Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/05034

Decision Date: 30 August 2023

Applicant:	Mr Matthew Hirst Mundy Cottage, East Knoyle, Shaftesbury, Dorset, SP3 6BX
Particulars of Development:	Variation of condition 2 (approved plans) on PL/2022/05168 to allow for design changes
At:	Land North East of Dhuli Fou, The Street, West Knoyle, Warminster, BA12 6AE

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: (16)

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:

DWG No: 2511/2A Site Location Plan, Proposed Block Plan and Proposed Site Layout Plan Date Received 10.07.23
DWG No: 2511/1A Proposed Elevations and Floor Plans Date Received 10.07.23

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

3 Prior to the construction of the development hereby permitted above finished DPC floor level, details of the external materials for the dwelling that shall include details of the proposed brick, roof tiles and materials to be used for the doors, windows and rainwater goods 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.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted 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 or the insertion of windows or other forms of openings other than those shown on the approved plans to the development hereby approved 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.

5 Before the development hereby permitted is first brought into use, the two first floor windows within the north east elevation of the dwellinghouse serving the en-suite bathroom and bathroom as shown on approved plan DWG No: 2511/1A shall be obscured glazed (to an obscurity rating of no less than Level 5) and the windows shall remain obscure glazed in perpetuity.

REASON: In the interests of the amenity of the area.

6 The development shall be carried out in strict accordance with Section 5.3 of the submitted Ecological Appraisal V1 by David Leach Ecology Ltd dated November 2022. The enhancement features as shown within Section 5.4 of the approved ecological appraisal will be incorporated into the development in accordance with this detail. The installation of these features will be supervised by a professional ecologist and continue to be available for the wildlife for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

7 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of conserving biodiversity.

8 Prior to the commencement of development hereby permitted, a Landscape Plan shall be submitted to and approved in writing by the Local Planning Authority to include:

- The location of the enhancement measures detailed in section 5.4 of the Ecological Appraisal V1 by David Leach Ecology Ltd dated November 2022;

- The additional tree planting in the eastern field as shown on approved plan DWG No: 2511/2A Site Location Plan, Proposed Block Plan and Proposed Site Layout Plan;
- An avoidance zone for works within 15 metres of the ancient woodland to the east of the site.

REASON: To ensure the long term management of the landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the development.

9 The Air Source Heat Pump (ASHP) shall be installed in accordance with the technical specifications dated 10th July 2023, namely the Daikin altherma low temp monobloc heat pump (EDLQ011CV3, 11kW), and shall thereafter be maintained to ensure that it produces a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge window when operating.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

11 The Sewage Treatment Plant to be installed within the development hereby permitted shall be the Klargester BioDisc (BA Model) in accordance with the technical specifications dated and received by the Local Planning Authority on the 10th July 2023.

REASON: To ensure the development can be adequately drained.

12 Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

13 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 the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

14 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 and gates;
(v) all hard and soft surfacing materials;
(vi) minor artefacts and structures to include 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 and the AONB.

15 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 dwelling or the completion of the development whichever is the 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, hedgerow 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 within the AONB.

16 No development shall take place on site, including site clearance, storage of materials or other preparatory work until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details unless the Local Planning Authority has given its prior written consent to any variation.

The TPP shall show the areas which are designated for the protection of trees, hereafter referred to as the Root Protection Area (RPA). Unless otherwise agreed, the RPA will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2012) and no access will be permitted for any development operation. The AMS will detail any other special measures required to protect tree roots where development encroaches into an RPA.

REASON: To protect the amenity value of the trees growing within or adjacent to the site.

Informatives: (6)

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 **Birds and nesting season**

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.

3 **Environment Agency**

The applicant is advised that the Environment Agency has a presumption against private sewage treatment works in sewered areas and will always seek connection to the mains sewer where possible and practicable due to the need to maintain the PTP in accordance with manufacturers recommendations. Further detail can be found on the Environment Agency website.

4 **Reptiles and Amphibians**

There is a residual risk that amphibians / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear any vegetation that is scheduled to be removed as part of the works during the winter, remove all the resultant waste arising and maintain the vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

5 **Artificial Light**

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.

6 **Highways License**

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. 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.

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