

APPEAL Ref: APP/P0119/W/23/3323836

Land at Sodbury Road, Wickwar

Draft Conditions

The following conditions have been agreed between the Appellant and the Local Planning Authority:

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

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

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

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

- (e) Details of access (other than ~~that approved~~the details referred to in condition 5 below)

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

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

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

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

- 4 Prior to the submission of any Reserved Matters application or concurrently with the first submission, a plan showing the phasing of development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall indicate the scale and sequence of build out including the relationship of dwellings to the delivery of infrastructure. ~~For the avoidance of doubt, it is essential that each~~Any self-build plot ~~shall be defined as~~is an individual, ~~future~~ phase.

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

Reason: To define the permission and to ensure that the development is comprehensively planned, designed and phased to ensure that the provision of the different land uses within the site are delivered and protected in order to comply with the relevant policies in the Development Plan.

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

- Site Location Plan - Drawing no. 1001
- Proposed Access Plan - Southern – 7909-SK02 Rev 2.0 Received – 3rd March 2023.
- Proposed Access Plan – Northern – B05313 Rev C SK05

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

- 6 No development ~~in any phase approved pursuant to Condition 4~~ shall commence until details of the following ~~for that phase~~ have been ~~provided~~submitted to and approved in writing by the Local Planning Authority: -

- a) All building facing materials and finishes.
- b) ~~A~~Details of access arrangements (other than the primary access~~es~~ hereby approved) including: the internal highway hierarchy; all carriageway, footway, cycleway and shared surface widths and surface material finishes for the highways, footpaths, cycle ways, private drives and all other hard surfaces.
- c) Car and cycle parking facilities.
- d) ~~S~~Details of screen walls, fences and other means of enclosure.
- e) ~~E~~Details of existing and proposed ground levels and proposed finished floor levels and building heights.
- g) ~~U~~Details of undergrounding of overhead electricity cables.
- i) A combined drainage, landscaping and street lighting plan.

j) Minor artefacts and structures (~~eg~~-furniture, play equipment, refuse or other storage units, signs, lighting).

k) Soft landscape works showing planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

l) ~~Q~~Details of all open space and landscape infrastructure works including timing of delivery related to triggers for occupation of dwellings.

n) ~~Detailed design for~~ SUDS basins and features to demonstrate how these will be sympathetically integrated into open spaces/green corridors.

o) ~~P~~Detailed designs for proposed play areas.

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

Reason: To define the permission and ensure the development is carried out in a timely and appropriate way.

- 7 All soft landscaping comprised in the approved details of landscaping (with the exception of Public Open Space) shall be carried out in the first planting and seeding season following the first occupation of the building(s) in each phase of development or the completion of the relevant phase of 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, except where the planting relates to land within designated Public Open Space where the requirement for replacement planting is in perpetuity.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the relevant phase of 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 the protection of existing important landscape features.

- 8 The retail unit hereby permitted shall not exceed 500sqm in floor area gross. The unit shall only be used for purposes within Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall be constructed with on-site parking to comply with the Council's Parking Standards. ~~For the avoidance of doubt the associated-The~~ parking ~~should-shall~~ be provided and made available for use prior to the first occupation of the retail unit ~~approved~~.

Reason: To preserve the viability and vitality of planned town centres and to ensure the delivery of the required use.

- 9 Any Reserved Matters application (for any building) shall be accompanied by an updated Sustainability Statement, ~~to be~~which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall cover ~~at least~~ the following matters

- Climate adaptation and resilience to overheating.
- Reduction in residual emissions.
- On-site renewables
- Heating and hot water systems
- Fabric efficiency

~~The development shall be carried out in accordance with the recommendations and timescales in the approved statement. Any agreed recommendations within the report shall be implemented in accordance with the timescales in the agreed report.~~

Reason: To ensure that any development reflects current guidance.

- 10 Prior to the commencement of the development hereby permitted a public art scheme ~~that is relevant and specific to the development and its locality and commensurate with its size and importance~~ shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be relevant to the development and its locality and commensurate with its size and importance. It shall include full details, designs and timings of delivery ~~to be agreed with the Local Planning Authority~~ as well as a scheme for ~~the ongoing maintenance of the agreed work~~. The public art scheme ~~should-shall~~ be devised and managed by a public art professional to ensure a high quality scheme.

Reason: In order to comply with Policy CS1 Design point (7). This is required as a pre-commencement condition to ensure that any public art is successfully integrated into the wide scheme.

