

**Town & Country Planning Act 1990**

**Notice of Planning Permission for Variation/Non-Compliance with a condition imposed on an earlier permission**

**Application Reference Number: 17/09248/VAR**

<p><b>Agent</b> Brookbanks Consulting Ltd 6150 Knights Court Solihull Parkway Birmingham B37 7WY</p>	<p><b>Applicant</b> Mr Andy Birch Unit 3 Apex Court Woodlands Bristol BS32 4JT</p>
<p><b>Particulars of Development:</b> Variation of Condition 32 of 14/10461/OUT relating to site access.</p>	
<p><b>At:</b> Land East of Spa Road, Melksham, Wiltshire ,</p>	

In pursuance of their powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

**Subject to compliance with any condition(s) specified hereunder:-**

- 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 phase as referred to in Condition 5, of the development hereby permitted shall commence, other than the site access until details of the following matters for that phase (hereinafter called "the reserved matters" 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;
  - (e) The internal access arrangements

(f) The mix and type of housing

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 Applications for the approval of reserved matters for a minimum of 300 dwellings shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Applications for the approval of the reserved matters for the residual amount of dwellings (any additional dwellings in excess of 300 units) shall be made to the Local Planning Authority before the expiration of five 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 Development shall not be commenced on site until a supplemental planning obligation has been completed by the Council and the freehold owner of the land comprised in title number WT72400

REASON: To ensure the land is bound by the relevant covenants in the Section 106 Legal Agreement related to this permission

- 5 The development shall be carried out in accordance with the Phasing Plan 10483-PP-10-Rev C, as approved on 5 June 2018.

REASON: To ensure the satisfactory delivery of the development and facilitate the proper planning of the area.

- 6 No development shall commence on each relevant phase (as referred to in Condition 5) until a scheme of hard and soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include

- \* location and current canopy spread of all existing trees and hedgerows on the land;
- \* full details of any to be retained, together with measures for their protection in the course of development;
- \* a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- \* proposed seed mix for the neutral grassland areas
- \* finished levels and contours;
- \* means of enclosure;
- \* boundary treatments;
- \* car park layouts;
- \* other vehicle and pedestrian access and circulation areas;
- \* all hard and soft surfacing materials;
- \* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- \* proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

- \* retained historic landscape features and proposed restoration, where relevant.
- \* arboricultural 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 ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 All soft landscaping comprised in the approved details of landscaping for each relevant phase (as referred to in Condition 5) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development within that phase 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 in the relevant phase 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 No development shall commence on each relevant phase (as referred to in Condition 5) until details of the estate roads, footways, footpaths, cycle tracks, 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 within that phase and a timetable for implementation and provision of such works has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried 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 and to ensure that the roads are laid out and constructed in a satisfactory manner

- 9 No development shall commence on site until details of how and when an access will be provided to the offsite ecology area and how the proposed development hereby approved including the construction period will ensure that the adjacent sports field access (to Melksham Rugby and Football Club) remains unobstructed. The development shall be carried 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.

- 10 No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The approved programme of archaeological work shall then be carried 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 enable the recording of any matters of archaeological interest.

- 11 The development shall be carried out in strict accordance with the submitted Construction Traffic Management Plan (CTMP) as approved on 29 May 2018.

REASON: That the development is undertaken in an acceptable manner and to ensure that the amenity of the local highway network is adequately protected.

- 12 The development shall be carried out in accordance with the details within the Dust Suppression Scheme as approved on 29 May 2018.

REASON: To ensure that the development is undertaken in an acceptable manner.

- 13 All phases of the development shall be carried out in accordance with the approved details within the Noise Impact Assessment as approved on 29 May 2018.

REASON: In order that the development is undertaken in an acceptable manner, to protect the amenity of future residents.

- 14 No development shall commence on each relevant phase (as referred to in Condition 5) until details of a foul drainage disposal scheme to serve the development within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building within the relevant phase.

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.

- 15 No development shall commence on each relevant phase (as referred to in Condition 5) until details of a storm drainage disposal scheme to serve the development within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any approved building within the relevant phase.

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.

- 16 No development shall commence on each relevant phase (as referred to in Condition 5) until details of a surface water management scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all surface water drainage works serving the development within that phase. The scheme shall subsequently be implemented 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 prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

- 17 The development shall be carried out in full accordance with the submitted and approved details of the Water Efficiency Report as approved on 29 May 2018

REASON: To maximise water efficiency on the development.

- 18 The development shall be constructed, completed and maintained as such at all times thereafter, in full accordance with the details submitted within the FPCR Landscape and Environment Management Plan (LMP), as approved on 29 May 2018.

REASON: To ensure the proper management of the landscaped areas in the interest of visual amenity and protection of adjacent listed buildings.

