Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08788

Decision Date: 27 March 2024

Applicant:	National Trust Tisbury Hub, Place Farm Courtyard, Tisbury, United Kingdom, SP3 6LW
Particulars of Development:	Installation of retaining wall to sloping rear ground. Installation of French drain to property. Replacement of existing oil storage tank in new position.
At:	Rock Arch Cottage, Stourton, Warminster, Wilts, BA12 6QB

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: (5)

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:

Location Plan dated 28/07/2023
Site Survey (Drawing No. 22134-SFK-01-XX-DR-S-0015 P2) dated 16/02/2024
Proposed Plan (Drawing No. 22134-SFK-01-XX-DR-S-0016 P1) dated 16/02/2024
Existing and Proposed Sections (Drawing No. 222134-SFK-01-XX-DR-S-0017 P1) dated 16/02/2024

Site Plan (Drawing No. 22134.10) received 26/10/2023
Site Plan (Drawing No. 22134.11) received 26/10/2023
Crib Wall Typical Detail (Drawing No. 22134.12) received 26/10/2023
Crib Wall Elevation (Drawing No. 22134.13 Rev.A) received 26/10/2023
Crib Wall Elevation with planting proposals (Drawing No. 22134.13 Rev.A) received 29/02/2024
French Drain Typical Detail (Drawing No. 22134.14) received 26/10/2023
Design and Access Statement (received 11/10/2023)
Ecological Impact Assessment from LC Ecological Services (dated 20/07/2023)
Heritage Statement received 06/12/2023
Arboricultural Method Statement from Bosky Trees (dated 22/02/2024)
Operation and Maintenance - Andacrib received 29/02/2024

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

3 All soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with the approved plans (unless any variations are agreed in writing with the local planning authority) in the first planting and seeding season following the completion of the crib wall. All shrubs shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4 As recommended in Section 7 of the approved Ecological Impact Assessment from LC Ecological Services (dated 20/07/2023) and prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Measures set out in Section 7 of the Ecological Impact Assessment (dated 20/07/2023) for protected sites/habitats and protected species.
c) Measures set out in the Arboricultural Method Statement from Bosky Trees (dated 22/02/2024).
d) An invasive species management plan.

e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

5 As recommended in Section 6.17 of the approved Ecological Impact Assessment from LC Ecological Services (dated 20/07/2023), details of the number, type and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. These details should be clearly shown on a site plan/technical elevations drawing. The approved details shall be implemented within 3 months of the substantial completion of the approved development. These features shall continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

Informatives: (4)

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 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.

<u>Nesting Birds</u>

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.

Protected Species General

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.

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