Wiltshire Council

# The Town and Country Planning Act 1990

## Approval of Variation of Conditions

## Application Reference Number: PL/2023/11026

## Decision Date: 16 April 2024

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| **Applicant:** | Trinity Capital (Limpley) Ltd<br>39 Hanson Road,, Abingdon, Swindon, OX14 1YL |
| **Particulars of Development:** | Variation of condition 2 (approved plans) on PL/2022/03452 - changing the roofing material to a grey slate type, multiple solar panels on the south / rear pitches, water sourced heating panels and replacing windows with two leaf opening units. |
| **At:** | Limpley Mill, Lower Stoke, Limpley Stoke, Bath, BA2 7FJ |

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 begun before the expiration of three years from the date of the extant planning permission PL/2022/03452 (10th May 2026)

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:

Plans submitted under approved application PL/2023/11026:
Received by the Local Planning Authority on 5th April 2024:
146_e_300_C (proposed NE SW elevation), 146_e_301 D (proposed NW elevation), 146_e_302_D (proposed SE elevation)

Received by the Local Planning Authority on 19th December 2023:
146_p_140_D (proposed site plan)

Plans submitted under approved application PL/2022/03452:

Received by the Local Planning Authority on 2nd May 2023:
146_p_152 (proposed play ground)

Received by the Local Planning Authority on 28th February 2023:
146-e: 108 Rev A (proposed second floor plan)
146: dormer window details

Received by the Local Planning Authority on 24th February 2023:
146-p: 015 (existing landscape plan), 151 (proposed landscape plan),

ASQ1999-01 (topographical survey 01), ASQ1999-02 (topographical survey 02)

Received by the Local Planning Authority on 31st January 2023:
146_p_:014 Rev A (site plan as existing),

Received by the Local Planning Authority on 27th September 2022:
146_p_: 001 (location plan), 011 (existing flood plan), 012 (existing first and second floor plan), 013 (existing elevations),104 (proposed lower ground floor),106 (proposed ground floor plans), 107 (first floor plan proposed), 109 (unit 09 plans).

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

3 No works shall commence on site until details of all habitat creation/enhancement and landscaping to be planted within the development including their location, species and size of stock have been submitted to on a stand-alone plan and approved by the Local Planning Authority. All planting will be planted in accordance with the approved details in the first planting season following first occupation and maintained and replaced as necessary for the first five years and thereafter retained.

Reason: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences to ensure it complies with planning policy and wildlife legislation

4 No woody vegetation (hedgerow/trees/scrub) will be removed from anywhere within the site without prior agreement with the Local Planning Authority through submission of a detailed site drawing showing areas to be removed and replacement planting

within the site.

REASON: To ensure the protection of important wildlife habitat features

5 No works shall commence on site until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include adequate measures during construction to control pollution to existing watercourses and groundwater.

REASON: In the interest of flooding and protection of existing water sources

6 No works shall commence on site until a detailed topographical survey and drawing has been submitted to and approved in writing by the Local Planning Authority. This information shall identify the existing drainage features on site as well as overland flow routes and demonstrate that overland flows are wholly and safely managed on site. The development shall then be carried out in accordance with the approved details

REASON: in the interest of ensuring flooding and surface water is not increased elsewhere

7 No works shall commence on site until a drainage strategy has been submitted to the Local Planning Authority and approved in writing. The drainage strategy will need to take account of climate change in accordance with Environment Agency guidance and a 40% uplift should be applied in all calculations. The works shall then be carried out in accordance with the approved details.

REASON: In the interest of flooding and water management

8 The lower ground floor of the building identified on drawing number 146_p-104 received under application reference number PL/2022/03452 shall be restricted to less vulnerable uses only (as defined under the National Planning Policy Framework, Annex 3: Flood risk vulnerability classification) only.

REASON: Having regard to flood risk and the safety of future occupiers

9 Prior to the first occupation of a dwelling hereby approved, the glazing and ventilation requirements as identified in figures 2, 3, 4, 5, 6 and detailed in Section 6 and Section 6.2 of the ION Acoustic Report A1874/RO1a dated 4th April 2023 received under application reference number PL/2022/03452 shall be installed and kept in place in perpetuity.

REASON: To protect the amenity of future occupiers

10 Prior to the first occupation of the dwellings hereby approved an emergency plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include safe access and escape routes. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of flooding and future occupiers having regard to paragraph 173 of the NPPF (December 2023)

11 Prior to the first occupation of a dwelling hereby approved, the access, parking spaces and cycle spaces shall be carried out in accordance with the approved plans.

REASON: to ensure future occupiers have sufficient access and parking facilities.

12 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.

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

13 The sixth dwelling hereby approved shall not be occupied until the play area has been installed and laid out in full accordance with drawing number 146_p_152 received under planning application reference PL/2022/03452 and shall be made available for use and thereafter shall remain in perpetuity. Should any equipment be damaged or break, it shall be replaced.

REASON: In the interest of future occupiers

14 No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by

the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats

15 No construction (including demolition, ground works) will take place outside daylight hours.

REASON: The introduction of artificial light is likely to mean nocturnal wildlife (otters/bats) are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation

**Informatives:** (4)

16 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.

17 There is a risk that bats may be present at the 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 behind woodland cladding and are therefore not often seen. Anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 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

18 NPPF Annexe 3: Flood risk vulnerability classification

LESS VULNERABLE is defined as follows:
• Police, ambulance and fire stations which are not required to be operational during flooding.
• Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
• Land and buildings used for agriculture and forestry.
• Waste treatment (except landfill* and hazardous waste facilities).
• Minerals working and processing (except for sand and gravel working).
• Water treatment works which do not need to remain operational during times of flood.
• Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
• Car parks

19 It is important for the applicant to note that Wiltshire Council will not take on ownership or management responsibilities of the public open space or the play area.

*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