Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/07672

Decision Date: 12 December 2023

Applicant:	Butler Bros (Avebury) Ltd Manor Farm, Bray Street, Wiltshire, Avebury, SN8 1QY
Particulars of Development:	Variation of condition 2 (approved plans) on PL/2022/02139 to allow for design changes
At:	Manor Farm, Bray Street, Avebury, Marlborough, SN8 1QY

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: (13)

1 The development hereby permitted shall be begun before the 10th August 2025.

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 Subject to the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings and details:

- Proposed site plan [our ref: 445994_321-E]
- Proposed Unit 1&2 prepared by Savills [ref: 445994_322-G]
- Proposed Unit 3&4 prepared by Savills [ref: 445994_323-H]
- Proposed Unit 5&6 prepared by Savills [ref: 445994_324-H]
- Proposed Site Elevations prepared by Savills [ref: 445994_327-A]
- Materials Schedule Revision A prepared by Savills
- Soft Landscape Plan prepared by HCUK [ref: 05682 06B]

• Hard Landscape Plan prepared by HCUK [ref: 05682 07C]
• Planting Specification prepared by HCUK [ref: 05682 08]
• Drainage Technical Note (06/07/22) 5016593 -RDG-XX-XX-DOC-C-9900 Rev. A
• Ecological Assessment Report. V2.0. 14th November 2023. ABR Ecology Ltd.
Reason: For the avoidance of doubt and in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

3 The development hereby approved shall be carried out in accordance with the archaeological Written Scheme of Investigation prepared by Prod. Joshua Pollard (University of Southampton) & Prof. Mark Gillings (Bournemouth University), dated September 2022, as approved under planning permission PL/2022/07563).

Reason: The application site is in an area of high archaeological potential where the development has the potential to impact on artefacts below the depth of previous development. Archaeological monitoring is required to enable the recording of any materials of archaeological interest.

4 Unless otherwise agreed in writing the development hereby approved shall accord with the materials expressly listed on the proposed plans set out in condition 2 of this planning permission, including the Materials Schedule Revision A, provided by the applicant. For the avoidance of doubt, this includes:
Windows & Doors (excluding rooflights) – Rational Aura Triple glazed windows
Elevations – Timber – vertical and horizontal cladding, corrugated steel, coursed stone wall cladding for units 1 to 4 only, and refurbished brick for units 5 and 6 only.
Roof –Corrugated PVC Metal
Canopy detail – as shown in the House of Canopies product Specification sheet.
Flues – Stove Chimney flues – 6” Black Twin Wall Insulated Flue with metallic black finish.
Fences – Hurdle Fence Panels, Trellis Fencing to locations indicated on landscape plan.

Reason: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the conservation area, Stonehenge & Avebury World Heritage Site, the setting of nearby listed buildings and the Area of Outstanding Natural Beauty’.

5 There shall be no occupation of the development until the scheme of surface water drainage as set out in the approved details has been implemented in full. The said scheme of surface water drainage shall thereafter be maintained for so long as the development remains on the site.

Reason: To provide for sustainable drainage in the interests of controlling flood risk and highway safety.

6 There shall be no occupation of the development until ecological mitigation and enhancement measures have been incorporated within the fabric of the development as set out in the Ecological Mitigation, Compensation and Enhancement Strategy in section 5 of the approved Ecological Assessment Report (or such other measures as may have first been approved in writing by the local planning authority and in accordance with the required European Protected Species Licence).

The installation of these bat roosts and access features will be supervised by a professional ecologist and this condition will 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 will continue to be available for bats for the lifetime of the development.

Reason: As replacement for bat roosting facilities lost as a result of the development, and in the interests of biodiversity net gain.

INFORMATIVE: This condition requires the following to be incorporated within the fabric of the buildings as detailed in the Report:
• 2 x bat lofts for brown long-eared / whiskered bat species
• incorporation of 3 x bat tubes
• 6 x swift boxes
• 4 x bee bricks

7 No external artificial lighting shall be installed at the site unless in accordance with details first to have been approved in writing by the local planning authority.

Reason: In the interests of the amenities of the area and character of the World Heritage Site, the North Wessex Downs Area of Outstanding Natural Beauty, the setting of the Avebury Conservation Area and in the interests of biodiversity.

8 The rooflights servicing units 5 and 6 (the building conversion) hereby approved shall be of the ‘conservation’ type mounted flush with the roof slope.

Reason: In the interests of the setting of the conversation area and nearby listed buildings within the World Heritage Site.

9 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 building(s) 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.

10 Such privacy screen fencing as may be approved alongside the boundary with Chapel Corner Barn, shall be installed prior to first use of the development and the fencing shall thereafter be retained in the so-approved form (or otherwise in such form as may have been approved in writing beforehand by the local planning authority) in perpetuity.

Reason: In the interests of neighbouring amenity.

11 i) The accommodation hereby permitted shall not be used other than to provide temporary holiday accommodation. The units shall not be occupied as permanent, unrestricted accommodation or as a place of residence.

ii) No person shall occupy any part of the holiday accommodation hereby permitted for a continuous period of more than 28 days and no part of the accommodation shall thereafter be occupied by the same person/s within 28 days following the end of the preceding period.
iii) A register of names and main home addresses of all occupiers shall be maintained at all times and shall be made available at all reasonable times to the local planning authority upon request.

Reason: This site is 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 permanent residential accommodation, and permission has been granted solely on the basis of the development providing tourist accommodation to meet an identified need.

12 i) Notwithstanding the provisions of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, there shall be no addition to or extension of the units hereby permitted, and there shall be no fitting of aerials, antennae or any other fittings above roof level on the buildings comprised in the development.

ii) Notwithstanding the provisions of Class E of Part 1, and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, there shall be no outbuildings enclosures, internal fences or boundaries, swimming or other pools erected or otherwise constructed on or within the application site other than as provided for by the approved drawings and details.

Reason: In the interests of the character of the development within the setting of the Avebury Conservation Area, neighbouring listed buildings and the Stonehenge & Avebury World Heritage Site.

13 The residential use as holiday accommodation hereby permitted is limited to the use of units 1 to 6 inclusive and there shall be no residential use as overnight accommodation of the service building/ garage building (which shall be used only for those respective purposes and no other purposes), or the pavilion.

Reason: In the interests of the amenities of the development and the local area and neighbouring properties and the setting of the Avebury Conservation Area and listed buildings, within the Stonehenge & Avebury World Heritage Site.

Informatives: (1)

14 INFORMATIVES:
Bats
Buildings 1 and 2 are used by roosting bats. 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.

Nesting Birds
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.

Artificial Lighting
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 at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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