- 11 Not less than 5% of the dwellings hereby permitted shall be provided as self-build and/or custom build housebuilding serviced plots (that meet the definition of self-build and custom housebuilding plots within the Housing and Planning Act 2016 as amended, or any subsequent amendment). Prior to the submission of, or concurrently with, the first application for Reserved Matters a design code for the self-build and/or custom build plots shall be submitted to and approved in writing by the Local Planning Authority. Subsequent applications for Reserved Matters relating to any self-build and/or custom build plots shall be generally in accordance with the approved design code. As part of the first reserved matters, details shall be submitted confirming the number and location of the self build and/or custom housebuilding plots to be provided, along with details of the proposed phasing and a design code for the plots. For the avoidance of doubt, it is essential that each self-build plot is an individual, future phase.

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

Reason: To ensure the correct delivery of self-build plots in accordance with Policy PSP42.

Commented [PD1]: Other than the reference to design codes, this duplicates condition 4. Might it be better to add a reference to design codes to Condition 4?

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- 12 Prior to the commencement of development, a programme of archaeological investigation and recording for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason: To ensure the appropriate archaeological investigations and recording are undertaken in compliance with policy PSP17.

- 13 No development in any phase approved pursuant to condition 4 shall be occupied until The development shall not be brought into its intended use until (i) the results of the programme of archaeological investigation and post investigation assessment for that phase has been completed in accordance with an approved Written Scheme of Investigation and (ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the appropriate archaeological investigations and recording are undertaken in compliance with policy PSP17.

- 14 No demolition, site clearance or development shall commence on site, and no equipment, machinery or materials shall be brought on to site for the purpose of development, until an Arboricultural Method Statement, a Tree Constraints Plan and

a Tree Protection Plan in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows on site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. No machinery shall be stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Thereafter the ~~agreed-approved~~ details and methods shall be adhered to throughout the ~~life of the development's~~ construction ~~period~~.

Reason: To ensure the retention of trees on the site in the interests of visual amenity.

- 15 Prior to the commencement of development, including any works of demolition, a Construction Management Plan (~~CMP~~) shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with ~~the~~ approved ~~details. For the avoidance of doubt, the Plan shall include details of~~CMP ~~which shall include:~~

- i. The hours of working, including hours of deliveries
- ii. Traffic management operations on the public highway
- iii. The management of parking of vehicles of site operatives and visitors
- iv. Loading and unloading of plant and materials
- v. Storage of plant and materials used in constructing the development
- vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii. Wheel washing facilities
- viii. A ~~detailed~~ Dust Management Plan (DMP), with measures to control the emission of dust and dirt during construction
- ix. ~~Details-Measures~~ to monitor air quality during construction
- x. A scheme for recycling/disposing of waste resulting from demolition and construction works
- xi. ~~expected n~~Numbers and sizes of vehicles per day.

~~The works shall be carried out in accordance with the agreed details.~~

xii. ~~The plan shall include as a minimum:~~ construction vehicle movements and routes (noting the 17 tonne weight restriction north of the site ~~(in the centre of the village)~~, and ~~enforcement details~~) measures to ensure that routes are adhered to.

Reason: To protect the residential amenity of local residents and in the interest of the safe and efficient operation of the M5.

- 16 No dwelling shall be occupied, until a Revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details.

The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 17 No development shall commence ~~on-site~~ until a scheme for the discharge of surface water from the site ~~(including surface water from the access/driveway), incorporating sustainable drainage details,~~ has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage features and shall include surface water from accesses and driveways. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 18 Prior to any site clearance or the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) with detailed mitigation measures as set out in the Ecological Appraisal and Addendum to the Ecological Appraisal (Prepared by EDP and submitted February 2022 and 2023 respectively) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include ~~these~~ measures proposed for Great Crested Newts (~~GCN~~) in accordance with the EPS Mitigation Licence or the District Licence. The CEMP shall be adhered to at all times.

Reason: To prevent harm to Protected Species.

- 19 Prior to commencement of each phase of development, details of external lighting ~~should shall~~ be submitted to and approved in writing by the Local Planning Authority. The details ~~should shall~~ clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key foraging / commuting corridors and habitat features or accessing roost sites. The details ~~should shall~~ include, ~~but not be limited to,~~ the following:

- i. ~~i.~~ A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. ~~ii.~~ Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. ~~iii.~~ A description of the luminosity of lights and their light colour including a lux contour map
- iv. ~~iv.~~ A drawing(s) showing the location and where appropriate the elevation of the light fixings
- v. ~~v.~~ ~~Methods to control~~ lighting control measures (such as e.g. timer operation ~~or,~~ passive infrared sensor (~~PIR~~)).

All external lighting ~~should shall~~ be installed in accordance with the specifications and locations set out in the approved details. These ~~should shall~~ be maintained thereafter in accordance with these details. ~~Under no circumstances should any~~ No other external lighting ~~shall~~ be installed unless ~~agreed with the Local Planning Authority~~ details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the ecological impact of the development.

- 20 The Affordable Dwellings (which shall comprise 35% of the total dwellings to be approved) shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) with the exception of:
- 1) Any self-contained accommodation built above ground floor level where level access is not achievable;
 - 2) The 8% of the affordable homes required to meet;
- Part M of the Building Regulations accessibility standard M4(3)(2)(a); and

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- Part M of the Building Regulations accessibility standard M4(3)(2)(b) and paragraph M4(3) paragraphs 3.37 and 3.39 to provide a ground floor level wheelchair accessible wet room which shall contain a WC, a basin and a level access shower.

Reason: To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

- 21 Prior to the first laying out of the allotments within the site, details of the method of laying out and providing topsoil/growing medium ~~suitable for growth of human food~~, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the allotments will be capable of growing food fit for human consumption. The approved details shall be implemented before the first use of the allotments.

Reason: The land has been shown to possess high levels of zinc, which may lead to growing conditions unsuitable for human consumption.

- 22 The northern and southern accesses shown on Proposed Access Plan - Southern – 7909-SK02 Rev 2.0 Received – 3rd March 2023 and Proposed Access Plan – Northern – B05313 Rev C SK05 shall be implemented and brought into use prior to the first occupation of any dwelling within the relevant phase to be served by that access, ~~as agreed through in accordance with the approved~~ details of phasing approved (pursuant to by condition 4), or prior to the first use of the retail unit hereby approved, ~~whichever is the sooner.~~

Reason: In the interest of highway safety.

- 23 Prior to the commencement of any works within the site, including any earthworks, at least one of the approved accesses shall be constructed to Council adoptable standards with hardstanding to a minimum of 20m within the site ~~to enable wheel washing facilities etc.~~

Reason: To prevent mud egressing onto roads and causing a highway danger.

- 24 No development shall commence until a Landscape and Ecological Management Plan (LEMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The ~~management plan~~ LEMP shall include the results of ~~an~~ ecological and tree surveys ~~of the site~~, and a detailed scheme of protection, mitigation and compensation measures to be incorporated within the development, including a timetable for the implementation of the scheme and for the monitoring of the impact of the development on the ecological features.

The LEMP ~~should~~ shall include all the measures proposed for ~~GCN-Great Created~~ Newt in accordance with the EPS Mitigation Licence or the District Licence. It ~~should~~ shall also include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. The LEMP shall identify a responsible person / organisation ~~needs to be stated and the method together with the means~~ by which the protection of retained and created habitats and open spaces will be secured. The LEMP ~~should~~ shall demonstrate that the Bio-Diversity Net Gain (BNG) proposed in the BNG Assessment has been achieved.

The LEMP shall cover the enabling works operations/period and a subsequent management period (~~in perpetuity~~), identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance works together with longer term management operations (~~such as e.g.~~ cyclical management or replacement of dead/diseased/poor quality plant stock) for each landscape treatment or ecological habitat area/feature. Maintenance of hard landscape areas, boundary features, SuDs features, play areas ~~shall~~ should also be included where appropriate including any associated safety inspections/audits and replacement of damaged items or wear and tear.

~~The development and the requirements of the management plan shall subsequently measures included in the LEMP shall~~ be commenced prior to the development being occupied and the site shall thereafter be managed in accordance with those measures carried out in accordance with the approved details.

Reason: To ensure that the development is undertaken in an acceptable manner and to ensure ongoing protection, mitigation and compensation for protected species and landscape features and site facilities throughout the lifetime of the development.

- 25 Prior to the submission of, or concurrently with, the submission of any Reserved Matters application, a ~~Detailed~~ Green Infrastructure and Landscape Design and Mitigation Strategy Plan (GI Plan) shall be submitted to and approved in writing by the Local Planning Authority. The GI Plan shall be at a 1:500 scale based on topographical and tree survey base information, with the new public open spaces ~~POS~~, greenways and the features they contain, including sustainable drainage features, ~~(eg SuDs)~~ shown together with all existing and proposed structure planting and the location of the proposed rain gardens.

