



The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2023/10970
Decision Date: 04 March 2024

Applicant: Wood + Stone Ltd
c/o agent Cambridge House, Henry Street, Bath, BA1 1BT

Particulars of Development: Variation of Condition 1 (approved plans) on
PL/2022/01628 to allow for design changes detailed in
planning statement

At: Land South East of 18 Midford Lane, Limpley Stoke, BA2
7GP

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: (13)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan scale 1:1250
Site plan – proposed scale 1:200 drg no. 010
Lower ground floor plan – proposed scale 1:125 drg no. 020,
Ground floor plan – proposed scale 1:125 drg no. 021
Roof plan – proposed scale 1: 125 drg no. 022
North elevation – proposed scale 1:125 drg no. 030
Plot 1 east and west elevations – proposed scale 1: 125 drg no. 031
Plot 2 east and west – proposed scale 1:125 drg no. 032
South elevation – proposed scale 1:125 drg no. 033
Plot 1 home office plans and elevations scale 1:100 drg no. 040
Plot 2 home office plans and elevations scale 1:100 drg no. 041

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

- 2 Materials to be used on the external walls and roofs of the proposed development shall be as approved under application 19/00865/DOC.

REASON: In order that the development is undertaken in an acceptable manner and in the interests of visual amenity and the character and appearance of the area.

- 3 The landscaping and boundary treatment shall be implemented in accordance with the plan agreed under PL/2022/06367 ((Landscape Plan, Drawing Number 003 Rev PL8, prepared by Oxford Architects and dated 15 August 2022) unless otherwise agreed in writing by the Local Planning Authority (in consultation with the strategic highway authority) and maintained as such thereafter.

REASON: In the interests of the character of the AONB and safe and efficient operation of the strategic road network.

- 4 Tree protection measures shall be carried out in accordance with the approved details discharged under application 19/00865/DOC.

REASON: For the protection of existing important landscape features and in the interests of biodiversity.

- 5 All soft landscaping comprised in the approved details of landscaping 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.

- 6 No dwelling shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans and

any subsequently approved landscaping details. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 The disposal of sewerage shall be in accordance with details approved under application 19/00865/DOC. No dwelling shall be first occupied until the approved sewerage details to serve that unit have been fully implemented in accordance with the approved plans.

REASON: 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 public health or the environment.

- 8 Prior to any works relating to the foundations of the dwellings and home office buildings hereby approved, detailed surface water drainage design shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). The design should give due regard to the requirements of DfT Circular 01/2022 and if any continued connection to a National Highways asset is proposed, the detailed design shall include an options appraisal. The detailed design shall also include a maintenance method statement and schedule. No dwelling hereby approved shall be occupied until surface water drainage measures are implemented in accordance with the agreed design. These measures shall be maintained as such thereafter.

REASON: In the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the trunk road drainage asset.

- 9 In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must 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 by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10 Works with regards land stability shall be carried out in accordance with the approved

details discharged by application 19/00865/DOC.

REASON: In the interests of highway safety.

- 11 Noise mitigation shall be carried out in accordance with the approved details discharged by application 19/00865/DOC.

REASON: To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from the nearby roads.

- 12 The mitigation and enhancement measures detailed within sections 6 and 7 of the hereby approved 'Phase 2 Ecology Survey Report' by Just Ecology and dated October 2017 approved by application 18/03006/FUL shall be carried out in full prior to the first occupation of the development.

The details of bat tiles, tubes and boxes shall be implemented in accordance with the details agreed under PL/2022/06367 unless otherwise agreed in writing by the Local Planning Authority and maintained as such thereafter.

No dwelling hereby approved shall be occupied until these details have been implemented. The bat tiles, tubes and boxes shall be maintained as such thereafter.

REASON: To ensure the protection and enhancement of biodiversity interests and protected species.

- 13 Notwithstanding the submitted 'Lighting Report' by HOARE LEA dated 23 February 2018 approved by application 18/03006/FUL; prior to the first occupation of any dwelling a final scheme of lighting and spill mitigation shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include but not necessarily be limited to details of:

- Details of all fixed internal lighting positions and the type of lighting (e.g. recessed spot luminaires, pendants and table lamps).
- Details of all fixed external lighting positions and the type of lighting.
- Glazing transmission values for windows on the side and rear elevations.

And a plan showing the isolux contours to demonstrate light spill in plan view, as well as vertical light spill based on the details within any scheme (such as points 1 – 3 above) shall be included within any scheme. The development shall be maintained in accordance with the agreed scheme in perpetuity.

REASON: In the interests of protected species and their habitat; and minimising light pollution.

Informatives: (2)

- 14 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>.
- 15 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