Planning and Heritage Statement for change of use of vacant office (Class E) to residential (Class C3) to provide two-bedroom house; parking and boundary treatments.

15 New Road, Chippenham SN15 1HJ.

On behalf of Alpha Realty Ltd.

Date: June 2023 | Pegasus Ref: P23-0244

Author: Emma Morrison/Fergus Sykes

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1. Introduction

1.1. Pegasus Group is instructed by Alpha Realty Ltd (the Applicant) to submit an application for planning permission for the conversion of a former office (Class E) to provide a new two-bedroom dwelling at 15 New Road, Chippenham. The full description of development is:

"Change of use of former office (Class E) to residential (Class C3) together with external alterations to provide a two bedroom house with associated parking and boundary treatments."

1.2. This Planning Statement provides the background to the application, including details of the site and surrounding area, together with the relevant planning history, policy context and detailed design of the proposal.

1.3. The main justification section then explores whether the proposal is compliant with the policies in the Local Development Plan, and considers the proposal against other material considerations including the National Planning Policy Framework (NPPF).

1.4. This Statement should be read in conjunction with the other supporting documents, including:

- Plans and Drawings prepared by Pegasus Group
- Noise Impact Assessment prepared by Suono

2. Site Description

2.1. The application site comprises a two-storey building located to the rear of 16-17 New Road, and accessed via a lane to the south which runs between 16-17 New Road and 14 New Road to the south.

2.2. The site was formerly occupied as an office (Class E) but has been vacant since XXX and was previously granted planning permission for conversion to two apartments in 2011 (ref. N/11/01240/FUL). This permission was not implemented and has since expired and therefore the lawful use of the premises remains as office floorspace.

2.3. The site is located within Chippenham Town Centre in an area with a mixed commercial and residential character. Generally ground floor premises are in commercial (predominantly Class E) use, with upper floors in ancillary commercial use or occupied as residential apartments. The site is located to the rear of an existing Domino's Pizza hot food takeaway (sui generis) at 16-17 New Road and a Greek Restaurant (Class E) at 18C New Road. Also adjacent to the site's boundary is a vacant area of hardstanding, and a parking area which is understood to be associated with the design offices to the east.

2.4. The site currently has shared use of the parking area which abuts the building to the south and is shared with Domino's Pizza. The site is located within easy reach of local services and there are various public transport options in the vicinity of the site with bus stops to the north on New Road, and Chippenham Station only four minutes' walk from the site.

2.5. The site is located within the Chippenham Conservation Area but is not a listed building. The takeaway at 16-17 New Road is Grade II Listed.

3. Planning History

3.1. A search of the Council's online planning register has returned relevant planning applications which are summarised below.

3.2. **N/11/01240/FUL –** planning permission was granted in October 2011 for the conversion of 15 New Road from offices to two self-contained flats. The ground floor apartment had one bedroom and the first floor apartment had two bedrooms. The decision notice and associated S106 agreement is attached at **Appendix 1**.

3.3. This permission was not implemented and therefore it has now lapsed and a new application is made to allow the reuse of the building.

4. The Proposal

4.1. This Statement supports an application for the change of use of 15 New Road from offices to a dwelling with ancillary external works to provide parking spaces and boundary treatments.

4.2. It is proposed to use the former office building to provide a new 2 bedroom, 2-3 person dwelling. The internal layout will be reconfigured to provide a combined kitchen and dining room, sitting room, entrance hall, utility and WC/shower room at ground floor. At first floor level there will be two ensuite bedrooms, a study and bathroom.

4.3. The total proposed floorspace for the new dwelling is 113.8 m^2.

4.4. Minor changes to the exterior of the building are proposed, including slight changes to the size and position of windows, and the removal of the second entrance door on the front elevation.

4.5. The proposals also include the provision of an external bin store, a grassed area to the front of the unit and an area of grass and low hedge to mark the southern boundary of the dwelling.

4.6. Two dedicated parking spaces are provided in the area closest to the building.

5. Planning Policy

Legislation

5.1. Legislation relating to the built historic environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, which provides statutory protection for Listed Buildings and Conservation Areas.

5.2. With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

5.3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

5.4. In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."

5.5. A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 202 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.

5.6. In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy

National Planning Policy Framework (July 2021)

5.7. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England at a national level and how they are expected to be applied. A new National

Planning Policy Framework was published on 20 July 2021 and relevant provisions of the new NPPF are summarised below.

