Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/04931

Decision Date: 24 November 2023

Applicant:	C/o Agent C/o Williams Gallagher, Somerset House, 37 Temple Street, Birmingham, United Kingdom, B2 5DP
Particulars of Development:	Conversion of outbuildings behind 134-135 High Street, Marlborough, into residential use (Use Class C3), creating a 4-bedroom and a 2-bedroom dwelling. This includes the addition of new window and door openings, an extension at the rear (replacing the northernmost outbuilding), internal layout adjustments, and blocking the connection to the adjacent retail unit. (Resubmission of PL/2022/09555)
At:	Outbuildings and Land to the Rear of 134-135 High Street, Marlborough, Wilts, SN8 1HN

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: (9)

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:

- Location Plan and Site Plan, Dwg No. PL-101 Rev C
- Proposed Ground and First Floor Plans, Dwg No. PL-102 Rev A

• Proposed Roof Plan, Dwg No. PL-103 Rev A
• Proposed Elevations Sheet 1 of 2, Dwg No. PL-104 Rev B
• Proposed Elevations Sheet 2 of 2, Dwg No. PL-105 Rev A
• New Window and Door Details, Dwg No. PL-110

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

3 The development will be carried out in strict accordance with the following documents: Preliminary Roost Assessment and Nocturnal Bat Survey Report dated June 23 by Cotswold Environmental

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4 Prior to the commencement of any works, including vegetation removal and demolition, details of the bat roost mitigation as outlined within the report, 'Preliminary Roost Assessment and Nocturnal Bat Survey Report' must be clearly shown on a technical drawing/site plan. The approved details shall be implemented before occupation of the final works.

REASON: To provide enhancement for biodiversity.

5 Before the development hereby permitted is first occupied the bathroom window in the rear / west elevation of house 1 shall be glazed with obscure glass only to an obscurity level of no less than level 4 and the window shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6 The rooflights in the front / east elevation of house 2 shall be glazed with obscure glass only to an obscurity level of no less than level 4 and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

7 The dormer window in the front / east elevation of house 2 shall be glazed with obscure glass only to an obscurity level of no less than level 4 and fixed with a ventilation stay restricting the opening of the window to no more than 100mm prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

8 The first floor windows in the front / east elevation of house 1 shall be glazed with obscure glass only to an obscurity level of no less than level 4 and the lower half shall be permanently fixed shut with the upper half fixed with a ventilation stay restricting the opening of the window to no more than 200mm prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

9 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

Informatives: (4)

10 Nesting 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.

11 Artificial Lighting
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.

12 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.

13 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.

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