Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08165

Decision Date: 04 April 2024

Applicant:	Mr & Mrs Foster Malt House Patney Road, Chirton, Wiltshire, SN10 3QX
Particulars of Development:	Demolition of existing dwelling and outbuilding, the erection of a replacement dwelling with a detached garage, the creation of a new vehicular access, hard and soft landscaping and associated works.
At:	Malt House, Patney Road, Chirton, Devizes, SN10 3QX

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: (12)

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:

Doc Title: Application Form.
Doc Title: Bat Activity Survey. Dated: August 2023. Produced by: Daniel Ahern Ecology.
Doc Title: A Pre-Development Arboricultural Report. Dated: 18/01/2024. Produced by: Sharples Tree Services.
Doc Title: Preliminary Ecological Appraisal. Dated: February 2024. Produced by:

David Leach Ecology Ltd.
Drg Title: Existing Elevation. Drg No: 23/803/E110.
Drg Title: Existing Ground and First Floor Plans. Drg No: 23/803/E100.
Drg Title: Existing Landscape Plan. Drg No: 23/803/E003.
Drg Title: Existing Outbuilding. Drg No: 23/803/E200.
Drg Title: Existing Roof Plan. Drg No: 23/803/E101.
Drg Title: Existing Site Block Plan. Drg No: 23/803/E002.
Drg Title: Proposed Coloured North Elevation. Drg No: 23/803/P114.
Drg Title: Proposed First Floor Plan. Drg No: 23/803/P101.
Drg Title: Proposed Garage Elevations. Drg No: 23/803/P210. Rev: A.
Drg Title: Proposed Garage Plans. Drg No: 23/803/P200.
Drg Title: Proposed North Elevation. Drg No: 23/803/P110.
Drg Title: Proposed Site Block Plan. Drg No: 23/803/P002.
Drg Title: Proposed Site Plan. Drg No: 23/P003. Rev: B.
Drg Title: Proposed South Elevation. Drg No: 23/803/P112.
Drg Title: Proposed West Elevation. Drg No: 23/803/P113. Rev: A.
Drg Title: Proposed Ground Floor Plan. Drg No: 23/803/P100.
Drg Title: Proposed East Elevation. Drg No: 23/803/P111.
Drg Title: Site Location Plan. Drg No: 23/803/E001.

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

3 No development shall commence above ground floor slab level until details of the materials to be used on the walls and roofs of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 No development above ground floor slab level shall occur until a scheme for the demolition of the existing buildings on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for:

- the permanent demolition of all the existing buildings on the site; and,
- the removal of the materials and debris resulting therefrom.

Development shall be carried out in accordance with the approved scheme.

REASON: To ensure the existing dwelling is not retained on site, in the interests of the character and appearance of the area, neighbour amenities, to comply with planning policy pertaining to dwellings in the open countryside and in the interests of ecology.

5 No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. Number and size of delivery vehicles/ construction vehicles
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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.

6 No part of the development hereby permitted shall be first occupied until the access and parking spaces (at least one to have an EV charging point) 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.

7 The development hereby permitted shall not be first occupied until the first 2m 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

8 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to a point 10m to the north and 10m to the South to the nearside carriageway edge, in accordance with plans to be submitted to and approved by the Local Planning Authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

9 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 that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area within is within the North Wessex Downs National Landscape, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

10 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until tree protection measures have been put in place in accordance with British Standard 5837: 2012: “Trees in Relation to Design, Demolition and Construction -Recommendations” for all retained trees and hedgerows on site.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

The development hereby permitted should be carried out in accordance with good practice as set out in British Standard "Trees in Relation to Design, Demolition and Construction - Recommendations" (BS 5837) (2012), in order for all retained trees on site to be appropriately protected during construction and demolition, and for the Root Protection Areas to remain clear from the storage of plant machinery and materials. The protection measures will stay in place throughout the course of the construction, demolition and removal of all waste from site.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and to ensure a satisfactory landscape setting for the development remains.

11 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.

12 Prior to the demolition of the existing property, known as The Malt House, Bat roosts and bat access points will be incorporated into the development in accordance with:

• Bat Activity Survey. Report ref: 4695.3. September 2023. Daniel Ahern Ecology.
• Proposed Garage Elevations. Drawing no: 23/803/P210 Rev A. Richmond Bell Architects.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features 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.

Informatives: (4)

13 The roof space of the Malt House is used as a bat roost. 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. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

14 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.

15 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.

16 Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses or abuts the site.

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