Wiltshire Council

The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2023/01955
Decision Date: 24 August 2023

Applicant:	Mr Barry Baldwin The Stoneyard , Potley Lane, Corsham, Wiltshire, SN13 9RX
Particulars of Development:	Variation of condition 2 of N/92/00420/F ('erection of single building to be used as studio and finished work store') to allow the building to be used for mixed E(g) and B8 use
At:	The Stoneyard, Potley Lane, Corsham, SN13 9RX

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

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 compliance with the following conditions:

Conditions: (7)

1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), the building shall be used solely for purposes within Classes E(g) and B8 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 reenacting that Order with or without modification).

REASON: for the avoidance of doubt and to ensure that the permitted uses are appropriate.

2 The development hereby permitted shall be carried out in accordance with the

following approved plans:

- Location plan and site plan ref. 91-2-1-A.
- Floorplan, section and elevations ref. 91-2-2.
- Site plan ref. LPC-5510-EX-02, only insomuch where it shows tracking and parking spaces.
- Landscaping plan ref. 91-2-11, as approved under discharge of conditions application ref. N/97/00554/DOC.

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 to 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 Notwithstanding the submitted plans, prior to its installation, details of the external stone walling shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the type, coursing and jointing, which shall be presented on a 1m x 1m sample panel. The development shall then be carried out in accordance with the approved details.

REASON: in the interests of visual amenity.

5 No tree within the site shall be cut down, uprooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the Local Planning Authority's written approval.

REASON: in the interests of amenity and biodiversity.

6 There shall be no use on the site of machinery or power tools outside of the hours of 0800-1900 on any weekday or Saturday, or at all on Sundays or public holidays.

REASON: in the interests of residential amenity.

7 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those

purposes at all times thereafter.

REASON: in the interests of highway safety.

Informatives: (4)

8 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 landowner's 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.

9 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.

10 The applicant reminded of the need to protect onsite and third-party trees during the construction phase.

11 <u>Bats</u>

Boundary vegetation at the site forms part of the local network of wildlife corridors and green infrastructure network, forming a connection to the major corridor of the railway line with offsite habitat features to the south. This is all in the context of it being within a core sustenance zone for bats associated with the Bat and Bradford of Avon Bat SAC.

Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from a professional ecologist or to contact Natural England's Batline through the internet.

<u>Breeding birds</u>

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.

Artificial lighting

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 can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and 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.

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