Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08493

Decision Date: 05 March 2024

Applicant:	Dickenson Family c/o LPC (Trull) Ltd, Trull, Tetbury, Glos, GL8 8SQ
Particulars of Development:	Redevelopment of site to provide 4No detached dwellings.
At:	The Elms, Green Lane, Sherston, Malmesbury, SN16 0NP

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: (15)

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:

- Drawing No. LPC 5294 EX 01 A: Site Location Plan
- Drawing No. LPC 5294 EX 02 A: Existing Site Plan
- Drawing No. SWS012271ff: Existing First Floor Plan
- Drawing No. SWS012271gf: Existing Ground Floor Plan
- Drawing No. LPC 5294 EX 03: Existing Barn Floor Plan and Elevations
- Drawing No. SWS012271ele: Existing Elevations
- Drawing No. LPC 5294 EX 04 A: Existing Street Elevations
- Drawing No. LPC 5294 PL 01 B: Proposed Site Plan
- Drawing No. LPC 5294 PL 02: Unit 1 Proposed Floor Plans
- Drawing No. LPC 5294 PL 03 A: Unit 1 Proposed Elevations

- Drawing No. LPC 5294 PL 04 A: Unit 2 Proposed Floor Plans
- Drawing No. LPC 5294 PL 05 B: Unit 2 Proposed Elevations
- Drawing No. LPC 5294 PL 06 A: Unit 3 Proposed Floor Plans
- Drawing No. LPC 5294 PL 07 B: Unit 3 Proposed Elevations
- Drawing No. LPC 5294 PL 08 A: Unit 3 Garage Proposed Elevations
- Drawing No. LPC 5294 PL 09 A: Unit 4 Proposed Floor Plans
- Drawing No. LPC 5294 PL 10 A: Unit 4 Proposed Elevations
- Drawing No. LPC 5294 PL 11 B: Proposed Street Elevations
- Drawing No. LPC 5294 PL 12 A: Units 1- 3 Visibility Splays
- Ecological Assessment Report - 1052 The Elms, Sherston Eco Report_200923
- Preliminary Ecological Appraisal - 1052 The Elms, Sherston PEA_14-04-23 (draft issue)

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

3 All soft landscaping comprised in the approved details (Drawing No. LPC 5294 PL 01 B) 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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4 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development 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 without leading to increased flood risks elsewhere.

5 No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the

approved details and no additional external lighting shall be installed.
REASON: In the interests of the amenities of the area, and to minimise unnecessary light spillage above and outside the development site in the interests of ecology and the rural character of the village.

6 The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.
REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

7 No part of the development shall be first brought into occupied, until the visibility splays shown on the approved plans 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.

8 The development hereby permitted shall not be first brought into occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, 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 Within 3 months of the demolition of the buildings, all materials resulting therefrom shall be removed from the site.
REASON: In the interests of the character and appearance of the adjacent Conservation Area and the general amenities of the local environment.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H or Part 2, Class A shall take place on the dwellinghouses hereby permitted or within their curtilage.
REASON: In the interests of the amenity of the area which is adjacent to a Conservation Area and to enable the Local Planning Authority to consider individually whether planning

permission should be granted for additions, extensions or enlargements.

11 No dwelling shall be occupied until the 1.8m high boundary fence have been completed in accordance with the approved details.
REASON: To ensure the timely delivery of the boundary treatments in the interests of the amenities of the adjoining properties.

12 The development will be carried out in strict accordance with the following documents:
• Ecological Assessment Report. September 2023. Pure Ecology;
REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

13 Replacement bat roosts will be incorporated into the development in accordance with*:* Ecological Assessment Report. September 2023. Pure Ecology. The installation of these bat roosts will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.
REASON: To mitigate for impacts to bats arising from the development.

14 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of conserving biodiversity.

15 Biodiversity enhancement measures will be incorporated into the development in accordance with Appendix 4 Ecological Mitigation, Enhancement and Protection Plan, as outlined within the Ecology Report *Ecological Assessment Report. September 2023. Pure Ecology.* The approved details shall be implemented before occupation of the final works.
REASON: To provide mitigation/enhancement for biodiversity.

Informatives: (9)

16 Bat roosts have been confirmed on and near the site. 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**.

17 All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

18 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

19 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. This will likely result in a significant 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 in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

20 The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license 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 the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

21 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.

22 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

23 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 landowners consent before such works commence.

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.

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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