

Town & Country Planning Act 1990

Notice of Approval of Reserved Matters

Application Reference Number: 17/01201/REM

<p>Agent PlanningSphere Ltd Coworking The Guild High Street Bath BA1 5EB</p>	<p>Applicant Hawke Ridge Business Park Ltd 6 Kingsmead Square Bath BA1 2AB</p>
<p>Particulars of Development: - Reserved Matters application relating to appearance, landscaping, layout, and scale: (15/04092/VAR): Erection of 20 No. commercial units (numbers 1-12 and 14-21) (Class B1, B2 and B8) and associated works</p>	
<p>At: Hawke Ridge Business Park Mill Lane Hawkeridge Westbury Wiltshire BA13 4LD</p>	

In pursuance of their powers under the above Act, the Council hereby **PERMIT** the above development to be carried out in accordance with the details of the **RESERVED MATTERS** submitted by you, and subject to compliance with the conditions specified hereunder;-

- The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan As Proposed scale 1:2500 dwg no. P100 rev B;
 - Amended Proposed Site Layout scale 1:500 dwg no. P101 rev J;
 - Block A Units 1, 2 and 3 Ground Floor, First Floor and Roof Plan scale 1:200 dwg no. P102 rev C;
 - Amended Block A Units 1, 2 and 3 Elevations and Section scale 1:200 dwg no. P103 rev C;
 - Amended Block B Units 4 and 5 Ground Floor, First Floor and Roof Plan scale 1:200 dwg no. P104 rev C;
 - Amended Block B Plots 4 and 5 Elevations and Section scale 1:200 dwg no. P105 rev C;
 - Block C Units 6 to 12 Ground and First Floor Plans scale 1:200 dwg no. P106 rev B;
 - Block C Units 6 to 12 Roof Plan, Elevations and Section scale 1:200 dwg no. P107 rev B;

Block D Units 14 to 21 Ground Floor Plan scale 1:200 dwg no. P108 rev B;
Block D Units 14 to 21 First Floor Plan scale 1:200 dwg no. P109 rev B;
Block D Units 14 to 21 Roof Plan scale 1:200 dwg no. P110 rev B;
Block D Units 14 to 21 Elevations and Cross Section scale 1:200 dwg no. P111 rev B;
Amended Proposed Contextual Elevations scale 1:500 dwg no. P112 rev D;
Drainage Strategy/Layout scale 1:500 dwg no. 008 rev B;
Amended Landscape Planting Plan scale 1:500 dwg no. 170_PP-01 rev C;
Amended Attenuation Pond Planting Plan scale 1:500 dwg no. 170_PP_02 rev A.

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

- 2 Development at the application site will be delivered in strict accordance with the Ecological Assessment, dated June 2017, prepared by Ethos Environmental Planning, in particular sections 6.0 and 8.0 in their entirety and section 7.1; previously approved ecological documents referenced therein including the Precautionary Working Method Statements (PWMSs) for Great crested newt and Reptiles and Badgers (produced by Keystone Environmental); and the Parameters Plan Revision C (23 June 2014). An Ecological Clerk of Works shall be commissioned to ensure that the commitments and measures set out in the Ecological Assessment, PWMSs and Parameters Plan are implemented on site. All ecological features including existing hedgerows and trees and advance planting identified for retention and protection shall be retained and protected as shown on the Parameters Plan, and managed for biodiversity and landscape amenity in perpetuity.

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

- 3 Prior to the commencement of works on site a Site Lighting Plan shall be submitted to the local planning authority for approval. The Plan will demonstrate compliance with the documents and plans approved for application 14/03118/OUT and 14/10780/VAR including the Site Lighting Strategy and the Parameters Plan Revision C (23 June 2014). The Plan will contain full details of external lighting including design and position of lighting appliances and lux plots showing light spill and effects of proposed lighting in combination with other approved developments. There shall be no external lighting erected or installed at the application site other than that which is presented in the Site Lighting Plan and which has received prior written approval from the local planning authority.

REASON: To ensure adequate protection and mitigation for protected species and their associated habitats.

- 4 No part of the development shall be occupied until details of secure covered cycle parking, together with a timetable for provision, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and timetable and shall be retained for use at all times thereafter.

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

- 5 No building hereby approved shall be occupied until the landscaping is completed in accordance with the approved plans (amended Landscape Planting Plan scale 1:500 dwg no. 170_PP-01 rev A and Attenuation Pond Planting Plan scale 1:500 dwg no. 170_PP_02). The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; 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.

REASON: To ensure a satisfactory landscaped setting for the development.

- 6 The development hereby permitted shall not be occupied until the approved foul and surface water drainage works proposed have been completed in accordance with the submitted and approved details (Drainage Strategy/Layout scale 1:500 dwg no. 008 rev B).

REASON: To ensure that the development is provided with a satisfactory means of drainage.

INFORMATIVE TO APPLICANT:

Your attention is also drawn to the conditions and Section 106 Legal Agreement imposed on the outline planning permission reference 15/04092/VAR

INFORMATIVE TO APPLICANT:

Please note the comments of Network Rail:

DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways/attenuation tanks should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird

Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted:

Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species 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 planning permission 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.

Signed



Director for Economic Development & Planning

Dated: 18 July 2017

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 fee chargeable is £25 per request for householder development and £85 per request for all other types of development. 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

6. If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk

- 7 **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.