- 19 The development shall be constructed, completed and maintained as such at all times thereafter, in full accordance with the details submitted within the FPCR Landscape and Ecological Management Plan (LEMP), as approved on 29 May 2018.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

- 20 The development shall be carried out in strict accordance with the approved terms and recommendations in the FPCR Landscape and Ecological Management Plan as discharged on 29 May 2018.

REASON: In the interests of protected species and landscaping.

- 21 No development shall commence on the relief road until details of how the relief road will be designed to avoid impact on amphibians have been submitted to and approved in writing by the Local Planning Authority. The relief road shall then be constructed 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 and in the interest of biodiversity

- 22 The construction of dwellings within each relevant phase (as referred to in Condition 5) shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials to serve dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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 and in the interest of public health and safety

- 23 The development shall be constructed and completed in accordance with the submitted waste audit details as approved on 29 May 2018.

REASON: In the interests of minimising waste from the construction development.

- 24 No external lighting shall be installed within each relevant phase (as referred to in Condition 5) until plans showing the type of light appliance, the height direction and position of fitting, illumination levels and light spillage of external lighting within that phase designed in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2011)" and areas to be maintained as dark corridors (including the green corridor along the relief road around the southern and eastern sides of the site) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site including towards designated and non designated heritage assets and to protected ecological species.

- 25 Prior to the occupation of each dwelling, the roads including footpaths and turning spaces serving that dwelling shall be constructed with a properly consolidated and surfaced to at least binder course level between the dwelling and the existing adopted highway.

REASON: To ensure that the development is served by an adequate means of access

- 26 Prior to the occupation of the first dwelling hereby permitted, the highway infrastructure identified as Phase 1 on drawing number 10154-PP-01 Rev C shall be constructed and completed in accordance with the approved plans.

REASON: In the interest of highway safety

- 27 No more than 250 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 2 on drawing number 10154-PP-01 Rev C has been constructed and completed in accordance with the approved plans.

REASON: In the interest of highway safety

- 28 No more than 350 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 on drawing number 10154-PP-01 Rev C has been constructed and completed in accordance with the approved plans.

REASON: In the interest of highway safety

- 29 No dwelling hereby permitted shall be occupied until a public art scheme for the site and a timetable for installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried 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 the proposal complies with the relevant public art policies.

- 30 Demolition or construction works on the site hereby approved shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:00 hours to 12:30 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

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

Site Location Plan 4769-L-03-D - received 22 September 2017; Transport Statement, Phasing Plan -10154-PP-01-REV C, Eastern Relief Road Sheet 1 10154-HL-03-Rev D, Eastern Relief Road Sheet 2 10154-HL-04-Rev E, Eastern Relief Road Sheet 3 10154-HL-05-Rev D, Eastern Relief Road Sheet 4 10154-HL-07-Rev F, Indicative Landscaping Plan 4769-L-05-REV G, Northern Access Plan 10484-SK-03-Rev C, Indicative Planting Scheme 4769-L-04-Rev K, Parameters Plan 4769-L-06-Rev J, Green Infrastructure 4769-L08-Rev F and Accessible Open Space 4769-L-08-Rev H - all received on 21 December 2017

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

INFORMATIVE: This permission shall be read in conjunction with the Agreements made under Section 106 of the Town and Country Planning Act, 1990 and dated 22nd September 2016 and supplemental dated 7th August 2018.

INFORMATIVE: In order to discharge the surface water management scheme the Environment Agency would expect to see the inclusion of the following:

- o A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
- o A manhole schedule;
- o Model runs to demonstrate that the critical storm duration is being used;
- o Confirmation of the appropriate discharge rates and volumes, with any flow control devices indicated on the plan with the rate of discharge stated; It is noted that discharge is to be to a single ditch. This ditch must currently receive flows from this site and the post development discharge rate and volume into that ditch must not exceed the existing rate and volume of discharge into the ditch. A 'site-wide' catchment analysis will be required to verify how much of the site currently flows into the ditch and hence to determine the acceptable flows.
- o Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event;
- o Exceedance flow can occur during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion would flow downslope possibly onto land under other ownership. For surcharge / flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained within the site and must not reach unsafe depths on site;
- o A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25;
- o Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- o Specification of how the scheme will be maintained and managed after completion.

INFORMATIVE: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

INFORMATIVE: The applicant is advised that the reserved matters application should include low-rise development to ensure no harm is raised to the significance of the existing built historic environment.

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

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water



interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:  
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: It is important for the applicant to note that the reserved matters application(s) should respect the setting of the listed buildings and listed walls and should include details of how they will be protected.

INFORMATIVE: The Strategic Planning Committee welcomes the fact that the Developer has agreed to form a Neighbourhood Liaison Group

**Signed**



**Tim Martienssen**  
**Director**  
**Economic Development and Planning**

**Dated: 09 August 2018**

# Town and Country Planning Act 1990

## NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
  - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge)
  - 1.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
  - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal – [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals) ). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.  
  
If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.
  3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
  4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
  5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk). The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission ( with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request that you apply well in advance of when you intend to start work