Wiltshire Council

The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2022/09407
Decision Date: 22nd September 2023

Applicant:	Mr Jamie Treweke Limetree Farm, Middle Common, Kington Langley, SN15 5NW
Particulars of Development:	Variation of Condition 2 of application 19/09467/FUL to make changes to the proposed elevations and floor plans
At:	The Stables, Lime Tree Farm, Middle Common, Kington Langley, SN15 5NW

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: (17)

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Ref: AA/21/25-- Rev G – Site Plan. Received – 01.09.2023
Ref: SK15 Rev G – Location Plan. Received – 07.12.2022
Ref: Plot 1 Floor Plans and Elevations. Received – 10.08.2023
Ref: Plot 1 Comparison. Received – 07.08.2023
Ref: Plot 2 Floor Plans and Elevations. Received – 10.08.2023
Ref: Plot 2 Comparison. Received – 07.08.2023
Ref: Plot 3 Floor Plans and Elevations. Received – 10.08.2023
Ref: Plot 3 Comparison. Received – 07.08.2023
Ref: SK10 Rev S – Materials. Received – 17.08.2020

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

2 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 building(s) 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 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.

3 The ground floor slab and finished floor levels shall be set out on site in line with the details considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022; and updated by approved plan ref: Ref: AA/21/25-- Rev G – Site Plan. Received – 01.09.2023.

REASON: In the interests of the visual amenities of the area.

4 No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces and pedestrian footpaths 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.

5 No dwelling hereby approved shall be first occupied until the agreed surface water drainage system has been constructed in accordance with the approved drainage strategy that was considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others and to prevent discharge on to the highway.

6 No dwelling hereby approved shall be first occupied until the agreed sewerage system and foul drainage pipework, considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022, have been fully installed and implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage; does not increase the risk of flooding or pose a risk to public health or the environment; and to ensure no groundwater enters the foul water drainage system within the site.

7 The development hereby approved shall be carried out in accordance with the agreed Construction Method Statement (CMS) (produced by Armstrong Architecture, received 16.03.2022), which was considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022, for the duration of the construction period.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8 Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300hrs Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of the neighbouring residential amenities

9 The development hereby approved shall be implemented in accordance with the agreed scheme of Ultra Low Energy Vehicle infrastructure which was considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022.

REASON: In order that the development is undertaken in an acceptable manner, to mitigate emission levels in order to protect public health, environmental quality and amenity.

10 The development hereby approved shall be implemented in accordance with the approved Ecological Construction Method Statement (ECMS) (produced by Tyler Grange, Ref: 13810_R01a_HDBJ_HB dated 21.12.2021), which was considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022. In particular, the ecological features identified on the contained plan (ref:13810/P01a – Ecology, Protection and Enhancement Plan) must be fully implemented prior to the dwellings hereby approved being first occupied and retained and maintained in perpetuity; and any external lighting should comply with the recommendations set out in this report and identified on the contained plan (ref:13810/P01a – Ecology, Protection and Enhancement Plan)

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement

11 The development hereby approved shall be implemented in full accordance with the agreed Construction and Environmental Management Plan (CEMP), which was considered under ref: PL/2021/08060 and approved by letter dated 11.04.2022. The approved CEMP shall be complied with for the duration of the construction works

REASON: To ensure adequate protection, mitigation and compensation for protected species and to provide a biodiversity enhancement.

12 The tree protection of all TPO and retained trees shall be retained in place on site, in accordance with the approved Aboricultural Report and associated tree protection plan (prepared by Nigel de Berker, dated September 2019 and received by email 12th August 2020), until the completion of the construction phase.

REASON: So as to ensure the retention of existing trees on the site in the interests of visual amenity

13 No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work - Recommendations” or Aboricultural techniques where it can be demonstrated to be in the interest of good Arboricultural practise. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the
trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To ensure the long term retention of trees on and off the development site.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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 enlargements.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation unless planning permission has been specifically granted following receipt of a planning application by the local planning authority.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

16 Before the development hereby permitted on Plot 2 is first occupied, the first floor window in the eastern elevation shall be glazed with obscure glass only to an obscurity level of no less than level 5 and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

17 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevations of Plots 1 and 2; or western elevations of Plot 3.

REASON: In the interests of residential amenity and privacy.

Informatives: (5)

1 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason may require the submission of a new planning application. It is suggested that you discuss any changes to the plans with the LPA before implementation on site.

2 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.

3 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.

4 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

5 There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) 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 an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation website.

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