Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/06518

Decision Date: 27 October 2023

Applicant:	Mr Chris Hocken Ashby's, Tytherington, Warminster, BA12 7AD
Particulars of Development:	Demolish 2no. existing semi-detached cottages and outbuildings and erect 2no. detached cottages and enlarge curtilage.
At:	New Cottages, Tytherington, Wilts, BA12 7AE

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: (7)

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:

Site and Location Plan – dwg no. 5150PO3 Rev A - received 02/08/23
Existing and Proposed Boundary Plan – dwg no. 5150P31 – received 04/08/23
Existing Plans and Elevations – dwg no. SO1 - received 02/08/23
Proposed West and North Elevations – dwg no. PO4 – received 02/08/23
Proposed South and East Elevations – dwg no. PO5 - received 02/08/23
Proposed Floor plans – dwg no. PO1 – received 02/08/23
Elevations showing bat mitigation measures – 1 – received 16/10/23

Elevations showing bat mitigation measures – 2 – received 16/10/23
5150 PO6 Rev A Proposed Site Section – received 20/10/23
Bat Survey Report – received 02/08/23

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

3 No development shall commence on site pursuant to new building and foundation works 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 by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The monitoring is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

REASON: To define the terms of this permission and to enable the recording of any matters of archaeological interest.

4 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces(3 per dwelling) have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes at all times for the lifetime of the development.

REASON: In the interests of highway safety.

5 Prior to their installation, new external window and door joinery details (brochure specifications), have been submitted to and approved in writing by the Local Planning Authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning approval and 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, in the interests of preserving the character and appearance of the setting of listed buildings and the Conservation Area.

6 Prior to their installation, details and samples of the materials to be used for the

external walls and roofs shall be submitted to and be approved in writing by the Local Planning Authority.

Thereafter, the installation shall be carried out in accordance with the approved details.

Pursuant to the walling, and prior to reaching first floor level, a sample wall panel, not less than 1 metre square, shall be constructed on site, duly inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out.

The development shall be carried out in accordance with the approved wall sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

7 The development hereby approved shall be carried out in strict accordance with the bat survey report and the elevation treatment as set out within the approved documents.

The installation of these bat roosts and access features shall be supervised by a professional ecologist and this part of the condition shall be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning
authority. These bat roosts and access points shall continue to be available for bats for the lifetime of the development.

REASON: For the avoidance of doubt and for the mitigation of impacts of any bats arising from the development.

Informatives: (5)

8 The roof space of the property is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

9 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.

10 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 GN08-23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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 The applicant is advised that surface water drainage should seek to utilise SuDS principles, including utilising rainwater harvesting where possible to reduce potable water demand. Surface and foul water drainage will need to be designed and approved (by Building Control) in accordance with Building Regulations Part H

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