5.8. **Paragraph 7** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In terms of what is meant by 'sustainable development', the NPPF states at Paragraph 8 that there are three dimensions to sustainable development (economic, social and environmental) and three roles that the planning system needs to perform.

- *"an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

- *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

5.9. **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development.

5.10. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

    - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.11. **Paragraph 38** confirms that "Local planning authorities should approach decisions on proposed development in a positive and creative way" and that "…Decision-makers at every level should seek to approve applications for sustainable development where possible".

5.12. Section 7 of the NPPF relates to the vitality of town centres. **Paragraph 86** states:

"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

Define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

Define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre." [Pegasus' emphasis]

5.13. **Paragraph 111** states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

5.14. **Paragraph 187** states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It confirms that existing businesses should not have unreasonable restrictions placed on them as a result of newer development.

5.15. **Paragraph 197** states that, in determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.

5.16. **Paragraphs 199 and 200** state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.17. **Paragraph 202** deals with circumstances where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, confirming that this harm should be weighed against public benefits of the proposal, including, where appropriate, securing its optimum viable use.

5.18. **Paragraph 206** provides specific guidance in relation to Conservation Areas, World Heritage Sites and the 'setting' of heritage assets and identifies that proposals that preserve "those elements of the setting that make a positive contribution to an asset should be treated favourably."

5.19. **Paragraph 207** continues by stating that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Where there is, however, loss of an element which makes a positive contribution to the significance of a Conservation Area or World Heritage Site should be considered within the contexts of Paragraphs 201 or 202, as appropriate (see above).

5.20. Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Securing the optimum viable use of the property and achieving public benefits are key material considerations for application proposals.

Local Planning Policy

5.21. Relevant policies of the adopted Development Plan for Wiltshire are found in the Wiltshire Core Strategy (2015), and saved policies of the North Wiltshire Local Plan 2011 (2006).

Wiltshire Core Strategy (2015)

5.22. The Wiltshire Core Strategy sets out the strategic approach to development in Wiltshire. **Core Policy 2** states that there is a presumption in favour of sustainable development in Principal Settlements and sets a minimum housing requirement of 24,740 new homes over the plan period for North and West Wiltshire.

5.23. The site is located within the Chippenham Town Centre Area of Opportunity (Langley Park) within this area, **Core Policy 9** states that the area is supported for redevelopment, and that significant business uses should be retained on part of the site.

5.24. **Core Policy 35** relates to existing employment sites and states that within Principal Settlements, proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1 (now Class E), B2 and B8 must demonstrate that they meet the following criteria:

i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use.

ii. Where the proposal concerns loss of employment land of more than 0.25 ha in the Principal Settlements, Market Towns or Local Service Centres it is replaced with employment land of similar size elsewhere at that settlement

iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site

iv. The site is not appropriate for the continuation of employment use due to a significant detriment to the environment or amenity of the area.

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

vi. The change of use is to facilitate the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment.

5.25. **Core Policy 45** relates to Wiltshire's approach to housing and states that new housing must be well designed and that housing type and size will be expected to reflect the need for the community.

5.26. **Core Policy 57** sets out the requirements for high quality design and place shaping. It states that a high standard of design is required in all new developments, including extensions, alterations and changes of use of existing buildings. Proposals should (among others):

- Be sympathetic to and conserve historic buildings and landscapes,
- Make efficient use of land, taking into account the characteristics of the site and local context
- Have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development

5.27. **Core Policy 58** states that development should protect, conserve and where possible enhance the historic environment.

5.28. **Core Policy 61** states that new development should be located and designed to reduce the need to travel, particularly by private car, and to encourage the use of sustainable transport alternatives.

Saved Policies of the North Wiltshire Local Plan 2011 (2006)

5.29. **Saved Policy NE18** relates to noise impacts and states that development will be permitted only where it would not generate, or be subject to, harm to public health by the emission of excessive noise, light intrusion, smoke or fumes (among others).

5.30. **Saved Policy R2** states that proposals for shops, financial and professional services, food premises, leisure facilities and nightclubs will be permitted within the designated town centre secondary frontage areas of Chippenham subject to a series of criteria that must be met.

6. Planning and Heritage Assessment

6.1. This section of the Statement sets out the justification for the proposed development, when considered against the relevant planning policies and other material considerations.

6.2. The key issues arising from this proposal, which this section will cover are as follows:

- The Principle of Development
- The Amenity of Future Residents
- Highways Considerations
- Heritage and Design Considerations

6.3. Each issue is discussed in turn below.

Principle of Development

6.4. The application site is a vacant two storey building at the rear of the commercial buildings fronting Main Road. It is set back from the main highway and does not form part of the main frontage, although it is within an area which is designated as part of the Secondary Retail Frontage.

