



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2021/10196
Decision Date: 11th February 2022

Applicant: The Hon. Declan Morrison Trading as Chicklade Estate
c/o agent

Particulars of Development: Conversion of barns to distillery with ancillary shop,
offices, tasting room and associated plant

At: Upper Kingstead Barn, Fonthill Bishop, SP3 5SF

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 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 the following conditions:

Conditions: (16)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Application Form & Certificate

Ref: P-05 – Location Plan. Received – 27.10.2021

Ref: P-07 Rev A – Proposed Site Plan. Received – 31.01.2022

Ref: P-01 – Proposed Floor Plans. Received – 10.11.2021

Ref: P-02 Rev C – Proposed Elevations Sheet 1 of 2. Received – 31.01.2022

Ref: P-03 Rev B – Proposed Elevations Sheet 2 of 2. Received – 31.01.2022

Ref: P-04 – Proposed Door Details. Received – 10.11.2021

Ref: P-08 – Proposed Screen Details. Received – 17.01.2022

Ref: P-09 – Proposed Window & Shutter Details. Received – 31.01.2022

Email – Proposed Lighting Details. Received – 31.01.2022

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

- 3 The use of the buildings hereby approved shall not 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 details of which shall include:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features, the character of the Area of Outstanding Natural Beauty and surrounding heritage assets.

- 4 All soft landscaping comprised in the approved details of 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. 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 the protection of existing important landscape features and in the interests of the character of the area, Area of Outstanding Natural Beauty and heritage assets.

- 5 No part of the development hereby permitted shall be first brought into use until the 12 parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site (including a rear or side wall)

REASON: In the interests of visual amenity and the character of the area, Area of Outstanding

Natural Beauty and heritage assets.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions/external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area/heritage assets and Area of Outstanding Natural Beauty and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

- 8 The site shall be used as a distillery only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (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 use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 9 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item, other than that which is hereby approved, shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area, Area of Outstanding Natural Beauty and heritage assets.

- 10 No industrial processes, plant or machinery, other than that which is hereby approved, shall be carried out/installed outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area, Area of Outstanding Natural Beauty and heritage assets.

- 11 All building services plant hereby approved shall be sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate. No part of the development hereby approved shall be first brought into use until the installed plant has been first measured and assessed and details submitted and agreed to the Local Planning Authority to confirm that any noise from the plant meets the specified level.

No other building services plant (including air conditioning units and any air handling plant etc), other than those approved by this permission, shall be installed at the site.

At the request of the Local Planning Authority, the plant operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority. The assessment must be submitted within 14 days of the assessment and approved in writing by the Local

Planning Authority.

REASON: In the interests of neighbouring residential amenities.

- 12 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays

REASON: In the interests of neighbouring residential amenities

- 13 No deliveries shall be made to or collections made from the site hereby approved except between the hours of 0730 and 2000 Monday to Friday and 0800 to 1700 Saturdays, Sundays and Public Holidays.

REASON: In the interests of neighbouring residential amenities.

- 14 The use hereby permitted shall only take place at the site between the hours of 0600 and 2200 Mondays to Saturday; and between 0800 and 1700 on Sundays. No activity in the distillery building will occur outside of the hours of 0730 to 2000.

REASON: In the interests of neighbouring residential amenities

- 15 Prior to any construction works commencing on site, the barn owl box hereby approved shall be installed on the southern elevation of the Shop Distillery Offices/Tasting Room, as shown on plan ref: P-02 Rev B - Proposed Elevations Sheet 2 of 2

REASON: in the interests of the protection, mitigation and enhancement of biodiversity.

- 16 The lighting scheme hereby approved shall be installed and maintained in accordance with the approved details shown on plan ref: P-07 Rev A - Proposed Sites Plan and no additional external lighting shall be installed at the site.

REASON: to avoid illumination of habitat used by bats and in the interests of the dark skies status of the Area of Outstanding Natural Beauty

Informatives: (5)

- 1 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 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.

- 2 The applicant's attention is drawn to the advice provided by the Council's Public Protection Team to the application (dated 30.11.2021) regarding license and registration requirements
- 3 The applicant's attention is drawn to the advice provided by Wessex Water to the application (dated 29.11.2021) regarding drainage
- 4 The applicant is advised that features associated with the roof and window openings of (buildings 1 and 2) are used as a bat roost. Under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.
- 5 The applicant is advised that the adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are nesting, building nests and sitting on eggs. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. Barn Owls are included in Schedule 1 of the Wildlife & Countryside Act 1981 meaning nesting adults and dependent young are afforded additional protection against disturbance. The applicant is advised to seek and adhere to advice from a licensed ecologist prior to the commencement of any activities that may cause disturbance to breeding barn owl.

Parvis Khansari - Corporate Director, Place

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.
 - 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 - <http://www.planningportal.gov.uk/planning/appeals>).