Development shall be carried out in accordance with the approved GI Plan, ~~shall be submitted to and approved in writing by the Local Planning Authority.~~

Reason: To ensure that the landscaping of the whole development is considered at the outset of the development and provide the necessary landscape mitigation for the development.

- 26 ~~The~~ Prior to the submission of, or concurrently with, any Reserved Matters application, a scheme for noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be generally in accordance with the Noise Assessment by Wardell Armstrong (dated November 2021, received by the Council on 24th February 2022). The development shall be carried out in accordance with the approved measures and shall thereafter be permanently retained as such. development shall be carried out in accordance with the noise mitigation measures contained within the Noise Assessment by Wardell Armstrong (dated November 2021 received by the Council on 24th February 2022, the details of which shall be supplied at reserved matters stage and once approved shall be permanently maintained thereafter.

Reason: To protect future residents from unacceptable noise levels.

- 27 The Phase 1 Preliminary Risk Assessment (Desk Study) at South Farm by Clarkebond dated 02/04/20 noted that asbestos was identified as a contaminant of concern and therefore particular care should be taken.

In the event of any unexpected contamination being identified, all development on site shall cease in that area until such time as an investigation has been carried out and a written report submitted to and approved in writing by the Local Planning Authority. ~~with a~~ Any remedial works recommended in that report ~~being shall be~~ undertaken and written confirmation ~~has been~~ shall be provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written ~~agreement approval~~ of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

Reason: To ensure that land contamination can be dealt with appropriately prior to the use of the site.

- 28 Prior to the commencement of the development hereby approved, details of a pre-commencement badger survey shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required shall be undertaken prior to commencement of the development.

Reason: In the interests of safeguarding a protected species.

- 29 Prior to the occupation of any residential units hereby permitted, details of a Residents Welcome Pack (RWP) shall be submitted to and approved in writing by the Local Planning Authority. The RWP which shall ~~include details highlighting~~ describe the sensitivity of the

Commented [PD2]: This isn't clear. Are all the measures in the Noise Assessment referred to? Or should there be a scheme of noise mitigation measures submitted for approval? If so, should such scheme be generally in accordance with the Assessment?

Commented [CE3R2]: Concurrently with any residential Reserved Matters application, a scheme for noise mitigation measures shall be submitted to and approved in writing by the LPA. The details shall be generally in accordance with the Noise Assessment by Wardell Armstrong (dated November 2021, received by the Council on 24th February 2022). The development shall be carried out in accordance with the approved details and those details shall be permanently maintained thereafter.

Commented [CEW4R2]: Revised wording by LPA

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Lower Woods SSSI to recreational disturbance and identify appropriate actions residents can take if visiting the SSSI~~s~~ to limit disturbance, as well as providing details of the local PROW network and accessible greenspace away from Lower Woods SSSI, ~~shall be submitted to the Local Planning Authority for approval~~. The first occupant of each dwellinghouse shall be provided with a copy of the approved ~~Residents Community Welcome Pack~~RWP, upon first occupation of the dwelling.

Reason: To protect the SSSI from inappropriate and over use.

- 30 Prior to the commencement of each phase of development approved pursuant to condition 4, apart from enabling works, details of the measures required to facilitate the provision of high speed broadband for each residential and commercial unit within ~~that~~ phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the high speed broadband infrastructure shall be implemented in accordance with the approved details and shall be made available for use in respect of each residential and commercial unit within the phase prior to the first occupation/use.

Reason: To ensure suitable high-speed broadband is installed to comply with policy CS6 of the South Gloucestershire Core Strategy.

- 31 Prior to the commencement of development, details showing how the pedestrian connection between the site and the PROW-Public Right of Way (footpath LWR/23/30) to the north shall be secured, including a programme for its implementation, shall ~~first~~ be submitted to, and approved in writing by the Local Planning Authority. The pedestrian connection shall be provided in accordance with the approved details and programme and shall thereafter be~~and~~ kept open for use by members of the public in perpetuity ~~thereafter~~.

Reason: To promote easy access to the local footpath network and help mitigate against potential increased usage and damage of the local SSSI at Lower Woods.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, all residential garage(s) shown on the plans approved as part of the Reserved Matters application(s) shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation of for any commercial activity.

Reason: To ensure adequate parking is maintained and in the interests of residential amenity.

- 33 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Classes A, B, C & D and Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Commented [PD5]: Further justification would be needed to remove permitted development rights that normally apply.

Reason: In the interest of residential amenity and ensuring future good design.

