Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/10285

Decision Date: 22 February 2024

Applicant:	Ms Minette Batters C/O Agent
Particulars of Development:	Variation of condition 2 of PL/2022/01331 - to allow internal alterations and amendments to fenestration to approved holiday lets
At:	The Former Piggery Building, Trafalgar Gardens, Standlynch, Salisbury, SP5 3QQ

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: (16)

1 The development hereby permitted shall be begun before the expiration of three years from the date of the previously approved planning permission with application reference number: PL/2022/01331, which was decided on 07 December 2022. Therefore, the expiration date would still be on or before 07 December 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 The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule:

Location and Block Plan ref P21-001-02-02-002 dated 27 Nov 2023
Proposed Site Plan ref P21-001-02-02-005 dated Dec 2021
Proposed Access and Visibility Splays ref NJC-001 dated Dec 001 as contained in the Highway Technical Note by Nick Culhane Highway Consultant.
Proposed Ground Floor Plan ref P21-001-02-03-001 Rev B dated 27 Nov 2023
Proposed Roof Plan ref P21-001-02-03-002 Rev B dated 27 Nov 2023
Proposed Front and Rear Elevations ref P21-001-02-05-001 Rev B dated 27 Nov 2023
Proposed Side Elevations ref P21-001-02-05-002 Rev B dated 27 Nov 2023
Proposed Gate ref P22-028-03-03-005 dated June 2022
Landscape Proposals ref 973-MP-01 dated 12/1/22
Phase 1 Bat Survey dated 16/1/22 and Phase 2 Bat Survey & Reptile Survey dated 2/8/22 by Vesper Conservation and Ecology Ltd
Design and Access Statement ref P21-001-03 dated Dec 2021 by Barclay & Phillips Architects

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

3 No person/s shall occupy the holiday accommodation for a continuous period of more than 1 month in any calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period.

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.

4 Notwithstanding Use Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or any order which revokes and re-enacts that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

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.

5 The materials to be used in the construction of the external surfaces of the holiday lets building hereby permitted shall be in accordance with the materials details shown in Section 3.5 of the Design and Access Statement P21-001-03 dated Dec 2021.

REASON: To secure a harmonious form of development in the interests of visual amenity and the character and appearance of the area.

6 Any new external brickwork for the development hereby permitted (including blocking up any wall openings or reducing openings in width) and any the repair of the existing garden wall shall be constructed to match that of the existing brickwork in terms of its colour, texture, face bond, size, jointing, mortar appearance and pointing. The new paved terrace shall be constructed from natural stone.

REASON: To secure a harmonious form of development in the interests of visual amenity and the character and appearance of the area.

7 Notwithstanding the details submitted with the application, no development shall commence on the holiday lets building above slab level until 1:10 sections, elevations and details of the proposed materials and colour of the proposed windows on the existing garden wall, specifically on the proposed north elevation and east elevation has been submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with details to be approved.

REASON: To secure a harmonious form of development in the interests of visual amenity and the character and appearance of the area.

8 Notwithstanding the details submitted with the application, no development shall commence on the holiday lets building above slab level until a section through the edge/eaves of the roof at 1:10 has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with details to be approved. The gates for the new car parking area shall be in accordance with the details shown on the approved plan ref P22-028-03-03-005 - Proposed Gate dated June 2022.

REASON: To secure a harmonious form of development in the interests of visual amenity and the character and appearance of the area. The gate detail was agreed for the cottage refurbishment under PL/2022/01331.8

9 No part of the development shall be first brought into use until the visibility splays shown on the approved plans (Proposed Access and Visibility Splays ref NJC-001 dated Dec 001 as contained in the Highway Technical Note by Nick Culhane Highway Consultant) have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety

10 The development hereby permitted shall not be first brought into use until the first 5m of the access from Barford Lane, 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

11 No part of the development hereby permitted shall be first brought into use until the access works at Barford Lane and the access, turning area and parking spaces [4 No] within the site have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

12 The holiday lets hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation

13 The proposed package treatment plant (GRAF one2clean twin tank sewage treatment plant) and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

Reason: To provide ongoing and adequate nutrient mitigation for the River Avon SAC catchment for the life of the development and to ensure that any future PTP is of an

equivalent or improved.

14 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of neighbouring amenities.

15 In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority shall be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.

Reason: In the interests of the amenities of future occupiers of the development.

16 There shall be no occupation of the holiday lets hereby approved until 2 No in-built bat boxes have been provided within the development in accordance with Recommendations in the Phase 2 Bat and Reptile Survey dated 2/8/22 by Vesper Conservation and Ecology Ltd. The boxes shall be maintained in situ and available for use for the lifetime of the development. Any external lighting shall be installed in accordance with the Recommendations in the Phase 2 Bat and Reptile Survey dated 2/8/22 by Vesper Conservation and Ecology Ltd.

Reason: To secure biodiversity enhancement for the site and to minimise light spill for foraging and commuting bats.

Informatives: (1)

Rights of Access and Rights of Way: The site is accessed by a public footpath (Downton 42 and 44). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along here, the applicant would require a demonstrable private right of vehicular access. Without this

private right they would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant a vehicular right of access over the footpath. The applicant is advised to take private legal advice to ensure they have a right of access.

Any vehicular access into the site off the public footpath would also need to meet Manual for streets requirements for a lightly trafficked road.

Vehicular Access: The application involves alterations to the existing vehicle access. 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.

Protected Species: 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, or protected species are found during the works, work should stop and you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to re-commencing works. Please see Natural England's website for further information on protected species.

Non Mains Drainage: A non-mains sewerage system is proposed. The area in which the development is located is within close proximity to the River Avon and may experience flooding and ground water conditions of concern. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality"

CIL: 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

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