Wiltshire Council

The Town and Country Planning Act 1990

Approval of Householder Planning Permission with Conditions

Application Reference Number: PL/2022/04452

Decision Date: 24 March 2023

Applicant:	Mr and Mrs Walker C/O Agent, C/O Agent, London, W1F 9BN
Particulars of Development:	Side and rear extension to farmhouse building, across ground and first floors.
At:	Swillbrook Farmhouse, Swillbrook, SN16 9GA

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: (7)

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:

00 Proposed Location Plan Rev A – Rec: 17th June 2022
02 Existing Plans – Rec: 9th June 2022
03 Existing Elevations – Rec: 9th June 2022
10 Proposed Ground Floor Plan Rev B – Rec: 9th June 2022
10 Proposed Site Plan Rev B – Rec: 9th June 2022
11 Proposed Upper Floor Plans Rev C – Rec: 9th June 2022
15 Proposed Elevations 1 Rev C – Rec: 9th June 2022
16 Proposed Elevations 2 Rev C – Rec: 9th June 2022

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 Prior to the commencement of development, a surface water drainage strategy shall be submitted and approved in writing by the local planning authority, and should include/demonstrate the following:

- Calculations of the existing greenfield runoff rates for the site;
- Calculations of the post development runoff rates in accordance with Wiltshire Council's betterment policy update;
- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented showing overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event. The strategy should mimic the existing drainage characteristics of the site by retaining and utilising any existing drainage features;
- Existing flood flow routes through the site have been maintained or where they will be affected, adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere;
- Evidence that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels. It is recommended that this should be 150mm but this can be lower if it can be proved that the property will be safe from overland flows during extreme events;
- Adequate measures during construction to control pollution to existing watercourses and groundwater.

The development shall be carried out strictly in accordance with approved surface water drainage strategy.

REASON: In accordance with the provisions of Core Policy 67 of the Wiltshire Core Strategy and Paragraph 167 of the National Planning Policy Framework to ensure that flood risk is not increased elsewhere and the requirement for all new development to include measures to reduce the rate of rainwater runoff.

5 The development shall be carried out in strict accordance with the following

documents:

- The mitigation measures outlined in Section 5 of the report: Ecological Impact Assessment, Swillbrook Farm, Rigsby's Lane, Minety, Ref: LD2715-ECO-REP-002-00-EcIA, Date 13/10/22 by Lizard Landscape and Ecology - Rec: 17th October 2022
- The mitigation measures outlined in: LLD2715-ECO-LET-001-01-ConsultationResponse Date: 29th November 2022 by Lizard Landscape Design and Ecology - Rec: 8th December 2022.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with Core Policy 50 of the Wiltshire Core Strategy and Paragraph 180 of the National Planning Policy Framework.

6 Bat roosts and bat access points shall be incorporated into the development in accordance with the mitigation measures outlined in LLD2715-ECO-LET-001-01-Consultation Response Date 29th November 2022 by Lizard Landscape Design and Ecology - Rec: 8th December 2022 or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development in accordance with the provisions of Core Policy 50 of the Wiltshire Core Strategy and Paragraph 180 of the National Planning Policy Framework.

7 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)”, have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be 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, limiting landscape impact, limiting impact to protected species and to minimise unnecessary light spillage above and outside the development site in accordance with the provisions of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy.

Informatives: (8)

8 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 commencement of work.

9 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

10 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.

11 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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

12 The ditch adjacent to the site which falls under the ownership of the applicant(s) is an

ordinary watercourse and, despite the applicant(s) being the riparian owner(s) of said watercourse, a land drainage consent needs to be sought from the Lead Local Flood Authority.

13 The farmhouse building is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017, 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. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

14 The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night also negatively affects humans' health and has a substantial adverse effect on biodiversity. Therefore, any new external artificial lighting as part of this development should only be for the purposes of security and safe access. Any new lighting should be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

15 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 breeding.

Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

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