Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/05836

Decision Date: 17 April 2024

Applicant:	Mr E Lee C/O Gaia Planning, 13 Picked Acre, Bulley Lane, Churcham, Glos, United Kingdom, GL2 8BE
Particulars of Development:	Variation of condition 4 relating to PL/2021/04476 (The change of use of land to provide an extension to existing Gypsy site, consisting of four pitches including 4 mobile homes, 4 day rooms, 4 touring caravans and associated hardstanding and landscaping)
At:	Jacobs Park, Land adjacent to 40 Marlborough Road, Royal Wootton Bassett, Wiltshire, SN4 7SA

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: (11)

1 The development hereby permitted shall be begun before the expiration of three years from the date of the grant of Planning Permission No. PL/2021/04476, the date of that grant being 16 August 2022.

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:

- Site location plan – TDA.2606.01 – dated March 2021
- Proposed site layout & detailed landscape scheme – TDA.2606.03 Rev. B

- Landscape Design Statement - TDA/2606/RhC/03.21 (Rev. A) (Updated 14.11.21)·
- Proposed semi detached utility/shower blocks (plan & elevations) – TDA.2606.04
- Flood Risk Assessment – SLR Ref: 407.08934.00001 – November 2021
- Proposed Foul Drainage Strategy – 006 – April 2022

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

3 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

4 Occupation and use of the Mobile homes hereby approved shall be limited solely to and by close family members of the occupants of those pitches. Close family members defined as dependents, sons, daughters and grandchildren.

REASON: In the interests of securing a high standard of residential amenity for occupants of the development.

5 There shall be no more than seven (7) permanent pitches on the site.

REASON: In the interests of visual amenity and the amenity of occupants of the site.

6 There shall be no more than two (2) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 stationed on each pitch, of which no more than one (1) shall be a static caravan or mobile home.

REASON: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with Core Policy 47 of the Wiltshire Core Strategy Adopted January 2015.

7 No commercial, business or service activity or use, including the storage of materials and waste or commercial vehicles, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

8 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

9 The development hereby permitted shall be connected to mains foul drainage only.

REASON: To protect the water environment from pollution.

10 The development hereby permitted shall be constructed in compliance with the flood risk assessment (SLR, Ref: 407.08934.00001, November 2021), in particular finished floor levels shall be set no lower than 89.36m AOD.

REASON: To protect the development from flooding.

11 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 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.

Informatives: (6)

12 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.

13 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.

14 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.

15 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.

16 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles

- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

17 A Flood Warning and Evacuation Plan should be put in place post development to (i) ensure that owners and occupiers of the property are aware that the land is at risk of flooding and (ii) instruct the appropriate course of action to be taken by occupants in the event of a flood.

The site operator can sign up for flood warnings here - Sign up for flood warnings - GOV.UK (www.gov.uk)

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