Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/08693

Decision Date: 04 April 2024

Applicant:	Pope Plan and Build Limited 82 The Old Surgery St Ann Street, Salisbury, Wiltshire, SP1 2DX
Particulars of Development:	Variation of condition 2 of PL/2022/07060 for the installation of PV panels and heat pumps
At:	The Rear Of The Old Surgery, 82 St Ann Street, Salisbury, SP1 2DX

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: (15)

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

Block Plan and Site Location Plan - Drawing No: 2 Date: October 2023
Elevations and Roof Plan:
Title: Unit D's - PV panels and heat pump/Unit C - heat pump Drawing No: 1 REV A Date: 10/12 - 03/24R
Floor Plans (not amended by this variation):
Unit C - Floor Plans and Elevations (detached house) SST/09/22 Revision A dated Jan 2023
Unit D's - Floor Plans and Elevations (mews houses) SST/10/22 Revision A dated Jan 2023
Technical Details:
Wienerberger Ltd 'Sandtoft' in-roof solar specification
Grant Engineering (UK) Ltd 'Aerona3' Air Source Heat Pump specification

Garages (not amended by this variation):
Floor Plans and Elevations SST/15/22A dated Jan 2023

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

2 No development shall take place on site, including site clearance, storage of materials or other preparatory work other than in accordance with the Arboricultural Method Statement and Tree Protection Plan dated 9th September 2022 by Graham Mundie Arboricultural Consultant (as approved under PL/2022/07060 on 25/01/2023). The Root Protection Area (RPA) shall be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2012) and no access will be permitted for any development operation for the duration of construction.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

3 The development shall be undertaken in accordance with the Construction Management Statement (as approved under PL/2022/07060 on 25/01/2023), which shall be adhered to throughout the construction period.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

4 The ecological mitigation measures (installation of swift bricks and bat access slates) as detailed in the plans as approved under PL/2022/07060 on 25/01/2023 (Block Plan SST/11/22A dated Jan 2023, Unit C - Floor Plans and Elevations (detached house) SST/09/22 Revision A dated Jan 2023, Unit D's - Floor Plans and Elevations (mews houses) SST/10/22 Revision A dated Jan 2023 and Garage Floor Plans and Elevations SST/15/22A dated Jan 2023) shall be carried out in full prior to the first occupation of the dwellings hereby approved.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

5 No part of the development hereby permitted shall be first brought into use until the access, turning areas and parking and cycle spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

6 The dwellings shall not be occupied until the Building Regulations Optional

requirement of a maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Avon Special Area of Conservation.

7 External brickwork shall be constructed using Imperial Handmade Bricks: Regency Red Multi/Special Blend 482 and carried out in accordance with the details and sample panel approved in writing by the Local Planning Authority on 03/04/2024 under reference PL/2023/10339. The panel shall then be left in position for comparison whilst the development is carried out. The works shall be carried out in accordance with the approved details once agreed.

REASON: In the interests of preserving the character and appearance of the Conservation Area and setting of the Grade II* listed building.

8 External brickwork shall be carried out in accordance with the detailed drawings of the decorative elements on the external surfaces of the development as approved in writing by the Local Planning Authority on 03/04/2024 under reference PL/2023/10339. The sample brick panel for the decorative brickwork shall be retained on site for the duration of the construction.

REASON: In the interests of preserving the character and appearance of the Conservation Area and setting of the Grade II* listed building.

9 Windows and doors shall be carried out in accordance with the details as approved in writing on 03/04/2024 under reference PL/2023/10339.

REASON: In the interests of preserving the character and appearance of the Conservation Area and setting of the Grade II* listed building.

10 The roof tiles to be used in the construction of the dwellings hereby permitted shall be Keymer Traditional in either Wealden Red, Antique or Elizabethan (Coping shall be terracotta).

REASON: In the interests of preserving the character and appearance of the Conservation Area and setting of the Grade II* listed building.

11 Rainwater goods shall be metal and painted a dark colour. The rainwater goods shall be retained as such thereafter.

REASON: In the interests of preserving the character and appearance of the Conservation Area and setting of the Grade II* listed building.

12 The Air Source Heat Pump (ASHP) installation shall meet the requirements of the

MCS Planning Standard and shall ensure that the equipment produces a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge windows when operating.

REASON: In the interests of residential amenity.

13 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 structures, gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site area shown on the approved plans.

REASON: To safeguard the setting of the listed building and character and appearance of the area.

14 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 garages, sheds, greenhouses and other ancillary domestic outbuildings other than those shown on the approved plans shall be erected anywhere on the site.

REASON: To safeguard the setting of the listed building and character and appearance of the area.

15 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), there shall be no additions/extensions or external alterations to any dwelling forming part of the development hereby permitted.

REASON: In the interests of protecting the historic setting of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

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.

Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside

and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists. There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

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.

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