6.5. The site is currently vacant and has been vacant since at least 2000 when the current owners took possession of the site. Therefore, although the last lawful use of the building was as an office (Class E), it has not been used as such for over twenty years and therefore should not be treated as an 'existing' office or employment use, and it is clear that the loss of this floorspace to an alternative use would not be detrimental to employment provision in Chippenham.

6.6. This is shown by the approval of planning permission ref. N/11/01240/FUL for the conversion of the building from commercial offices to two self-contained flats. There was no information submitted that demonstrated that the floorspace was redundant as part of that application, despite the fact that Policy BD2 of the North Wiltshire Local Plan 2011 (now replaced by Core Policy 45) also sought to protect existing business uses (Class B1, B2, B8).

6.7. Furthermore, the use of the unit could be changed to residential (Class C3) through Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), following the necessary prior approval process. This has been put in place to ensure that sufficient stock of housing can be maintained through the reuse of redundant office floorspace. The site is not in an area which is subject to Article 4 Direction and therefore it is considered that the general area is appropriate in principle for the reuse of office space for residential (subject to other considerations).

6.8. It should also be noted that the site could be occupied under an alternative Class E use such as retail, restaurant or leisure use without the need for planning permission.

6.9. The measures that have been adopted by the Government to facilitate flexibility in the planning system when it comes to town centre uses generally, and specifically office uses (in the case of Class MA changes of use) demonstrate that the Core Strategy, in seeking to

protect office floorspace from any change of use, is not wholly in accordance with the national approach and is overly restrictive.

6.10. Overall, it is considered that the loss of a small amount of office floorspace (approximately 114 m^2) which has not been in use for at least 23 years would not be harmful to employment provision within Chippenham.

6.11. The benefits of the proposal should also be taken into account when assessing the in-principle acceptability of the conversion. These include the provision of a new two bedroom home in a sustainable location with excellent links to local services and employment, and the benefits to the Listed Building at 16-17 New Road through the refurbishment of the building which has fallen into some disrepair, and the landscaping that will be implemented around the building to provide private curtilage for the dwelling.

The Amenity of Future Residents

6.12. The new two-bedroom dwelling is set across two floors and designed to be occupied by 2-3 persons. The total floor space of 114 m^2 is in excess of the minimum floorspace figure set by the Nationally Described Space Standards and is an improvement on the space provided by the two apartments approved in 2011.

6.13. The layout has been arranged to ensure that all habitable rooms will be served by windows and will receive natural daylight. The sitting room at ground floor level will overlook the car park to the rear of the commercial units, but a low hedge will help to provide privacy and defensible space between the car park and the dwelling.

6.14. Furthermore, the resident's parking will be located immediately adjacent to the dwelling which will further offset the vehicle movements associated with the commercial units from the dwelling, reducing the likelihood of disturbance by noise, light from vehicles or loss of privacy.

6.15. While the plans do not include a garden space, a small, grassed area and bin store are proposed. The lack of external amenity space is not unusual for town centre living, and the previous application was approved with no curtilage whatsoever. In addition, the site is a five-minute walk from Island Park and an eight-minute walk from Monkton Park, so there are areas of public open space within an easy walk for residents.

6.16. In terms of noise, the site is close to a number of commercial uses, most notably the Domino's Pizza takeaway at 16-17 New Road. A Noise Impact Assessment has been prepared that assesses the potential noise levels within the dwelling on the basis of the existing background noise environment and recommends mitigation to ensure that the relevant standards are met.

6.17. The report provides two options for mitigation which require internal insulation and the use of noise-reducing glazing and either passive trickle ventilation or mechanical ventilation. Both options would ensure that the residents will not be subject to unacceptably high levels of noise within the dwelling. If there is any preference as to which option should be implemented, this can be discussed during the course of the application.

6.18. It should be noted that there are residential apartments at first floor level, above several of the commercial units fronting New Road. These are accommodated with an acceptable

standard of living in terms of both noise and odour and are at higher risk of disturbance due to their proximity to the ground floor uses.

6.19. It is demonstrated, therefore, that the proposed conversion will provide an acceptable living standard for future residents and there will be no harm to amenity of any existing dwellings as a result of the conversion as the proposal will not result in any overshadowing or overlooking by virtue of the fact there are no significant external alterations proposed and fact that the site is separated from any existing residential properties.

