Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2022/09533

Decision Date: 22 January 2024

Applicant:	Dr Ben Aslam c/o Agent, c/o Agent, United Kingdom
Particulars of Development:	Erection of 3no. 4 bedroom houses and garages with associated drive
At:	18-19 Dianmer Close, Hook, SN4 8EB

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: (14)

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 ref. DRBS3000-01-A.
- Block plan and external works ref. 09-1026-02 rev. G.
- Proposed dwelling elevations and floorplans ref. 09-1026-03 rev. A.
- Proposed garage elevations and floorplan ref. 09-1026-04 rev. B.
- Drainage and recycling plan ref. 09-1026-05 rev. C (only insomuch where it shows drainage and water recycling).
- Site entrance section ref. 11-12-212.
- Surface water assessment report received 30/06/23.

- Surface Water and Drainage Strategy ref. 8734 issue 1.
- Preliminary Ecological Appraisal Report ref. P2337_01, version V0.
- Construction Environment Management Plan (CEMP) – Biodiversity – ref. P2237-02 version: V0, date: 12 June 2023 by Elton Ecology Ltd.
- Wildlife Mitigation and Enhancement Scheme P2237-02 version: V0, dated 19 June 2023 by Elton Ecology Ltd.
- Solar panels front elevation ref. 09.1026.14.
- Solar panels spec sheet ref. TSM-DE09R.05.

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

3 No development shall commence onsite until the applicant has provided evidence of permissions from riparian owners to discharge to the drainage ditch. The new access shall not be constructed until the applicant has demonstrated they have achieved land drainage consent for the development.

REASON: to ensure the site can be adequately drained, noting that there is no automatic right to discharge to any kind of watercourse not in an applicant's ownership.

4 No demolition, site clearance or development shall commence on site, and no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: 'Trees in Relation to Design, Demolition and Construction – Recommendations' has been submitted to and approved in writing by the Local Planning Authority.

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

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 application contained insufficient information to enable this matter to be considered prior to granting planning permission. This 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.

5 Notwithstanding the approved plans and application form, before their installation, details of all external materials (including their colours) to be used on the dwellings and garage outbuildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

REASON: insufficient information was supplied at the application stage. This matter is important, in order to secure a high-quality development.

6 The noise level of the air-source heat pumps shall not exceed 4.5dB, as stated on approved plan ref. 09-1026-04 rev. B. A post-installation assessment of the acoustic impact arising from each air-source heat pump shall be submitted to the Local Planning Authority for approval in writing before any dwelling the occupation of any dwelling. Any attenuation measures required to achieve compliance shall thereafter be permanently retained.

REASON: in the interests of residential amenity.

7 The existing vehicular accesses shall be stopped up and returned to hedging concurrently with the provision of the new access hereby approved being first brought into use. Within six months of the completion of the development hereby approved the sole means of vehicular access shall be the one identified in the approved block plan ref. 09.1026.02 rev. G.

REASON: in the interests of highway safety.

8 No part of the development hereby permitted shall be first brought into use until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: in the interests of highway safety.

9 The EV charging points, solar panels and air-source heat pumps to serve each dwelling shall be installed and made operational prior to the first occupation of each dwelling hereby approved and shall be retained thereafter.

REASON: to ensure the delivery of energy efficiency measures.

10 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: in the interests of conserving biodiversity.

11 The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with the approved Wildlife Mitigation and Enhancement Scheme, version: V0, dated 19 June 2023 by Elton Ecology Ltd. The installation of these features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features has been submitted to and approved in writing by the Local Planning Authority. These measures will be retained and maintained for the lifetime of the development.

REASON: to mitigate for impacts to biodiversity arising from the development.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: in the interests of the amenity of the area; to retain sufficient external amenity space to serve the dwellings; and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting 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: in the interests of the amenity of the area, as the site is on a sensitive rural edge, and to retain sufficient external amenity space to serve the dwellings.

14 The garages hereby approved shall not be used at any time for habitable accommodation and they shall remain within the same planning unit as the main dwelling.

REASON: to ensure sufficient parking and to safeguard the character of the area.

Informatives: (4)

15 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 landowner's 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.

16 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.

17 The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

18 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

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. Should a future application be submitted to install any new lighting, it 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