Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/06633

Decision Date: 27 September 2023

Applicant:	Mr Perdeep Tanday Portway House , West Gomeldon, Salisbury, Wiltshire, United Kingdom, SP4 6JX
Particulars of Development:	Variation of condition 2 of application PL/2022/06744 (Demolition of existing dwelling and erection of replacement dwelling and garage/car barn, garden pavilion and associated landscaping works) to allow addition of rooflight over stair to main dwelling, 2 rooflights to garage storage loft and 2x ASHP's/condensers with masonry supports to rear upper terrace
At:	PORTWAY HOUSE, WEST GOMELDON, SALISBURY, SP4 6JX

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: (13)

1 The development hereby permitted shall be begun before the 09/11/2025 (the expiry date of PL/2022/06744).
REASON: To comply with the provisions of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started.

2 The development hereby permitted shall be carried out in accordance with the following approved documents and plans:
Drawing No: 20/3313/LOC 1D Proposed Block and Location Plan dated 08/11/2022,

received by this office 08/11/2022
Drawing No: 20/3313/200 G Site Plan dated 18/05/2023, received by this office 07/08/2023
Drawing No: 20/3313/201D Proposed Lower Ground Floor Plan, dated 20/07/2022, received by this office 14/9/2022
Drawing No: 20/3313/202E Proposed Ground Floor Plan dated 20/07/2022, received by this office 14/09/2022
Drawing No: 20/3313/203E Proposed First Floor Plan dated 08/06/2021, received by this office 07/08/2023
Drawing No: 20/3313/204D Proposed North West Elevation dated 18/05/2023, received by this office 07/08/2023
Drawing No: 20/3313/ 205D Proposed South East Elevation dated 04/08/2023, received by this office 07/08/2023
Drawing No: 20/3313/ 206D Proposed SW & NE Elevations, dated 04/08/2023, received by this office 07/08/2023
Drawing No: 20/3313/207B Proposed garage dated 18/05/2023, received by this office 07/08/2023
Drawing No: 20/3313/208 Proposed Garden Room/Store dated August 2021, received by this office 14/09/2022
Drawing No: 497pp02a Planting Proposals dated 12/2021, received by this office 14/09/2022
Document Reference: Landscape Design Statement dated October 2014, received by this office 14/09/2022
Document Reference: 1831 Method Statement Measures to avoid pollution of the River Bourne, received by this office 14/09/2022
Document Reference: P245.1.0 Ecological Impact Assessment Report by Eclipse Ecology dated 11/07/2022, received by this office 14/09/2022
Document Reference: 21/11/277/NH Tree Survey & Arboricultural Impact Assessment dated 02/12/2021, received by this office 14/09/2022
REASON: For the avoidance of doubt and in the interests of proper planning.

3 Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of the enhancement measures outlined in Section 8 of the Ecological Impact Assessment shall be submitted to the local authority for approval. The development shall be carried out in accordance with the approved details and shall be implemented/installed before first occupation of the development hereby permitted.
REASON: To provide mitigation /enhancement for biodiversity.

4 No development shall commence, other than demolition to ground level, within the area indicated by application PL/2023/06633 until:
a) A written programme of archaeological investigation, which should include on- site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
b) The approved programme of archaeological work has been carried out in

accordance with the approved details.
REASON: To enable the recording of any matters of archaeological interest.

5 No development shall commence on site above ground floor slab level until the exact details of the external materials and finishes to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON: In order that the development is undertaken in an acceptable manner in the interests of visual amenity and the character and appearance of the area.

6 The dwelling hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.
REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation and to ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

7 The development hereby permitted shall not be occupied until the first 5m of both accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.
REASON: In the interests of highway safety.

8 The gates shall be set back 5m from the edge of the carriageway, such gates to open inwards only.
REASON: In the interests of highway safety.

9 No part of the development hereby permitted shall be occupied until the access turning areas and parking spaces have been completed in accordance with the details shown on the approved plan (ref: 20/3313/LOC1 D). The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.
REASON: In the interests of highway safety.

10 No new external lighting shall be installed until a Sensitive Lighting Strategy has been submitted to and agreed by the local planning authority. The lighting strategy shall specify the number, type and location of luminaires to be installed and details of mitigation measures setting out how light spill onto retained habitats will be minimised and how the boundaries will be retained as dark corridors. The development shall be carried out in accordance with the approved details.
REASON: To ensure appropriate mitigation for protected species and the retention of dark corridors along the site boundaries.

11 All soft landscaping comprised in the approved details of landscaping shown on drawing No: 497pp02a Planting Proposals 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.
REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12 The development will be carried out in strict accordance with the following documents:
- "Method Statement" project ref: 1831. Measures to avoid pollution of the River Bourne
- "Ecological Impact Assessment" Report reference P245.1.0, Date 11 July 2022, by Eclipse Ecology, specifically the measures outlined in Sections 7 and 8.
REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.
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.

Informatives:

Artificial Lighting
The lighting plans will be in accordance with the appropriate standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Water Efficiency
A water efficiency calculation will be needed to discharge the Water Efficiency in River Avon Catchment condition. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_dat

a
/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

Bats
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 (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 an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Amphibians and Reptiles
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. 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)

Breeding birds
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.

Use of herbicides
The EA method statement includes "No herbicides will be permitted to be used unless prior permission has been obtained from the Environment Agency." The proposed planting plan needs to avoid using herbicide and the use of these chemicals should be avoided when the buildings and gardens are occupied.

Flood Risk
The northern boundary of the site is affected by flood zones 2/3. The flood map is indicative in nature, particularly in this location, so we advise incorporating flood resilience methods into the design of the development.

Flood resilience methods could include using water proof building materials and raising electrical systems. Additional guidance can be found at https://www.gov.uk/topic/environmental-management/flooding-coastal-change

Archaeological investigation
The watching brief should comprise the archaeological monitoring and recording of any ground works that have the potential to impact on buried archaeological remains. The work should be conducted by a professionally recognised archaeological contractor. The programme of archaeological work will conclude with the preparation of a report on the results of the exercise.

The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

Access to the site
Idmiston Parish Council has requested that access to the site is via the Gomeldon Road, and not via the very narrow High St from Porton.

Community Infrastructure Levy
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.

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