Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10020

Decision Date: 15 February 2024

Applicant:	Mr Tony Axford Mill Cottages Conscience Lane, Rowde, Wiltshire, SN10 2JD
Particulars of Development:	Demolition of the existing pair of semi-detached cottages on site and the construction of a replacement, two-storey single dwelling, with dormers in the roof, together with related external works. Part retrospective, creation of a new vehicular access and driveway.
At:	Mill Cottages, Conscience Lane, Rowde, Devizes, SN10 2JD

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: (22)

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
Stark Ecology Preliminary Ecological Appraisal, Dated October 2023
Drawing Nos:
4107. DAS - Design & Access Statement

4107.FRA – Flood Risk Assessment
Mill_Cottages_ Topo_001 dwg Rev A – Topographical Survey
Mill_Cottages_ Elevations_002 dwg – Ground Floor Plan (Existing)
Mill_Cottages_ Elevations_002 dwg – First Floor Plan (Existing)
Mill_Cottages_ Elevations_003 dwg – Elevations (Existing East & West Elevations)
Mill_Cottages_ Elevations_003 dwg – Elevations (Existing North & South Elevations)
4107-01 – Site Location Plan
4107-03 – Site Layout Plan
4107-04 – Proposed Plans / Elevations & Section
All received on 21.11.2023.

Drawing Nos:
4107-02 Rev A – Site/Block Plan
4107-05 – Existing Elevation to New Access
Both received on

Drawing No.
4107-06 Rev A – Proposed Elevation to New Access
Received on 12.02.2024.

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

3 The walls of the replacement dwellinghouse hereby permitted shall be constructed from red handmade bricks, code DR1B, Rijswaard range, supplied by All About Bricks, and stone dressings as shown on submitted Drawing No. 4107-04 – Proposed Plans/Elevations & Section, dated as received on 21.11.2023. They shall remain as such for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 The roofs of the replacement dwellinghouse hereby permitted shall be covered in natural slate and shall remain as such for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area.

5 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), 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 and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

6 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 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, without prior planning permission.

REASON: To safeguard the character and appearance of the area.

7 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north-east and 90 metres to the north-west from the centre of the access in accordance with plans to be submitted to and approved by the Local Planning Authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900m above the level of the adjacent carriageway.

REASON: In the interests of highway safety

8 The development hereby permitted shall not be first brought into use until the first three metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates shall open inwards only.

REASON: In the interests of highway safety.

10 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

11 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces (to include at least 1 EV charging point) 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.

12 No part of the development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. The parking of vehicles of site operative and visitors;
2. Number and size of delivery vehicles/construction vehicles;
3. Loading and unloading of plant and materials;
4. Storage of plant and materials used in construction the development;
5. Wheel washing facilities;
6. Measures to control the emission of dust and dirt during construction;
7. A scheme for recycling/disposing of water resulting from demolition and construction works;
8. Measures for the protection of the natural environment;
9. Hours of construction, including deliveries;

have been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with approved construction method statement without the prior written permission for the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during construction phase.

13 The development hereby approved, states that soakaways are subject to percolation and infiltration testing. As the surface and foul water drainage strategies are dependent upon soakaways, no development shall take place, until Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365, to demonstrate this is feasible, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved reports and infiltration tests.

REASON: Site drainage is dependent upon infiltration and Cranfield Soilscapes outlines the site has impeded drainage which could threaten the feasibility of the proposed strategy.

14 No development shall be carried out on site until details demonstrating that the proposed foul system meets the requirements of DEFRA's General Binding Rules and an Environmental Permit for foul discharge is not required, including the submission of the following details, have been submitted to and approved in writing by the Local Planning Authority:

(i) evidence to support that the General Binding Rules have been met;
(ii) evidence any foul discharges to surface water bodies as part of the Land Drainage (Ordinary Watercourses) Application or an Environment Agency (EA) Environmental Permit (Main Rivers) Application;
(iii) Where proposals do not meet the General Binding Rules, evidence that an Environmental Permit application for foul discharge has been made to the Environment Agency.

