Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/07372

Decision Date: 28 November 2023

Applicant:	Mr Pierre Maya 46 Hillworth Road, Devizes, Wiltshire, SN10 5EY
Particulars of Development:	Variation of condition 2 (approved plans) on PL/2022/07574 to allow for design changes
At:	Land adjoining The Bell Inn, Bell Hill, Seend, Melksham, SN12 6SA

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: (12)

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
Arboricultural Method Statement (Sharples Tree Services, 03/2023, March 2023)
Construction Ecological Management Plan (CEMP) (Cotswold Environmental Ltd, Document Number: CE-00965, March 2023)
Site Location Plan – L001 Rev C
Topographical Survey – 72/2047/1

Existing Site Plan & Elevation – L020 Rev P1
Proposed Plan and North Elevation – L011 Rev P4
Existing and Proposed External Store – L014 Rev P2
Landscape Masterplan – GD14522_PP_001 Rev C
Proposed Elevations – L012 Rev P5 received 27/11/2023
Proposed Roof Plan – L013 Rev P3
Tree Constraints Plan (14317/P02) and Tree Retention and Removal Plan (14317/P03a) contained in the Arboricultural Impact Assessment – Tyler Grange 29th September 2022

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

3 The development hereby permitted shall be carried out in strict accordance with the Construction Environmental Management Plan (CEMP) (Cotswold Environmental Ltd, Document Number: CE-00965, March 2023) approved under Discharge of Condition application reference PL/2023/02911 dated 18/05/2023.

REASON: To ensure adequate protection and mitigation 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.

4 i) The development hereby permitted shall be carried out in strict accordance with the Arboricultural Method Statement (Sharples Tree Services, 03/2023) approved under Discharge of Condition application reference PL/2023/02911 dated 18/05/2023.

ii) Tree protection measures as so-approved shall be erected and maintained throughout the construction phase, and works shall be carried out in full accordance with said Statement.

iii) 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 first be agreed in writing with the local planning authority.

REASON
In accordance with the recommendations of the submitted Arboricultural Impact Assessment, in order that the development is undertaken in an acceptable manner, to enable the local planning authority to ensure the retention of trees on the site in the interests of visual amenity.

INFORMATIVE
In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.

5 i) No development of the new dwelling shall commence above ground floor slab level until full details of the materials and finishes to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

ii) The development shall not be carried out other than in accordance with the so-approved details.

REASON
In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the setting of the Seend Conservation Area.

INFORMATIVE
The details to be submitted under this condition shall include for example, product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested (for example in the event of the submitted details being inadequate) samples of materials and finishes are to be made available for inspection on the development site.

6 i) Prior to the first occupation of the new dwelling or the substantial completion of the development (whichever is the sooner) 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:-
a) location and current canopy spread of all existing trees and hedgerows on the land to be retained,
b) a plan showing the location and extent of all new planting,
c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
d) full details of means of enclosure (including any existing fences and walling to be retained and internal garden walling),
e) all hard and soft surfacing materials,
f) full details of the bin store, cycle store and air source heat pump enclosure.

ii) All so-approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or following the substantial completion of the development whichever is the sooner.
iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
iv) Any trees or plants which, within a period of five years of planting, die, are removed, or become seriously damaged or diseased (including those to be retained) 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.
v) Where replacement of failed plants is carried out under part (iv) of this condition, the requirements of part (iv) are to apply to the replacement planting as from the date of the

replacement planting being carried out.
vi) All hard landscaping shall also be carried out in accordance with the approved details prior to the first occupation of the dwelling 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, in the interests of neighbouring amenities and the visual amenity of the area and the setting of the adjoining listed building and conservation area.

INFORMATIVES
Details to be submitted for the trees to be planted (as shown on the Landscape Masterplan - Revision A) shall be of species suitable for the soil conditions, supplied and planted as standard trees, with a girth of 10-12cm and at a height of 2-3m or of a size that is available.

All plant material should comply with the minimum British Standard requirement for tree planting, these being BS3936 (Part 1 & 4), BS4428:1989 Section 7, and BS4043. Any replacement tree(s) shall be sited at or as close to the position of any felled tree(s) as reasonably practicable.

7 i) The development shall not be carried out other than in accordance with the precautionary measures in respect of reptiles and bats as set out in section 4 of the approved Ecological Impact Assessment.

ii) The development hereby permitted shall be carried out in strict accordance with the following documents:
• Landscape Masterplan. Drawing no: GD14522_PP_001. Rev.C. 6th June 2023. AH Design Studio.
• Proposed Elevations. Drawing no: L012.Rev P5 received 27 November 2023. Nash Partnership.

iii) There shall be no occupation of the development until the so-approved enhancements have been implemented in accordance with the so-approved details.

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

8 No external light fixture or fitting shall be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the

proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

9 Visibility splays, between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the site access, to the points on the edge of the carriageway 60m metres in both directions from the centre of the site access, shall, so far as the splays are on land within the application site, be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

10 i) No part of the development hereby permitted shall be first occupied until the turning area and parking spaces have been completed in accordance with the details shown on the approved plans.

ii) Thereafter, these areas shall be retained for these respective purposes at all times.

REASON: In the interests of highway safety.

11 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), the garage hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

12 i) The air source heat pump (“ASHP”) hereby permitted shall not be installed on the site until details of the unit and associated mechanisms, including the manufacturer's specification to include sound power levels, proposals for acoustic insulation and the location and orientation the unit will be installed in, have been submitted to and approved in writing by the Local Planning Authority.

ii) The details to be submitted under part (i) of this condition and the installation shall comply with the MCS Microgeneration Installation Standard: MCS020 Issue 1.3 (Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises).

REASON: In the interests of neighbouring residential amenities.

Informatives: (3)

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no enlargement or extension to the dwelling hereby permitted shall be erected or carried out, and further no outbuildings or structures, or gate, wall, fence or other means of enclosure, of a height greater than 1m, anywhere on the site, other than those shown on the plans under condition 2 or approved under condition 6 of this permission, shall be erected or installed.

REASON: To safeguard the character and appearance of the area, and that of the wider landscape, and additionally in the interests of neighbouring residential amenities.

14 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, or use of, land outside their control, including where it might affect any easement. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

Further, 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.

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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