

Mr Alex Dean
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21.04.16

Dear Mr Dean

Discharge of Condition

Application No: 13/05263/FUL & 13/05501/LBC

Proposal: Redevelopment of garage to accommodate 6 new dwellings and conversion and extension of grade II listed cottage to accommodate 4 dwellings

Site Address: Bridge Garage London Road Marlborough SN8 1LH

On Behalf of: Bridge Homes and Developments Limited

I write following receipt of your applications as detailed below regarding the discharging of conditions associated with the above full planning permission (FPP) and listed building consent (LBC):

- Application received on the 5th November 2015 in relation to conditions 11, 12 and 15 of the FPP;
- Application received on the 5th November 2015 in relation to condition 8 of the LBC;
- Application received on the 10th March 2016 in relation to conditions 14, and 18 of the FPP;
- Application received on the 15th April 2016 in relation to condition 9 of the FPP;

Listed Building Consent 13/05501/LBC:

Condition 8

The development hereby permitted shall be carried out in strict accordance with the recommendations given in the Ecological Appraisal Report (ref eg13529NW dated 11th October 2013) and Bat Survey Report (ref eg13551 dated 17th October 2013) by Environmental Gain Ltd., and the prescriptions detailed in the Mitigation and Enhancement Strategy (ref eg14579 dated 22nd January 2014) by Environmental Gain.

The Bat Survey Report by Ethos Environmental Planning (August 2015) found no evidence of bats using the structure on site and the dusk and dawn surveys found low levels of bat activity. The Council's Planning Ecologist, Mrs Fiona Elphick, has reviewed the bat survey and agrees with its conclusions. Fiona advised that there is an existing mitigation and enhancement strategy that should be upheld as it is a condition of the listed building consent but there is no legal requirement for the applicant to obtain a license from Natural England. However, the historic use of the building by bats must be acknowledged and so the mitigation and enhancements that formed an enforceable part of the permission are still relevant. As such, the mitigation and enhancement measures proposed within the report by Environmental Gain, as listed within condition 8, must be carried out. The condition cannot be varied under a Discharge of Condition Application.

Full Planning Permission 13/05263/FUL:

Condition 9

No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme, as shown on drawing no.BFT 01b 'Landscape Proposals' and the tree protective measures detailed within the Arboricultural Survey, Impact Assessment, Tree Protection Plan & Method Statement by Ethos Environmental Planning (August 2015), satisfies condition 9 and is considered acceptable. I would however be grateful if you could provide details of the proposed brick to be used for the boundary walls, in particular those on the boundary with London Road, unless these details are to be considered under condition 7 along with the design and appearance of all other means of enclosure?

Condition 11

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 a Tree Protection Plan showing the exact position of each trees and their protective fencing 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, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

The Arboricultural Survey, Impact Assessment, Tree Protection Plan & Method Statement by Ethos Environmental Planning (August 2015) is considered acceptable and satisfies condition 11. In accordance with the condition, the protective fencing shall be erected in accordance with the approved details and shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations. **The condition is hereby discharged.**

Condition 12

The development hereby permitted shall be carried out in strict accordance with the recommendations given in the Ecological Appraisal Report (ref eg13529NW dated 11th October 2013) and Bat Survey Report (ref eg13551 dated 17th October 2013) by Environmental Gain Ltd., and the prescriptions detailed in the Mitigation and Enhancement Strategy (ref eg14579 dated 22nd January 2014) by Environmental Gain.

The Bat Survey Report by Ethos Environmental Planning (August 2015) found no evidence of bats using the structure on site and the dusk and dawn surveys found low levels of bat activity. The Council's Planning Ecologist, Fiona Elphick, has reviewed the bat survey and agrees with its conclusions. Fiona advised that there is an existing mitigation and enhancement strategy that should be upheld as it is a condition of the listed building consent but there is no legal requirement for the applicant to obtain a license from Natural England. However, the historic use of the building by bats must be acknowledged and so the mitigation and enhancements that formed an enforceable part of the permission are still relevant. As such, the mitigation and enhancement measures proposed within the report by Environmental Gain, as listed within condition 8, must be carried out. The condition cannot be varied under a Discharge of Condition Application.

Condition 14

No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the courtyard and parking areas), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

The 'Drainage and Foundations information, calculations and discussion to address Planning Conditions' report by Mann Williams Consulting Civil and Structural Engineering (project number: 7704 / date: 10.02.2016) submitted to address condition 14 is currently being reviewed by the Council's Drainage Engineer, Mr Peter Weston, and I will forward you his observations once received.

Condition 15

No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out.

The Geo-Environmental Site Assessment Report (no.SW-718.1.1) (August 2015) by Ground Investigation (South West) Ltd satisfies Steps (i) and (ii) of condition 15. The Site Ground Remediation Strategy by Bridge Homes & Developments Limited (date 10th March 2016), submitted 15th March 2016, has been submitted to address Step (iii) of the condition.

The Environment Agency is satisfied that the Remediation Strategy addresses their earlier concerns over tank removal and the verification to be carried out in Phase II of the development, and therefore has no objection to the discharge of Step (iii) of Condition 15.

The Council's Environmental Health Officer, Steven Manning, is supportive of the measures proposed within the Ground Remediation Strategy; however it will not be possible to support the discharge of this aspect of the contaminated land condition until the following matters have been addressed:

- There is no mention in the remediation strategy of the degree to which protected potable water supply pipe is required in respect of the potential presence of fugitive hydrocarbons. This needs to be clarified and if any uncertainty exists a protected/barrier potable water supply used at the development.
- Details need to be provided of how gas/volatile proof membranes integrity will be verified and their penetration details documented photographically as this is fundamental in membrane remedial approaches

Condition 18

The development hereby permitted shall not include any piling or any other foundation designs using penetrative methods unless otherwise agreed in writing by the Local Planning Authority.

The 'Drainage and Foundations information, calculations and discussion to address Planning Conditions' report by Mann Williams Consulting Civil and Structural Engineering (project number: 7704 / date: 10.02.2016) has been reviewed by the Environment Agency and as a result provided the following comments:

"We note the desire to use displacement piling for the development and we do not object to the use of this, but would request that ground and surface water monitoring is carried out before during and after the piling phase. This is due to the fact that piling will be undertaken in the area of the former tanks for the development of units 5 & 6 which lie in close proximity of the River Kennet. During the site investigation, at this location on the site, elevated hydrocarbons were detected in groundwater at borehole WS04 and ground conditions will not be fully known until the tanks are removed in Phase 2. Piling must not cause new pollution pathways. Therefore we do not recommend discharging condition 18 at this time".

In light of these observations the Local Planning Authority cannot support the proposed use of displacement piling foundation at this stage. I would recommend that you continue to liaise with the Environment Agency to agree on a suitable strategy for ground and surface water monitoring and foundation design.

If you would like to discuss any of the above please do not hesitate to contact me via phone on 01226 718616.

Yours faithfully,

Morgan Jones
Senior Planning Officer
Economic Development & Planning
Wiltshire Council

cc Mr James Dean, Western Building Consultants