The development shall be carried out in strict accordance with he 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 the development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to the public health or the environment.

15 No development shall be carried out on site until details showing clear arrangements for the ownership and ongoing maintenance of the proposed drainage system, including how silt ingress into soakaways will be managed and mitigated (including Sustainable Drainage Systems (SuDS)) features, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approve details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

16 No development shall be carried out on site until a construction management plan which demonstrates how pollution to groundwater and watercourses, as well as flooding to people and property will be mitigated, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage and does not increase the risk of flooding or a pose a risk to public health or the environment.

17 No development shall commence on site until the following details and plans have been submitted to an approved in writing by the Local Planning Authority:

(i) An Arboricultural Impact Assessment, tree survey, tree constraints plan and tree protection plan, prepared by a qualified Arboriculturalist and in accordance with BS5837:2012.
(ii) If any works are to take place within the Root Protection Area of any tree on or off site, an Arboricultural Method Statement should be provided.

The development shall be carried out in strict accordance with the approved details and plans.

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

18 The development shall be carried out in strict accordance with the following documents:

Mitigation and enhancement measures detailed in the Preliminary Ecological Appraisal (Stark Ecology,

October 2023). Bat mitigation on Figure 14 and 15 of the Preliminary Ecological Appraisal (Stark Ecology, October 2023).

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

19 No new external artificial lighting shall be installed at the site, without the prior planning permission of the Local Planning Authority.

REASON: In the interests of conserving biodiversity.

20 No demolition or removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in accordance with and expand on measures recommended in the Preliminary Ecological Appraisal (Stark Ecology, October 2023). These details shall include:

(i) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including but not exclusively reptiles, amphibians, birds and bats;
(ii) Details of proposed measures that will be taken to protect woodland and trees at the boundaries of the site;
(iii) Quantification of biodiversity net gain provision including a plan showing the location(s) and type(s) of feature(s) to enhance the site for biodiversity.

The development shall be carried out in strict accordance with the approved details.

REASON: To avoid adverse impacts on biodiversity.

21 Prior to the occupation of the dwelling, details and plans of a planting scheme, for the continuation of the existing hedgerow across the existing vehicular access and in place of the existing closed board timber fencing, along the front, northern boundary of the site, including plant species, planting sizes, planting densities, and supply have been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be carried out in strict 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 the dwelling is occupied.

22 All soft landscaping comprised in the approved details of landscaping (planting scheme) 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.

Informatives: (11)

23 The applicant's attention is drawn to the unauthorised closed board fencing on part of the northern, front boundary of the site. To comply with this planning permission, this closed board fencing in its entirety needs to be removed and replaced with hedging plants, to be carried out in strict accordance with the details and plans set out in the approved planting scheme referred to in condition 21 above.

24 The application involves the creation of a new 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. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent. Please contact the Drainage Team at Drainage@wiltshire.gov.uk

25 For great crested newts and reptiles where habitat manipulation is appropriate over small areas:
There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

26 For applications where a bat roost is impacted and a European Protected Species Licence is required. The roof space and external features of Mill Cottages support multiple bat roosts. 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.

27 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 not 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.

28 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 resulting in a 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.

29 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

30 Wiltshire Council Soakaway Guidance: https://www.wiltshire.gov.uk/media/208/Developers-Guidance-Notes-Surface-water-soakaways/pdf/Developers-guidance-note-surface-water-soakaways-2.pdf?m=637082203851900000

31 DEFRA's General Binding Rules regarding foul water discharge: https://www.gov.uk/government/publications/small- sewage-discharges-in-england-the-general-binding-rules

32 The Environmental Agency Permits: Septic tanks and sewage treatment plants: what you need to do: Apply for a permit - GOV.UK (www.gov.uk)

33 The applicant should note that in all instances, the preference of the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) is for foul discharge to be to the foul/combined sewerage network (subject to agreement from the Sewerage Undertaker for the area).

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

4 **CIL.** 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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy