Wiltshire Council

# The Town and Country Planning Act 1990

## Approval of Variation of Conditions

## Application Reference Number: PL/2023/07057

## Decision Date: 15 March 2024

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| **Applicant:** | Mr Ian Taylor<br>Bishopstrow House, Boreham, Warminster, Wiltshire, BA12 9HH |
| **Particulars of Development:** | Variation of condition 2 of 18/07238/FUL - To allow amendment to access road with proposed excavation, increase in gradient, amendment to road alignment, narrowing to parts of road, removal of 3 trees and replace with 9 trees |
| **At:** | Bishopstrow House, Boreham, Warminster, Wilts, BA12 9HH |

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:** (7)

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:
Location Plan ref: 1501 400 B
Block Plan - Areas of Proposa ref: 1501 400 A
General Arrangement ref: IMA-21-162_003
Pavement Construction and Kerbing ref: IMA-21-162_005 E
Access Road - As Consented indicating locations A B and C-P1 ref: SK-267
Access Road - Sections as proposed ref: 1501 413 A
Access Road - Indicative SAM and Tree Protection Plan ref: 1501 414 A

Setting Out Information and Road Contours ref: IMA-21-162_004
Long and Cross Sections ref: IMA-21-162_006
Existing Landscape Plan as consented sheet 1 of 2 ref: 1501 406 A
Existing Landscape Plan as existing sheet 2 of 2 ref: 1501 403 A
Proposed Landscape Plan - sheet 1 of 2 ref: 1501 411 B
Proposed Landscape Plan - sheet 2 of 2 ref: 1501 412 B
Site Plan showing parking as consented ref: 1501 405 B
Existing Site Plan showing existing Parking ref: 1501 401 A
Proposed Site Plan showing parking Plan ref: 1501 410 B
Landscape Plan as existing sheet 1 of 2 ref: 501 402 A
Site Plan - tree removal and extent of excavation ref: 1501 409 B
Arboricultural Impact Assessment August 2023

Previous approved plans from original application that are still relevant:
Existing Tennis Court Outbuildings - drawing no. 2 043 Rev B - dated 05/09/2018
Existing Front Elevation of Bishopstrow House - drawing no. 2 044 Rev B - dated 05/09/2018
Proposed Laundry and Bike Store - drawing no. 2 708 B - dated 05/09/2018
Proposed Front Elevation of Bishopstrow House - drawing no. 2 709 Rev F
Bishopstrow House Entrance Plan - drawing no. 2 710 Rev E
Bishopstrow House Entrance Sections - drawing no. 2 711 Rev C - dated 16/10/2018
Site Construction and Constraints Plan (1 of 2) - drawing no. 2 712 Rev C - drawing no. 16/10/2018
Site Construction and Constraints Plan (2 of 2) - drawing no. 2 713 Rev.C - dated 16/10/2018
Lighting layout - drawing no. 0747 Rev D - dated 20/09/2018

REASON: For the avoidance of doubt and in the interests of proper planning. 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 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.

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The development hereby permitted shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

5 The development shall be carried out in accordance with details set out in the approved Arboricultural Impact Assessment and Method Statement (dated August 2023 by Hillside Trees Ltd.).

REASON: In the interests of the protection and management of trees and the amenities of the area.

6 The development shall be carried out in accordance with section 4.0 (entitled evaluation, mitigation and enhancement) of the submitted Protected Species Surveys Report dated 03/10/2018 and also in accordance with the recommendations entitled of the submitted Ecology note by NPA dated 11/08/2023 Any mitigation measures shall thereafter be maintained in perpetuity.

REASON To ensure adequate protection and mitigation for protected species, priority species and priority habitats.

7 The development shall be carried out in accordance with the programme of archaeological work (entitled "Written Scheme of Investigation: Archaeological Watching Brief" ref. AH729 by Armour Heritage dated October 2018) and also in accordance with the proposed archeological reponse set out in the archaeological statement by Bristol and Bath Heritage Consultancy Ltd dated 3 August 2023 and the briefing note to contractors attached to the DAS at Appendix B.

REASON: To enable the recording of any matters of archaeological interest.

**Informatives:** (4)

INFORMATIVE TO APPLICANT: If works or discharges are to or within 8m of a watercourse, Land Drainage Consent will be required from the Lead Local Flood Authority (Wiltshire Council). Forms and details of fees are available here: http://www.wiltshire.gov.uk/civil-emergencies-land-drainage-ordinary-watercourse We advise that planning and LDC applications are made concurrently as changes to one may affect the other.

INFORMATIVE TO APPLICANT: The applicant should note that a licence will be required for the interference/ closure of the badger sett. The applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts. Please note that this consent does not override the statutory protection afforded to any such species or the requirement for a licence.
INFORMATIVE TO APPLICANT: The archaeological work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

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