Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 14/07813/FUL

Agent Fowler Architecture & Planning Ltd 19 High Street Pewsey Wiltshire SN9 5AF	**Applicant** Mr & Mrs J Jones c/o Agent
Parish: WILCOT	
Particulars of Development: Erection of new dwelling in the grounds of White Hart public house. Formation of new car park for public house, as approved under lapsed consent E/11/0383/FUL	
At: The White Hart, Oare, Marlborough, SN8 4JA	

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 187 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:

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 Prior to the commencement of development there shall have been submitted to and approved in writing by the local planning authority details and samples of the materials to be used in the construction of the external walls and roof of the dwelling, including details of the brick bond to be used for the external walls (which shall be a traditional bond). The 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 conservation area.

3 Prior to the commencement of the development there shall have been submitted to and approved in writing by the local planning authority details of the eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and the porch canopy. The development shall be carried out in full accordance with the details so-approved.

Reason: in the interests of visual amenity and the character and appearance of the conservation area.

4 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the tree protection fencing detailed in the approved Arboricultural Impact Assessment (SJ Stephens Associates dated 19/08/2014) has been put in place.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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 arboricultural 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]

5 Prior to the commencement of development, and notwithstanding the detail of the approved drawing, there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include boundary treatments (including details of existing fences and walls etc to be retained), surfacing details and the location, species, planting sizes, densities and numbers for new planting, which should consider opportunities for strengthening existing tree belts around the site.

Reason: to ensure a satisfactory landscaped setting for the development in the interests of visual amenity and the character of the conservation area.

6 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 new 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 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.

7 The dwelling shall not be occupied until the south-eastern corner of the public house building has been partially removed as detailed on plan number 09075/02, and the building made good with external finishes and brickwork to match existing, with the triangular visibility area so formed at all times being kept free of obstructions to driver visibility beneath the corbelled brickwork supporting the upper floor.

Reason: to ensure adequate visibility in the interests of highway safety.

8 Before the dwelling hereby permitted is first occupied the modified vehicular access shall have been formed and provided with a visibility splay over a strip 2.4 metres wide running parallel and adjacent to the carriageway edge, between the centreline of the revised access and the southern end of the public house building. This visibility splay shall be cleared of any obstruction exceeding 0.9 metres in height above the level of the adjoining carriageway and maintained clear of any such obstruction at all times thereafter.

Reason: in the interests of highway safety

9 Prior to the permanent closure of the existing car parking area serving the public house located to the south of the access, the new public house car parking area hereby approved shall be provided in accordance with the approved details as shown on drawing 090705-02. The new public house car parking area shall be maintained and kept available for car parking at all times thereafter.

Reason: to ensure adequate parking facilities for the public house in the interests of highway safety.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additions to, extensions or enlargements of the dwelling hereby approved shall be carried out .

Reason: in the interests of amenity so as to allow the local planning authority the opportunity to consider the impact of subsequent alterations to the dwelling.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed within the curtilage of the dwelling forward of any wall of that dwelling which fronts onto any road or private access.

REASON:
In the interests of visual amenity.

12 No construction or demolition work shall take place on the site in connection with the development hereby permitted on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON:
To ensure the retention of an environment free from intrusive levels of noise and

activity in the interests of the amenity of the area.

13 The development hereby permitted shall be carried out in accordance with the drawing numbered 090705-02 and the Arboricultural Impact Assessment dated 19th August 2014.

Reason: for the avoidance of doubt and in the interests of sound planning practice.

Signed



Director for Economic Development & Planning **Dated: 13 October 2014**

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

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.

   In particular the applicant is reminded of the following matters:-

   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). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

   If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

   Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

   'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or
   expiry of the specified period;
   'Type B appeal', 28 days from the date on which the enforcement notice is served;
   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) was served no earlier than 2 years before the application is made;
   (b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and
   (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);
   'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**