Highways Considerations

6.20. The proposal will result in an addition 2-3 residents occupying the dwelling at 15 New Road.

6.21. The site is in a highly sustainable location which is well served by public transport, including bus and train. It is well-related to local services and employment opportunities with additional options for travelling on-foot or by various means other than private car.

6.22. Notwithstanding this, two car parking spaces are provided for future residents of the dwelling. The assigning of these spaces will not adversely affect the operation of the takeaway at 16-17 New Street which will retain sufficient parking to serve the use.

6.23. Space for cycle storage is available within the entrance hall for the dwelling.

Heritage Assessment and Design Considerations

6.24. The existing building is a vacant two storey building which is in need of some refurbishment following an extended period of disuse.

6.25. Planning permission was granted for the conversion of the building to two apartments in 2011 which included no changes to the exterior of the building. The current proposal seeks to update the appearance of the building, replacing the existing metal window frames with uPVC and removing the second, redundant entrance door.

6.26. The position of the central windows at ground and first floor of the front elevation will be altered so that both sets of windows are aligned and provide an improved appearance whilst complementing the host building.

6.27. The introduction of landscaping around the building will help to soften its appearance and provide a more residential character, without changing the character of the wider area.

6.28. The site is located within the Chippenham Conservation Area, within the Upper New Road Character Area. The site is not designated as a positive or negative building within the Townscape Analysis and is therefore considered to make a neutral contribution to the character of the area.

6.29. The minor changes to the exterior of the building will have a positive impact on the appearance of the building, through its refurbishment and landscaping, and will continue to make a neutral contribution to the character of the Conservation Area. Therefore, the proposals will be in accordance with current legislation, and local and national planning policy.

6.30. In other design considerations, the proposals include provision for refuse and cycle storage (the latter, internally) and the dwelling is accessible and provides sufficient space for residents to enjoy a satisfactory standard of living.

7. Conclusions

7.1. This Statement supports an application for the change of use of vacant offices to provide a 2-bedroom dwelling with associated parking and curtilage at 15 New Road, Chippenham.

7.2. The statement has demonstrated that the vacant office is not required to support employment provision in the centre due to the minimal floorspace involved, the long-term vacancy and the provision for flexibility in the use of office floorspace.

7.3. It has also been demonstrated that the dwelling will provide an acceptable standard of living for future residents and will not prejudice the operation of the commercial units nearby.

7.4. Finally, it has been shown that there will be no harm to highway safety, and no harm to the significance of the Chippenham Conservation Area as a result of the conversion.

7.5. Overall, the proposed development is acceptable and in accordance with local and national planning policy.

Appendix 1 – Decision Notice N/11/01240/FUL

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990 (as amended)

NOTIFICATION OF PLANNING DECISION

Application Reference Number: N/11/01240/FUL

Applicant
MSG Sandhurst Limited
Academy House
London Road
Camberley
GU15 3HL

Agent
Mr P Cooper
Philip J Cooper LTD
Coffee House
Market Square
Kineton
Warwick
CV35 0LP

Parish: - Chippenham

Particulars of Development: - Conversion From Commercial Offices to Two Self Contained Flats

At: - 15 NEW ROAD, CHIPPENHAM, SN15 1HJ

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), subject to compliance with the condition(s) specified below:-

Permission granted for the following reason:

The proposal is considered acceptable based on its siting and scale. The proposal will no significant adverse impact on the amenities of neighbouring properties and it is considered the character of the Chippenham conservation area will be preserved. The proposal is in accordance with Policy C3, H3 and HE1 of the North Wiltshire Local Plan 2011.

Subject to the following condition(s):

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY: C3, H3 & HE1

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds,

greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY: C3, H3 & HE1

4 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: 1941/1, 1941/2, 1941/3, 1941/4 and 1941/5.
Dated: 28th March 2011.

REASON: To ensure that the development is implemented as approved.

Informatives:

1 Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.

Signed



Director for Development Services
Dated: 19 October, 2011

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

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 district 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 footpath;

   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 public highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD.

   (It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

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. (Appeals must be made on a form which is obtainable from the Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. 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 1APP forms which are available on the Council's Website or the Planning Portal. You are advised that, as the local planning authority has up to 12 weeks to consider the request, you apply well in advance of when you intend to start work.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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Registered office: 33 Sheep Street, Cirencester, GL7 1RQ
We are **ISO** certified **9001**, **14001**, **45001**

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