Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08027

Decision Date: 30 November 2023

Applicant:	Mr & Mrs Depla Avonweir Lane, Christian Malford, Chippenham, Wiltshire, SN15 4AY
Particulars of Development:	Change of use of land to garden along with the reconstruction and extension of former potting shed for ancillary residential use.
At:	Avonweir, Avonweir Lane, Christian Malford, Chippenham, SN15 4AY

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:

2251.03.01 Rev B Location and Site Plan
(received 26 September 2023)

2251.03.02 Rev A Existing Floor Plans
2251.03.03 Existing Sections

2251.03.04 Existing Elevations
2251.03.05 Rev A Proposed Floor Plans
2251.03.06 Proposed Sections
2251.03.07 Proposed Elevations
2251.03.08 Rev A Site Plan
Flood Risk Assessment ref: 2251 dated April 2023
(received 19 September 2023)

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

3 No development in relation to the ancillary residential building shall commence until details and samples of the materials to be used for the external walls, roofs and fenestration 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, including the setting of the listed building.

4 No development in respect of the provision of any new hardstanding and/or hard landscaping areas shall commence on site until details have been submitted to and approved in writing by the Local Planning Authority. All hardstanding and/or hard landscaping shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission 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, to ensure a satisfactory landscaped setting for the development and to prevent an increase in flood risk in and off site.

5 No development in relation to the ancillary residential building shall commence on site until detailed scheme for flood resistance and resilience measures in accordance with the approved Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first brought into use until all measures have been completed in accordance with the approved details.

REASON: To ensure the occupants/site users are safe from flood risk hazards

6 There shall be no raising of existing ground levels on the site.

REASON: To prevent an increase in flood risk in and off site.

7 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Avonweir, Avonweir Lane, Christian Malford, Chippenham, SN15 4AY and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

8 The ancillary residential building hereby permitted shall not be first brought into use/occupied until at least one Schwegler 1FF boxes (or similar) or Schwegler 2F boxes (or similar) and one external bird nest box (Schwegler 1B or similar) have been installed in accordance with advice from a suitably qualified ecologist. The bird and bat boxes shall be retained as such thereafter.

REASON: To enhance biodiversity and to ensure and provide adequate compensation for protected species.

9 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: To safeguard the character and appearance of the area, including the setting of the listed building and to prevent an increase in flood risk in and off site

10 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), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area, including the setting of the listed building and to prevent an increase in flood risk in and off site.

Informatives: (7)

11 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

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 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

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 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.

15 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of, or make a new connection to, a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

16 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. 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.

17 The applicant should note that separate planning permission may be required for installation of a package sewage treatment plant. An Environmental Permit may be required for the operation and discharge relating to a package sewage treatment plant. For more guidance on environmental permits, please consult the Environment Agency's website.

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