack of a five-year housing land supply is a material consideration whilst the site is sustainably located in relation to Corsham, a market town capable of delivering significant housing including that in excess of the minimum figure at Core Policy 11. It is considered that the scheme will have an overall minor adverse landscape impact as well as prejudicing to limited extent the delivery strategy for Wiltshire.

Taken in the context of the presumption in favour of sustainable development and in terms of the planning balance, however, these considerations are outweighed by the benefits of development, which include improvements to surface water drainage, recreational provision and the delivery of housing, including affordable housing, itself. All other matters have been sufficiently addressed, with technical details capable of resolution either by planning condition or as reserved matters. On balance, therefore, it is considered that the proposal is acceptable in planning terms.

## **RECOMMENDATION**

**That authority is delegated to the Head of Development Management to grant outline planning permission, subject to completion of the Unilateral Undertaking within a period of six months and the conditions set out below, or otherwise to refuse the application for the following reason:**

**The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces; Air Quality Management and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy**

**adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework  
March 2012.**

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

1003\_Red Line Plan - Site Location Plan  
Received 20 November 2015

FMW1379 - GA02 rev A - Horizontal And Vertical 2.4m x 27m Visibility Splays  
Received 15 March 2016

GOLD19349-15B - Parameters Plan  
GOLD19349-14A - Buffer Planting Proposals  
Received 21 July 2016

FMW1379-GA01 rev C - Proposed General Arrangement Option 2  
Received 12 October 2016

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

- 5 No building on any part of the development hereby permitted shall exceed two storeys in scale or 9m in height relative to the adjacent ground level.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

- 6 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 by the Local Planning Authority. The development shall not be first occupied until 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 have all been constructed and laid out in accordance with the approved details.

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, to ensure that the roads are laid out and constructed in a satisfactory manner.

- 7 No works shall commence on site until the access to Brook Drive has been provided in full accordance with the details contained in drawing FMW1379-GA01 rev C (Proposed General Arrangement Option 2, received 12 October 2016).

No dwellings reliant upon access from Ladbrook Lane shall be first occupied until the access, together with suitable turning areas as agreed pursuant to Condition 2, has been provided in full accordance with the details contained in drawing FMW1379 - GA02 rev A (Horizontal And Vertical 2.4m x 27m Visibility Splays, received 15 March 2016).

The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8 No development shall take place until full details of both hard and soft landscape works, including a programme for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures such as street furniture, refuse or other storage units.

The details shall also include the location, size and condition of existing trees and hedgerows, shall identify those to be retained together with measures for their protection during construction and shall show details of new planting areas, tree and plant species, numbers and planting sizes.

The works shall be carried out as approved in accordance with the approved programme.

REASON: In order to secure a suitable landscaped setting to the development and in the interests of protecting retained trees and landscape features.

- 9 Applications for reserved matters shall be supported by a ground stability assessment

and lighting modelling (including lux plots) in order to demonstrate that detailed proposals meet the requirements of the submitted Parameters Plan, Lighting Strategy, Ecology and Landscape Strategy, and Appropriate Assessment.

All details of landscaping submitted for approval as part of any reserved matters application shall be in accordance with the mitigation measures set out in the Appropriate Assessment, including advanced planting of the northern buffer area and restoration of woodland habitats following construction of the road and bridge.

REASON: In the interests of protected species, to mitigate against the loss of existing biodiversity and nature habitats.

- 10 Prior to commencement of development (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan (CEMP) shall be 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 including those highlighted in the Appropriate Assessment
  - b) Identification of construction excluding zones including the ecological buffers shown on the parameters plan
  - c) Detailed construction methods to be employed to avoid or reduce impacts during construction
  - d) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period
  - e) Details of reptile mitigation measures including translocation, habitat manipulation / clearance and receptor areas
  - f) Measures to avoid damage or destruction of nesting birds
  - g) Details of an appointed Ecological Clerk of Works
  - h) 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 the appointed Ecological Clerk of Works certifying that the required mitigation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 11 Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved LEMP shall include, but not necessarily be limited to, the following information:
- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species
  - b) Description and evaluation of features to be managed; including location

shown on a site map

- c) Landscape and ecological trends and constraints on site that might influence management
- d) Aims and objectives of management
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward)
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing bat and habitat monitoring and remedial measures;
- j) Timeframe for reviewing the plan

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 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.

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

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 12 The reserved matters submitted pursuant to Condition 2 shall be accompanied by a suite of acoustic measures in respect of all dwellings adjacent to the Great Western Railway (i.e. unobstructed by other buildings). These measures shall include those detailed in the "Noise and Vibration Assessment Nov 2014 296312-01(01)" para 6.1.3; comprising glazing, appropriate passive ventilation and boundary treatments and shall demonstrate that ingress of external noise can be reduced to a level whereby the Good standard of BS8233 for internal noise criteria can be achieved.

The development shall be carried out in accordance with the scheme prior to the first occupation of any affected unit and shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation of an environment free from intrusive levels of railway noise and activity in the interests of residential amenity.

- 13 The reserved matters and details submitted pursuant to Conditions 2 and 14 shall be accompanied by a suitable engineering design for the creation of any subterranean surface water attenuation/storage to be provided on site.

The said design shall incorporate ground stability information as necessary and ensure that any associated operations can and will be implemented in such a way as to comprise the extraction of material and shoring up in a vertical section not requiring additional cutting/backfilling.

The relevant works shall be carried out in full accordance with the approved details.

REASON: In the interests of ecological protection and ground stability.

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating

sustainable drainage details (together with any required off-site works to prevent any increased risk of flooding to downstream properties and any required permissions for connections to private drainage systems/land drainage consents), has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage, including any off-site works, has been constructed in accordance with the approved scheme.

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, to ensure that the development can be adequately drained and that such systems installed will be adequately maintained to the standard required to meet the requirements of the submitted design and thus prevent any increased risk of flooding to properties on/off the site due to lack of maintenance.

- 15 No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The Strategy shall include a drainage scheme providing detailed arrangements for the means of connection to the main sewer network and the capacity improvements required to serve the proposed development, including any phasing.

No dwelling shall be first occupied or other building brought into use until the drainage scheme has been completed in full, in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 16 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on

the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwater and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

#### Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

#### Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

#### Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

#### Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in

writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 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; and
- h) measures for the protection of the natural environment.

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: 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, 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.

18 No construction activity whatsoever, including deliveries, shall take place outside the hours of 0730 and 1800 from Mondays to Fridays. No such activity shall take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

19 The dwellings hereby approved shall achieve a level of energy performance at or

equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

**INFORMATIVE TO APPLICANT:**

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.

**INFORMATIVE TO APPLICANT:**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.