Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/02391

Decision Date: 07 September 2023

Applicant:	Mr & Mrs Macdougall Arvensis Perennials , 19A , Lower South Wraxall, Wiltshire, BA15 2RU
Particulars of Development:	Improvement and diversification of agricultural plant nursery including the removal of multiple existing structures and the construction of two new buildings. Buildings to contain essential storage, workshop space and staff support facilities as well as a tied agricultural workers dwelling.
At:	Arvensis Perennials, 19A Lower South Wraxall, Bradford on Avon, BA15 2RU

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: (10)

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 and documents:

Application Form, Access and Parking Assessment, Visual Impact Assessment, Planning Statement, Ecological Appraisal, Design and Access Statement, Arboricultural Method Statement, Drawing Nos: 22018/02 rev B, 22018/03 rev B,

22018/04 rev A, 22018/05 rev A, 22018/06 rev A, 22018/07 rev A, 22018/08 rev A, 22018/09 rev A, 22018/15 rev B received on 24th March 2023

Flood Risk Assessment, Revised Green Belt Justification, Drawing Nos: 22018/19 Rev E, 22018/10 Rev D, 22018/11 Rev D, 22018/12 Rev H, 22018/13 Rev F, 22018/14 Rev F, 22018/01 Rev B, 22018/17a Rev C received on 27th June 2023

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

3 No development shall progress above slab level until details and samples of the materials to be used for the external walls and roofs 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 the interests of visual amenity and the character and appearance of the area.

4 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

5 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/extensions or external alterations to 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 external alterations.

6 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a CEMP shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before

and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Working method statements for protected/priority species, such as nesting birds, amphibians, badgers and reptiles.
c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

The development shall be carried out in strict accordance with the approved Construction
Environment Management Plan (CEMP).

REASON: To ensure adequate protection for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

7 No external light fixture or fitting shall be installed pursuant to the development hereby approved unless and until full details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details would need to demonstrate a betterment in terms of any proposed new lighting impacts in terms of its respective effects on bat habitat compared to the existing situation.

REASON: To protect bat habitat

8 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will be proportionate to the small scale of the development and its agricultural nature. The LEMP will include long term objectives and targets as well as maintenance schedules for each ecological feature within the development, together with a review proposal.

The LEMP shall be implemented in full and for a minimum of 30 years in accordance with the approved details.

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

biodiversity.

9 The development hereby approved shall be implemented in accordance with details contained with the AMS, including the requirement to erect all tree protection fencing and ground protection pressure pads over trees T9 and T10 prior to any other groundworks commencing. Photographic evidence shall be submitted to the Local Planning Authority and approved in writing.

REASON: In the interests of tree protection.

10 There shall be no raising of ground within flood zones 2 and 3.

REASON
To protect the integrity of the floodplain and prevent impedance of flood flows.

Informatives: (7)

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 If non-mains foul drainage is the only feasible option an Environmental Permit may be required. This must be obtained from the Environment Agency before any discharge occurs and before any development commences. This process can take up to a year to complete and it cannot be guaranteed that a Permit will granted. The applicant should contact the Environment Agency on 03708 506506 for further details on Environmental Permits or visit https://www.gov.uk/guidance/discharges-to-surface-

water-and-groundwater-environmental-permits.

13 Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of a designated main river, or within 16 metres of an Environment Agency flood/sea defence.
The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of controls please contact the Environment Agency on blandford.frap@environment-agency.gov.uk. Some activities are now excluded or exempt; please see the following link for further information: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.
Any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board.

14 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

15 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

16 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 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

17 Pursuant to condition 8, a simple LEMP (the proposed block plans can be updated to include the relevant text) is acceptable and it should detail:

- the species to be planted create the hedgerow.
- The seed mix to be used to enhance the grassland
- A brief plan for the target condition of the habitats e.g. to create a dense continuous native hedgerow that is at least 1.5m high and 1.5m wide / neutral grassland in moderate condition
- A brief plan on how the hedgerows will be managed and maintained to create this habitat for 30 years to align with BNG guidelines

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