Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10756

Decision Date: 18 April 2024

Applicant:	Mr Robert Hiscox Rainscombe Park, Oare, Marlborough, Wiltshire, SN8 4HZ
Particulars of Development:	Replacement and enlargement of buildings
At:	The Old Dairy, Rainscombe Farm, Oare Hill, Oare, SN8 4HZ

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: (10)

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:

- Application Form
- Design and Access Statement (Dec 2023)
- Technical Note – 8744/01 Highways Appraisal (Cole Easdon, Jun 2023)
- Location Plan, Dwg No. 21221_OS
- Existing Block Plan, showing buildings to be demolished, Dwg No. 21221_E_01
- Proposed Block Plan, Dwg No. 21221_P_01 Rev B
- Proposed Masterplan, 3D View, Dwg No. NA A1 21221_P_02
- Proposed Ground Floor Plan, Dwg No. 21221_P_03
- Proposed Roof Plan, Dwg No. 21221_P_04

• Proposed First Floor Plan, Dwg No. 21221_P_05
• Proposed Street Elevation, AA & 3D View, Dwg No. 21221_P_06
• Proposed Elevation BB & 3D View, Dwg No. 21221_P_07
• Proposed Elevation CC & 3D View, Dwg No. 21221_P_08
• Proposed Elevation DD & 3D View, Dwg No. 21221_P_09
• Proposed Uses & Parking Arrangement Plan, Dwg No. 21221_P_10
• Proposed Roof and Ground Floor Plan / Rainwater and Foul Drainage, Dwg No. 21221_P_11

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

3 Development shall be carried out in strict accordance with Section 5.0 in the approved Bat and Protected Species Survey & Bat Emergence Survey (EcoLogic, dated Oct 2023). The requirements and recommendations within Sections 5.1.2, 5.2, 5.3 and 5.4 shall be carried out in full prior to the first occupation of the development hereby approved.

REASON: In the interests of protected species and to mitigate against the loss of existing biodiversity and nature habitats and to provide biodiversity net gain.

4 Development shall be carried out in strict accordance with the approved Drainage Strategy (Cole Easdon, Nov 2023, Issue No. 2), including the 'Proposed Drainage Strategy (Dwg. No. 8744-501). The foul and surface water drainage strategy shall be carried out in full prior to the first occupation of the development hereby approved.

REASON: To ensure that the development is provided with a satisfactory means of foul and surface water drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6 Development shall be carried out in accordance with the requirements of the approved Arboricultural Impact Assessment and Method Statement (by Naturally Trees, dated May 2023), Tree Protection Plan and the appendices contained within the Arboricultural Impact Assessment and Method Statement.

Protective fencing shall be erected in accordance with the approved details. 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 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.

[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.

7 No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication “The Reduction of Obtrusive Light” Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, to safeguard protected species routes and habitats and to minimise unnecessary light spillage above and outside the development site.

8 No part of the development hereby permitted shall be brought into use until the turning area and parking spaces for cars and cycle parking facilities as shown on the approved plans have been provided in full and made available for use. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and to ensure that satisfactory facilities for the parking of cycles are provided in order to encourage travel by means other than the private car.

9

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building. The external brickwork for the development hereby permitted shall be constructed to match that of the existing building in terms of its colour, texture, face bond, size, jointing and pointing.

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

10 The photovoltaics' hereby approved shall be finished in black and shall have no reflective silver edging. The panels shall be removed at the end of their useful life.

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

11 1) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

2) No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Informatives: (3)

12 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. 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.

12 The roof space of the existing structures are 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.

13 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

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