



Application Reference Number: 20/10972/OUT

Decision Date: 07 February 2023

Applicant: Hannick Homes and Developments Ltd and Mr A. R Hawker Dammas House, Dammas Lane, Swindon, SN1 3EF

Particulars of Development: Outline Planning Application for up to 71 Dwellings, Community Car Park, Land Reserved for Future Expansion of Hullavington CofE Primary School, Access, Open Space, Surface Water Attenuation Basin, Landscaping and Associated Works

At: Land at The Street, Hullavington

Conditions: (15)

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 latter.

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 (non-strategic) of the site.

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

3 An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and shall be substantially in accordance with the Design and Access Statement dated October 2022.

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

- 4 The development hereby permitted and reserved matters details shall be in accordance with the parameters illustrated in the following approved plans and documents:

Site Location Plan 416.04636.00004.29.014.4

Proposed Site Access Arrangements A173 – 001 Rev P8

Proposed Maintenance Access A173 – 004 Rev P7

Parameters Plan 416.04636.00003.29.010.11 received 28.10.2022

Ecological Parameters Plan 416.04636.00004.29.016.7 received 28.10.2022

Landscape Strategy Plan 416.04636.00004.29.013.6 received 28.10.2022

Indicative Drainage Strategy Drawing 10 Issue P10 (which accompanied the revised flood risk assessment received in October 2021)

Design and Access Statement 416.04636.00004.29.020.09 received 28.10.2022

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

Note – Pursuant to the above, it is acknowledged that the approved indicative location of the on-site pumping station is illustrated on the aforementioned Parameters Plan.

- 5 No development shall commence within the redline site area of the development hereby approved until:

a) 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; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 6 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 300mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

7 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 have been submitted to and approved by the Local Planning Authority. No dwelling shall be 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 serving that dwelling have all been constructed and laid out in accordance with the approved details unless an alternative timetable is agreed in the approved details.

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

8 Prior to the occupation of the first dwelling, a full Residential Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of travel choices available to residents and visitors, together with maps and timetables to encourage travel by modes other than the private car.

REASON: In the interests of sustainable travel.

9 The development will be carried out in strict accordance with the revised Ecological Parameters Plan Dwg 416.04636.00004.29.016.7 received 28.10.2022

REASON: For the avoidance of doubt and for the protection, mitigation, and enhancement of biodiversity

10 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance, and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan will align with recommendations in Section 5 and Land at the Street Hullavington Ecological Assessment Report (Update). Pure Ecology (September 2021) and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree and hedge root protection areas and details of physical means of protection, e.g. exclusion fencing

- b) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles, and bats.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The CEMP will also include the following information:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. storage of plant and materials used in constructing the development;
- ix. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. wheel washing facilities;
- xii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- xiii. a scheme for recycling/disposing of waste resulting from construction works;
- xiv. measures for the protection of the natural environment; and
- xv. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.

The development shall not be carried out otherwise than in accordance with the approved CEMP.

REASON: To safeguard the amenities of the area and the highway

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will align with the Ecological Parameters Plan

and recommendations in Section 5 and Land at the Street Hullavington Ecological Assessment Report (Update), prepared by Pure Ecology (September 2021). It will also include long-term objectives and targets (as required by the submitted Defra Metric Calculation), management responsibilities, and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity.

- 12 No external lighting, including security lighting, shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued By the Bat Conservation Trust and Institution of Lighting Professionals. The submitted details must demonstrate that light levels within boundary features defined as 'dark/unlit habitats for bats' on the hereby approved Ecological Parameters Plan will be no more than 0.5 LUX, or the same as existing.

The approved lighting shall be installed and 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, to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not impact wildlife habitat.

- 13 In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

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.

14

All soft landscaping comprised in the approved details of landscaping, as required by the reserved matters applications and details required by conditions within this decision notice shall be carried out in the first planting and seeding season within or following the completion of each phase, first occupation of the building(s) within each phase or the completion of the development whichever is the sooner. The public open space landscaping shall be being completed prior to the occupation of 75% of the residential dwellings (i.e. the 53rd dwelling).

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 protection of existing important landscape features.

15

No development shall commence on site (save for any site enabling/ground clearance works) until a detailed drainage strategy plan, including the submission of the provisions and measures to prevent pollution of receiving groundwater and/or surface waters, a detailed SUDS management and maintenance plan for the lifetime of the development incorporating attenuation risk factoring and sustainable drainage details, to include cross section details; and, a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall not be first brought into use until the surface water drainage provisions (including any temporary arrangements) have been completed and all associated connections are available in accordance with an approved drainage scheme.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

NOTE:

It is acknowledged that the indicative drainage strategy includes a reference to an earlier layout iteration for the foul pumping station which is reflected within the approved indicative masterplan and supporting parameter plans.

Furthermore, should the requisite drainage scheme require third-party approvals, those should be secured as early as possible and copies of all such agreements should be submitted to the LPA as part of the discharge process to provide confidence the scheme is deliverable.

Informatives:

In relation to condition 5 a programme of Strip, Map, Sample and Record is to be conducted by a qualified archaeologist within the immediate area of Trench 8 as indicated on the plans attached the submitted as part of this application Archaeological Evaluation report.

In relation to condition 15, the following information will be required in order to discharge the condition:

- A detailed drainage strategy plan e.g showing all pipework connections between the surface water drainage features.
- A plan showing the finished floor levels of the properties which will be reviewed against the exceedance routing. The finished floor levels should be higher than the permeable paving.
- Cross-section drawings of the attenuation basin.
- A construction management plan showing how surface water will be managed during the construction phase.

This should include a method statement for how the basin will be lined.

The highway works will be subject to a Section 278 Agreement with the Highway Authority.

Please note that Council offices no longer have the facility to receive material samples as part of any discharge of condition process. When applicable, material samples should be delivered and left securely on the site.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge, or other land forming part of the highway.

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 license from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought directly from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access, and the ground conditions appertaining to the sewer in question.

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 the commencement of work.

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 landowner's consent before such works commence.

If you intend to carry 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.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to the commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

The developer/applicant is advised to incorporate water efficiency measures into this scheme to provide resilience to some of the extremes of weather conditions that climate change brings. It benefits future residents by reducing water bills, and also benefits wider society by making more water available at times of shortage. The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting are strongly recommended.

The developer/applicant is advised to ensure appropriate safeguards are fully implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - wheel-washing and dirty water disposal - 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. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The developer/applicant is advised to follow guidance produced by Wiltshire Fire & Rescue Service in terms of precautionary measures to reduce the risks of fire and on-site measures to deal with an emergency. This advice is often in addition to building regulation requirements. Further guidance can be obtained regarding the on-site provision of fire hydrants and a water supply for the purposes of fire-fighting.

The developer/applicant is required to reach an agreement with Wessex Water with respect to finalising foul water and clean water connections.

The developer is encouraged to register the site under the Considerate Constructor scheme and to adhere to the scheme's code.

The developer is encouraged to provide up-to-date welcome packs to all the occupiers of the dwellings, informing them of the local public rights of way network, details of local bus service timetables and nearest bus stops, as well as a residential travel plan, Connecting Wiltshire and caresharewiltshire.com.

Where it is necessary to divert (or extinguish) a public footpath, bridleway, or restricted byway to enable development, an application must be submitted to Wiltshire Council at the earliest opportunity under section 257 of the Town and Country Planning Act 1990. It is advised that an application to divert PROW 29 is made concurrently or before the submission of the subsequent REM application. To expedite the process of dealing with affected rights of way the Council has powers to make (but not confirm) an Order before any permission is granted for a planning application or reserved matters. Applications to divert or extinguish are processed by the Rights of Way and Countryside team and are

liable to a fee on their successful completion. Proportional charges will be made when an application does not reach successful completion. Where an Order is made, and no objections are received, the Order may be confirmed by the Council - which comes into effect when the alternative path is provided and certified to the Council's satisfaction (if applicable). If the process goes smoothly, an application to divert or extinguish can take approximately 6 months from receipt to completion. Where an Order is made, and objections are received (that are not withdrawn), the Order may only be confirmed by the Planning Inspectorate. This results in a considerable delay in the process and it can take between 12 to 18 months before such an Order is finally confirmed and the route certified. Any work affecting the right of way cannot proceed until the legal process is completed and as advised that can take up to 18 months.

It is therefore essential that where a right of way is affected by a development the applicants contact the rights of way team and commence the process at an early stage or concurrent with the planning application/ reserved matters process in order to achieve a timely extinguishment or diversion.

Obstruction of the highway is an offence at common law as a form of public nuisance and also a crime by statute under Section 137 of the Highways Act 1980.

If a diversion is applied for, the proposed route must either be on the applicant's land or if it runs on someone else's land this must be with the written agreement of the landowner (including an agreement about compensation if required).

Parvis Khansari - Corporate Director, Place

