

Town & Country Planning Act 1990

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

Application Reference Number: 15/04092/VAR

<p>Agent PlanningSphere Ltd Coworking The Guild High Street Bath BA1 5EB</p>	<p>Applicant HPH Ltd 6 Kingsmead Square Bath BA1 2AB</p>
<p>Parish: HEYWOOD</p>	
<p>Particulars of Development: Variation of condition 10 of planning permission 14/10780/VAR relating to archaeological works.</p>	
<p>At: Hawkeridge Business Park, Land North & South of Mill Lane, Hawkeridge, BA13 4LD</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 An application for the approval of all of the reserved matters 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.

- 3 No building phase (or component thereof) shall be commenced, with the exception of the site access roundabout and access road (and associated works), until details of the following matters in respect of that phase or component thereof (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by the Local Planning Authority

The scale of the development;

The layout of the development;

The external appearance of the development;

The landscaping of the development;

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed uses are acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

- 5 The floorspace occupied by Class B1 (a) and (b) land uses, as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended), shall not exceed 12,000m² and the total floorspace shall not exceed 45,520m², unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure that traffic associated with the development can be satisfactorily accommodated on the road network.

- 6 All soft landscaping as shown on Parameters Plan Rev C submitted on application 14/03118/OUT shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the

next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. All hard and soft landscaping shall remain in perpetuity.

REASON: To ensure a satisfactory landscaped setting for the development, to protect the setting of heritage assets and existing important landscape features and to manage biodiversity.

- 7 Other than the site access roundabout and associated works, no other development on the site hereby approved shall be commenced until the roundabout access works on Hawkeridge Road and the alterations to Mill Lane have been completed in accordance with drawing number IMA-13-051-005A received by the local planning authority on 19th March 2014 submitted on application 14/03118/OUT. Access to the properties served by Mill Lane shall be secured at all times during the works.

REASON: In order to ensure that a satisfactory access is provided to serve the site, and the existing properties accessed from Mill Lane

- 8 There shall be no vehicular access points to the site other than via the proposed roundabout on Hawkeridge Road, and a cycle access point to the north of the roundabout. The existing agricultural access to the site north of Mill Lane shall be closed to all traffic before the commencement of development.

REASON: In the interests of highway safety

- 9 The development hereby approved shall be carried out in accordance with the Construction Management Plan, Drawing Number IMA 11-078.115 and the explanatory notes received on 26th January 2015 on application 14/10780/VAR and the Health and Safety report received on 28th January 2015 on application 14/10780/VAR discharged by the Local Planning Authority on 13th May 2015.

REASON: In the interests of highway safety.

- 10 No development shall commence on each individual plot in the area annotated as "Archaeological Watching Brief Monitoring of Works Required in This Area" on Parameters Plan Rev C received on 23rd June 2014 on application 14/03118/OUT 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: To enable the recording of any matters of archaeological interest.

- 11 The development hereby approved shall be carried out in accordance with the Ecological Construction Environmental Management Plan received on 28th January 2015 and the Revised Landscape and Ecological Management Plan

Rev B received on 1st May 2015 on application 14/10780/VAR discharged by the Local Planning Authority on 13th May 2015.

REASON: In the interest of ecology.

- 12 The development hereby approved shall be carried out in accordance with Drawing Number IMA-11-078-113A, Explanatory Notes, Drainage Notes and Flows:Design Criteria for Foul Main received on 28th January 2015 on application 14/10780/VAR and Discharged by the Local Planning Authority on 13th May 2015.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream properties.

- 13 The development hereby approved shall be carried out in accordance with Drawing Numbers S100 Survey Rev B, S101 Survey Rev B received on 28th January 2015 on application 14/10780/VAR and discharged by the Local Planning Authority on 13th May 2015 and Revised Lighting Report Rev F received on 27th April 2015 on application 14/10780/VAR and discharged by the Local Planning Authority on 27th April 2015.

