

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2021/03253

Decision Date: 02 March 2023

Applicant: Mrs Joy Singer Elbury House, Leigh Road, Bradford on Avon, BA15 2PB
Particulars of Development: Erection of two detached dwellings, garages and associated works
At: Land to the south of Lion and Fiddle, Trowbridge Road, Hilperton, Trowbridge, BA14 7QQ

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: (17)

- 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:

Drawing Nos: 2745-04, Location Plan, as received on 23 March 2021; 2745-01C, Proposed Block Plan, as received on 15 September 2021; 2745-05E, Proposed Elevations, Floor Plans, and Site Layout, as received on 13 December 2021

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

No site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority.

All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- ☐ A specification for protective fencing to trees during both site clearance and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- ☐ A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2013;
- ☐ A schedule of tree works conforming to British Standard 3998:2010;
- ☐ Details of general arboricultural matters such as the area for storage of materials and concrete mixing
- ☐ Plans and particulars showing the siting of the service and piping infrastructure;
- ☐ A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works;
- ☐ Method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- ☐ Details of the porous surface for the no-dig driveway
- ☐ Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- ☐ Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

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No site clearance or development shall commence on site until a Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted to and approved in writing by the Local Planning Authority.

The BMEP shall cover the off-site area of (1) flower-rich grassland to be created and, (2) the existing woodland copse. It shall include a marked-up plan showing the area, and cover long-term objectives and targets, management responsibilities, and maintenance schedules for each of the ecological features, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The BMEP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The BMEP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development for the lifetime of the scheme.

NOTE: A Section 106 agreement would be required to secure the biodiversity enhancement area and ensure that this buffer zone/mitigation area to the south of the development hereby approved, which is located within the 'yellow risk' zone of the TBMS and outside the red line boundary of the application site, is safeguarded and managed in accordance with any approved Biodiversity Mitigation and Enhancement Plan over the lifetime of the residential development.

- 5 No development shall commence above ground floor slab level until specific details and samples of the materials to be used for the external walls and roofs (including specific details of the stone and larch cladding to be used, including details of any paint or stain finish to be applied to the cladding) have been submitted to and approved 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 amenities and the character and appearance of the Conservation Area.

- 6 No development shall commence above ground slab level 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:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of all existing trees and hedging to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

REASON: 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.

- 7 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 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.

- 8 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access and driveway for the dwellings), incorporating sustainable drainage details, 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.

REASON: To ensure that the development can be adequately drained.

- 9 The development hereby approved shall be carried out in strict accordance with all of the recommendations for mitigation and compensation set out in the Ecology Strategy & Mitigation Strategy (produced by Malford Environmental Consulting Ltd, dated 18 February 2021) and the Great Crested Newt Reasonable Avoidance Measures (produced by Malford Environmental Consulting Ltd, dated 4 October 2021).

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 10 The development hereby approved shall be carried out in strict accordance with all of the recommendations for mitigation and compensation set out in the Bat Mitigation Strategy (produced by Malford Environmental Consulting Ltd, dated 4 October 2021). This shall include all biodiversity protection and management of the onsite hedgerows, and all enhancements as detailed on the mitigation strategy plan shown on page five

of the aforementioned report.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels, and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021' (ILP, 2021), and Guidance Note GN08-18 'Bats and artificial lighting in the UK', produced by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted as part of any discharge of conditions application to demonstrate that the requirements of Section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

NOTE: This condition can only be discharged when a post-development lighting survey conducted in accordance with Section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

- 12 No development shall commence on-site (including any site clearance works), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and

construction works;

h) measures for the protection of the natural environment.

i) hours of construction, including deliveries

j) the design specification and installation of a permanent means of boundary site protection for the public right of way footpath HILP30, such as the provision of bollards or another means of safeguarding the open stretch of HILP30 adjacent to the Lion and Fiddle car park, which shall be put in place prior to the construction work and thereafter be retained and maintained for the lifetime of the development has been submitted to and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects on the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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Should any tree(s) on the site or along the site boundary within the control of the applicant, be removed or become damaged or diseased, they shall be replaced with native tree specimen(s) with the exact species and planting stock details to be submitted to and approved in writing by the Local Planning Authority and thereafter, be planted within the next planting season.

For most cases, all replacement tree(s) shall be planted at or as close as possible to the position of the felled/replaced tree(s) insofar as it is reasonably practicable.

The replacement tree shall be properly maintained thereafter, and should any replacement tree(s) be removed or become damaged or diseased, they shall be replaced in the next planting season with the same agreed species. If a variation in species is required due to disease, the prior written agreement must be obtained from the Local Planning Authority before the replacement is planted.

REASON: To ensure that trees are replaced for the benefit of neighbouring amenities, visual amenities, and character and appearance of the area and for ecology interest.

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No lighting shall be used throughout the construction phase of the development hereby approved and no development (including any demolition or ground works) shall take place outside daylight hours.

REASON: The introduction of artificial light/noise disturbance is likely to mean such species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

- 15 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on drawing no. 2745-05 Rev E. The areas shall be maintained for those purposes at all times thereafter.
- REASON: In the interests of highway safety and to ensure that the dwellings are served by adequate access and car parking
- 16 No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken which obstruct or adversely affect the public right of way whilst development takes place.
- REASON: To ensure the public right of way remains available and convenient for public use.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.
- REASON: To secure the retention of adequate parking provisions, in the interests of highway safety.

Informatives:

The applicant is advised that the development hereby approved represents 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 the 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 download the CIL forms please refer to the Council's

Website: Community Infrastructure Levy - Wiltshire Council

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before the commencement of work..

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to the site and inform the Planning Officer where they are to be found.

Any new connections to Wessex Water's infrastructure would require their prior consent and therefore the applicant is advised to contact the respective water undertaker directly regarding this matter and proposal.

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>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk