Wiltshire Council

The Town and Country Planning Act 1990

Approval of Outline Planning Permission (All Matters Reserved) with Conditions

Application Reference Number: PL/2023/07208

Decision Date: 28 February 2024

Applicant:	Mr Kevin Eason 35 Tower View, Rowde, Wiltshire, SN10 2PS
Particulars of Development:	Outline application with all matters reserved for erection of a Dwelling
At:	Land adjacent 35 Tower View, Rowde, Devizes, SN10 2PS

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: (12)

1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in

writing by, the Local Planning Authority:

- The scale of the development;
- The layout of the development;
- The external appearance of the development;
- The landscaping of the site;
- The means of access to the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4 The dwelling hereby approved shall not exceed two storeys in height.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

5 Unless approved as part of the ‘reserved matters’ submitted to discharge condition 03 of this planning permission, no development shall commence on site until details of the proposed ground floor slab/finished floor level have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

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 the interests of visual and neighbouring residential amenities in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

6 Unless approved as part of the ‘reserved matters’ submitted to discharge condition 03 of this planning permission, construction of the dwelling hereby approved shall not proceed beyond slab/finished floor level until the exact details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority. As a minimum, the submitted details shall include the manufacturer/supplier and material name and a photographic sample of the material/finish. The development shall

be completed and maintained in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development progresses to ensure the development does not cause harm to character of the street scene and to preserve privacy to neighbouring domestic properties in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

7 Unless approved as part of the 'reserved matters' submitted to discharge condition 03 of this planning permission, the dwelling hereby approved shall not be occupied or brought into use until a scheme of site planting has been implemented in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

As a minimum, the details shall include the locations, sizes, species, planting specifications, maintenance details (to ensure the trees/shrubs establish). If, within a period of 10 years, the trees/shrubs are removed or become damaged or diseased they shall be replaced in the next planting season with the same species. If a variation in species is required due to disease, agreement must be sought in writing from the Local Planning Authority before the replacement is planted.

REASON: To secure vegetative screening within the development site and to ensure development provides net gains to the biodiversity value of the site in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

8 The dwelling hereby approved shall not be occupied or brought into use until secure cycle storage sheds for a minimum of two bicycles per dwelling have been installed/constructed in full for both the existing dwelling (35 Tower View) and proposed dwelling in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the cycle storage areas shall be kept available for their intended use, in association with the respective dwellings.

REASON: To promote the use of sustainable modes of transport in accordance with the aims of Core Policies 61 and 64 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

9 Unless approved as part of the 'reserved matters' submitted to discharge condition 03 of this planning permission, the dwelling hereby approved shall not be occupied or brought

into use until boundary enclosures have been installed in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the details shall include locations, heights and materials/external finishes of all existing boundary enclosures to be retained or replaced and all new boundary enclosures to be constructed/installed. The development shall be completed and maintained in accordance with the approved details thereafter.

REASON: To ensure the development does not cause harm to character of the street scene and to preserve privacy to neighbouring domestic properties in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

10 The dwelling hereby approved shall not be occupied or brought into use until all hard-surfaces (including the roof of the dwelling and patio areas) have been connected into a surface water drainage system that has been installed in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

As a minimum, the submitted details shall include:

- evidence that soakaway testing in accordance with BRE 365, has been carried out on site, and evidence has been provided to demonstrate that the results of these investigations have been considered in the drainage design;
- a surface water drainage strategy demonstrating system design in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements of national standards;
- A detailed plan showing the existing drainage features on the site and how the proposed drainage strategy will be implemented;
- A detailed topographical survey that clearly identifies the existing drainage features on the site;
- Evidence that SuDS source control measures to manage water quantity and maintain water quality have been implemented wherever possible;
- Evidence that existing flood flow routes through the site have been maintained or where they will be affected adequate measures to intercept and safely control flows through the site have been provided to ensure flood risk is not increased elsewhere;
- Evidence that surface water can be safely managed within the proposed development, up to and including a 1 in 100 year plus climate change event;
- Evidence that exceedance routes minimise the risks to people and property;
- Evidence that infiltration features are implemented in manner that does not create an offsite impact particularly if there are reports of groundwater flooding in the area;
- Evidence that the proposed soakaway conforms with soakaway guidance, specifically that half drain times are under 24 hours and that groundwater levels are at minimum 1m below the base of the soakaway;
- Adequate measures during construction to control pollution to existing watercourses

and groundwater;
- Details of how the proposed and existing drainage features on the site will be maintained and managed after completion with confirmation from the relevant authority that they will adopt any systems that are being offered for adoption.

Reason: To ensure the development is sufficiently served by a suitably designed surface water drainage system in the interests of preventing increased flood risk on and off-site and to ensure development provides opportunities for net gains to the biodiversity value of the site in accordance with the aims of Core Policies 50 and 67 of the Wiltshire Core Strategy (adopted January 2015) and the planning policy advice of the National Planning Policy Framework.

11 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 dormer windows or roof extensions shall be constructed/installed unless full details have first been submitted to and approved in writing by the local planning authority.

Reason: To protect visual and neighbouring residential amenities in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

12 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 preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

Informatives: (1)

13 **INFORMATIVES**
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.

The applicant's attention is drawn to the fact that during the construction phase, no plant

and machinery shall be installed on land outside of the applicant's land/property and at no time shall any construction/delivery vehicles related to the development be parked/left idling in a position to obstruct the public highway.

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.

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.

The is located close to an area that may contain below ground archaeology. Due to previous ground disturbing works within the site there is only a very low expectation that archaeology of any significance would be discovered during construction of the approved development. However, should any historic structures, material or artifacts be encountered during ground disturbing works, the applicant is advised to cease works and to contact the County Archaeology Department at archaeology@wiltshire.gov.uk for further advice.

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.

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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy

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