REASON: In the interest of ecology

- 14 The development hereby approved shall be carried out in strict accordance with the Parameters Plan Revision C received by the Local Planning Authority on 23rd June 2014 submitted on application 14/03118/OUT

REASON: In the interest of neighbouring amenity, to protect the setting of heritage assets and ecology

- 15 There shall be no development, groundraising or other alteration on land with an existing ground level of 47.51mAOD or below. This land shall remain undeveloped and shall form unobstructed open space with associated landscaping.

REASON To minimise impact on the fluvial floodplain and flood risk to the surrounding area.

- 16 Any Development and associated works shall be carried out in accordance with all the recommendations of the undated (noise measurements carried out in July 2013), Entran Noise and Vibration Assessment for land at Hawkeridge submitted as part of planning application ref 14/03118/OUT

REASON: In the interest of neighbouring amenity

- 17 No burning shall take place on site during the construction phase.

REASON: In the interest of neighbouring amenity

- 18 Demolition or construction works shall not take place outside the hours of 08:00hrs to 18:00hrs Mondays to Fridays and from 08:00hrs to 13:00hrs on

Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interest of neighbouring amenity.

- 19 Prior to the occupation of any building on site, evidence that all building services, plant and fixed machinery are sited and designed to achieve a Rating Level LArTr of 30dB between the hours of 07:00 hrs and 23:00 hrs and Rating level LArTr 25db (subject for the scope of BS4142 for low background noise and therefore the rating level) between the hours of 23:00hrs and 07:00 hrs as measured at the nearest noise sensitive receptor shall be submitted to and approved in writing by the Local Planning Authority. Measurements and assessments shall be carried out in accordance with BS4142.1997. The development shall be carried out in accordance with the approved details.

REASON: In the interest of neighbouring amenity

- 20 No building or component thereof shall be constructed on site until details and samples of the materials to be used for the external walls, windows and roofs of that building have 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: In the interest of the visual amenity, the impact upon the character and appearance of the area and to protect the setting of heritage assets

- 21 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected and soft landscaping. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority and the soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 22 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a sustainable energy strategy statement including how details of provision for sustainable energy of the building will be achieved. The buildings shall then be carried out in accordance with the approved details.

REASON: In the interest of renewable energy

23 No building shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority a transport assessment relating to the particular use including details of car and cycle parking spaces. The buildings shall then be carried out in accordance with approved details

REASON: In the interest of highway safety and in order to ensure a satisfactory level of provision of operational car and cycle parking within the site, and to support sustainable travel.

24 No building shall be constructed on site until details of the estate road, internal roads, footways, footpaths, cycle routes, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, access gradients, car parking and street furniture, and a phasing plan for provision of such works have been submitted to and approved by the local planning authority. No building shall be first put into use until the approved items serving that building have been carried out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner and at an appropriate time whilst protecting ecological concerns

25 Prior to the occupation of each and every building on the site, operational parking required for that site shall be provided in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

REASON: To ensure adequate provision is made for loading, offloading and site storage of commercial and heavy goods traffic.

26 No development shall commence on each individual plot until details of the storage of refuse including recycling facilities, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development serving that plot shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

27 No building shall be occupied until a lighting scheme for the associated plot has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be so designed as to control glare, spillage and intrusion and include details of lighting appliance positions, lux plots showing effects of proposed lighting in combination with other approved developments. All schemes should comply with guidance issued by the Institution of Lighting Engineers for an E2 Zone and be in accordance with the Parameters Plan Rev

C received by the Local Planning Authority on 23rd June 2014, section 6.3 of the Design and Access Statement and section 5.16 of the Site Mitigation Strategy (Keystone Ecology, November 2013) received on 19th March 2014 as part of application 14/03118/OUT. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of neighbouring amenity and ecology

- 28 No development shall commence on each individual plot until a detailed surface water run-off limitation scheme for each plot, phase or parcel of land, together with supporting calculations, has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON To prevent any increased risk of surface water flooding associated with the development.

- 29 The development hereby permitted shall be carried out in accordance with the following approved plans submitted on application reference number 14/03118/OUT approved by the Local Planning Authority on 26/09/14:

Site Context Plan, Site Location Plan, Topographical Plan 866/6113/1A, Topographical Plan 866/6113/1B, Topographical Plan 866/6113/2, Topographical Plan 866/6113/3 received on 19th March 2014

IMA-11-078 - 028A, IMA-13-051-005A received on 19th March 2014

Parameters Plan Rev C received on 23rd June 2014

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

- 1 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 30th July 2015.

- 2 INFORMATIVE: The developer should be aware that any reserved matters application should include detailed scheme of measures to minimise noise generation due to traffic arising from the development. The road networks and loading area of each unit shall also be located and designed to minimise impact to noise sensitive dwellings.

- 3 INFORMATIVE: When discharging the condition regarding surface water run off the Environment Agency will expect 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 rate (where appropriate), with any flow control devices indicated on the plan with the rate of discharge stated;
 - o Calculations showing the volume of attenuation provided and that parity on rate and volume of runoff will be achieved, demonstrating how the system operates during the 1 in 100 critical duration storm event;
 - o The run-off from the site during the critical 1 in 100 year storm plus an allowance for climate change must be contained (must not be permitted to run un-attenuated overland to areas off site) within the site and must not reach unsafe depths on site. If there is any surcharge and flooding from the surface water drainage 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.
 - o An appropriate allowance for climate change should be incorporated into the scheme in accordance with NPPF;
 - o Where infiltration forms part of the proposed storm-water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365. Seasonal ground water level fluctuations should be assessed to gain appropriate base level for any soakaways (base must be at least 1m above ground water level).
 - o Specification of how the scheme will be maintained and managed after completion.
- 4 INFORMATIVE There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
- 5 INFORMATIVE Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed (permanent or temporary) works or structures in, under, over or within 8 metres of the top of the bank of the Bitham Brook, designated a 'main river' at this location. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483421.
- 6 INFORMATIVE Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution

- 7 INFORMATIVE: It is important for the applicant to note that if the development is to be connected to the existing water main in Link Road, an application should be submitted to Wessex Water. Non domestic supplies required for fire fighting or commercial use will require an assessment with network modelling subject to design requirements. Wessex Water would recommend the use of storage tanks where the network capacity is not available or where off site reinforcement is necessary to provide the stated demand. For further information please contact Wessex Water on 01225 526000 or at www.wessexwater.co.uk
- 8 INFORMATIVE: It is important for the applicant to note that if surface water is proposed to be discharged into a nearby ditch/watercourse, then an application for land drainage consent would also be required.
- 9 INFORMATIVE: It is important for the applicant to note that details of the ground gas risk assessment for the site confirming whether any ground gas mitigation is required for the development. This should be submitted to the Environmental Health Team at Wiltshire Council prior to any works commencing on site
- 10 INFORMATIVE: The developer will need to ensure that any alterations to Mill Lane are in accordance with legal requirements, and any areas of Mill Lane to be stopped up or subject to changed status will be required to have a formal stopping-up order made under the provisions of s247 TCPA 1990 before development commences. A legal agreement under the provisions of s278 Highways Act 1980 shall be completed with the Council in relation to the access works prior to any access works being undertaken.
- 11 INFORMATIVE: There are public rights of way crossing the site, intended to be diverted; the appropriate legal procedures for diversion, both temporary and permanent shall be followed.
- 12 INFORMATIVE: Car and Cycle parking spaces shall be provided on the site in accordance with the Wiltshire Transport Plan LTP3 2013-2026 Car Parking Strategy and Cycle Strategy respectively or such standards contained in any superseding document.
- 13 INFORMATIVE: Wiltshire Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. For more information on how to include fibre in your development visit

Signed

A handwritten signature in black ink, appearing to read 'Alan Cummins', written in a cursive style.

Director for Economic Development & Planning

Dated: 30 July 2015

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). 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. 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 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