Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2022/05463

Decision Date: 26 October 2022

Applicant:	Mr J Comparelli Overhouse, The Avenue, The Avenue, Wiltshire, Tisbury, SP3 6JG
Particulars of Development:	Demolition of existing dwelling and replacement with new dwelling with associated works
At:	White Cross Lodge, Zeals, BA12 6PF

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: (11)

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:

Site Location Plan Date Received 18.07.22
Proposed Site Layout Plan/Parking Plan Rev C Date Received 06.10.22
DWG No: TPP 01 Tree Protection Plan Date Received 06.10.22
DWG No: TCP 01 Tree Constraints Plan Date Received 06.10.22
Proposed Southwest/Southeast Elevations Rev B Date Received 05.09.22
Proposed Northeast/Northwest Elevations Rev C Date Received 05.09.22
Proposed Site Sections Plan Date Received 03.09.22
Proposed Ground Floor Plan Date Received 18.07.22
Proposed First Floor/Roof Plan Date Received 18.07.22
Proposed Garage Elevations/Floor Plan Date Received 18.07.22

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

3 The development hereby permitted shall be carried out in accordance with the schedule of materials received by the Local Planning Authority dated 05.09.22

REASON: To ensure the development enhances the character and appearance of the area and the wider AONB.

4 Prior to the commencement of the development hereby approved above DPC ground floor level, details of the proposed roof tile/material for the replacement dwelling and garage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the development enhances the character and appearance of the area and wider AONB.

5 Before the development hereby permitted is first brought into use the first floor window in the Southeast Elevation serving the ensuite bathroom as shown in approved drawing Proposed Southwest/Southeast Elevation Rev B shall be glazed with obscure glass only (to level 5 obscurity) and shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6 Notwithstanding the provisions of the Town and Country Planning (General Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no extensions or alterations to the roofslopes of the replacement dwellinghouse other than as approved as part of a formal planning application by the Local Planning Authority.

REASON: In the interests of the amenity of the area and wider AONB.

7 The development hereby approved shall be carried out in strict accordance with the submitted Arbroicultural Method Statement by Arbtech dated October 2022 and received by the Local Planning Authority on the 6th October 2022.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, within the site are adequately protected during the period of construction.

8 The closure of the existing access that serves the garage to be demolished shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

9 No part of the development hereby permitted shall be first occupied until the access, turning area and four 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.

10 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 details of which shall include:

(i) location and current canopy spread of all existing trees and hedgerows on the land;
(ii) full details of any to be retained, together with measures for their protection in the course of development;
(iii) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
(iv) means of enclosure to include details of any fencing, walling or gates;
(v) all hard and soft surfacing materials;
(vi) minor artefacts and structures to include the refuse storage units.

REASON: 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.

11 All soft landscaping comprised in the approved details of the landscaping plan/scheme shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and any other 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.

Informatives: (4)

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 should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

3 The application involves the closure of a vehicle access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

4 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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).