Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/07917

Decision Date: 20 December 2023

Applicant:	Harvey Commercial Holdings Ltd Langley Gate , Swindon Road, Kington Langley, Wiltshire, United Kingdom, SN15 5SE
Particulars of Development:	Variation of condition 2 of PL/2021/09764 - To allow for an updated layout for the Landscape Masterplan
At:	Greathouse, Swindon Road, Kington Langley, Chippenham, Wiltshire, SN15 5NA

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 carried out in accordance with the following approved plans:

4799/10 – Existing Block Plan Jan 2020
4799/62 B - Proposed Block Plan Jan 2020
4799/54 C - Proposed Second Floor Plan
4799/52 K - Proposed Ground Floor Plan
4799/53 H - Proposed FF Plan
4799/56 F - Elevations
4799/58 B - Garden Store and service building
Exterior Lighting plan, Bestique BQE196_Greathouse dated 24/01/2020
Operational Statement (Updated) Dated 11 October 2019.
Operational Statement addendum Dated 6 November 2019
Ecological Impact Assessment Report, ACD Environmental Rev B 13 February 2020
Arboricultural Impact Assessment & Method Statement prepared by ACD

Environmental
dated 16.10.2019
Tree Protection Plan Drawing No. PRI22539-03C dated 16.10.2019

4799/50 F Proposed Site Parking dated Mar'19
(received 13 October 2020)

BQE196/300 A Proposed Landscape Plan dated Sep 21
(received 10 October 2023)

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

2 No demolition, site clearance or development shall commence in relation to construction of the outdoor pool until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-
 A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing along with the canopy spread and root protection areas of trees on and adjacent to the site;
 A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
 A schedule of tree works conforming to British Standard 3998: 2010;
 Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 A full specification for the construction of swimming pool along with any areas to be constructed using a no-dig specification;
 Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
 Details of all other activities, which have implications for trees on or adjacent to the site.
 In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant and the designated site foreman to discuss details of the proposed work and working procedures.

REASON: 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, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of
the Town & Country Planning Act 1990.

3 Within 3 months of the date of this permission, a scheme for the surface water drainage, incorporating sustainable drainage details, must be submitted to the Local Planning Authority for approval in writing. The surface water drainage system must be constructed in accordance with the approved scheme within 6 months of the approval of such 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 in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

4 Notwithstanding the landscaping scheme shown in the approved plans, within 3 months of the date of this permission, a finalised Landscape Plan shall be submitted to the Local Planning Authority for approval in writing. The Landscape Plan shall provide details of the proposed soft landscaping including a planting specification and schedule for the proposed tree planting and sowing of wildflower grassland. The finalised approved Landscape Plan shall be implemented in full in the first planting and seeding season following approval of the submitted details.

REASON: To secure details not provided in support of the planning application prior to determination, and to ensure sufficient and appropriate tree planting and grassland creation to suitably offset the loss of 21 trees and ensure ecological enhancement that will deliver a biodiversity net gain.

5 No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety

6 In accordance with operational statement addendum 6 November 2019. This

permission restricts the total number of guests within the building for any event at a maximum of 180 persons.

REASON: In the interest of highway and sustainability

7 The development shall be carried out as specified in the approved Arboricultural Impact Assessment & Method Statement prepared by ACD Environmental dated 16.10.2019 and the revised Tree Protection Plan Drawing No. PRI22539-03C and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

8 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 practice.

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; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: 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 enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

9 The occupation of the retained dwelling shall be limited to persons directly employed at the hotel and venue hereby approved, and to any resident dependents.

REASON: In light of the change of use of the main site to a hotel and events facility, the dwelling would be sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, would not permit a wholly

separate dwelling.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re- enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area

11 The development shall be undertaken in strict accordance with Section 6 and Appendix 6 of the Ecological Impact Assessment (ACD Environmental, 13th February 2020, Revision B) and with liaison with, and supervision by a suitably qualified and licensed ecological consultant where this is a requirement stipulated in the aforementioned document.

REASON: To ensure appropriate mitigation for protected species known to occur within the application site and reasonably likely to be present within the application site.

12 The implementation of external lighting at the site shall be in strict accordance with the approved Lighting Plan (Bestique, 24/01/2020) and in accordance with the stipulations set out in Section 6 of the Ecological Impact Assessment (ACD Environmental, 13th February 2020,Revision B); any deviation from the aforementioned must be approved in writing by the Council prior to installation of the respective lighting.

REASON: To ensure appropriate mitigation for nocturnal species, notably roosting and foraging/commuting bats and badger, and to ensure the maintenance of ‘dark corridors’ for the aforementioned protected species

Informatives: (2)

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.

14 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) 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.

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