Wiltshire Council

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2023/09744
Decision Date: 22 April 2024

Applicant:	Mr. C. Homerstone, Red Cedars Church Lane, Fovant, Wiltshire, SP3 5LA
Particulars of Development:	Demolish existing dwelling and erect new 4 bed dwelling
At:	Red Cedars, Church Lane, Fovant, Salisbury, SP3 5LA

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 listed in schedule:

Block and Location Plan ref 1936P-101b-P received 20/3/24
Existing and Proposed Master Plan (with planting schedule) ref BEN 101 dated 1/3/24
Existing site plan (with retained trees) ref 1936P-109c-P received 20/3/24
Proposed Roof Plan ref 1936P-106p-P received 20/3/24
Proposed South and West Elevations (with bat mitigation) ref 1936P-107d-P received 20/3/24
Proposed East and North Elevations ref 1936P-108c-P received 20/3/24
Proposed Ground Floor Plans ref 1936P-104b-P received 20/3/24

Proposed First Floor Plans ref 1936P-105b-P received 20/3/24
Tree Survey and Arboricultural Impact Assessment Site Version: March 2024 V6.0 by Hellis Solutions Ltd
Tree Constraints Plan ref: TCPRC dated March 2024 V5.0
Ecological Impact Assessment, LC Ecological Services Ltd, Updated March 2024
Planning Statement (v.3 07/11/23) by Benchmark Development Planning Ltd
Design and Access Statement dated November 2023 Ref – 1936_REV.A

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

3 No development shall commence on site above slab level until details and samples of the materials to be used for the external walls and roof of the replacement dwelling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be agreed shall be in keeping with the local vernacular and any agreed stonework shall be in random sized blocks brought to course.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and AONB.

4 No development shall commence on site above slab level until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

5 No development shall commence on site above slab level until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

6 No part of the development hereby permitted shall be first occupied until the access & parking spaces [3 No] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

7 The development shall be implemented in strict accordance with the recommendations for bat and bird mitigation and enhancements set out on page 25 and in Section 7 of the Ecological Impact Assessment, LC Ecological Services Ltd, Updated March 2024 or as amended by any subsequent European Protected Species Licence (EPSL) from Natural England under the conservation (Natural Habitats, &c) (Amendments) 2017 Regulations.

The bat and bird mitigation and enhancement measures, once installed in accordance with the timings set out in the EcIA, shall be available for use by bats and birds for the lifetime of the development.

Reason: To ensure adequate mitigation and enhancement for bat and bird species identified as using the site.

8 In accordance with the mitigation recommendations for bat and bird mitigation set out in Section 7 of the Ecological Impact Assessment, LC Ecological Services Ltd, Updated March 2024 or as amended by any subsequent European Protected Species Licence (EPSL) from Natural England, no development shall commence on site (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include full details for the measures set out in the Mitigation Section 7 of the EcIA, as updated by any EPSL.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that the development is undertaken in an acceptable manner, in the interests of the Chilmark Quarries bat SAC and other protected species.

9 The development including any site clearance and pruning to retained trees hereby approved shall be implemented in accordance with the recommendations and tree protection measures identified in the Tree Survey and Arboricultural Impact Assessment Site Version: March 2024 V6.0 by Hellis Solutions Ltd Tree Constraints Plan ref: TCPRC dated March 2024 V5.0.

The retained trees shown to be retained on the tree constraints plan hereby approved shall be protected during the site clearance and construction phases of the development in accordance with BS5837:2013.

Any 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.

REASON: To ensure that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity of the AONB, Chilmark Quarries bat SAC and Conservation Area.

10 Any external artificial lighting installed within the site shall be designed and implemented to minimise sky glow, glare and light trespass. It shall be designed in a downward facing position at all times and shall meet the criteria for Environmental Zone E0 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. Any external lighting installed at the site shall be retained and maintained as such thereafter for the lifetime of the development.

REASON: In the interest of highway safety; to ensure appropriate levels of amenity are achieved, in the interests of protected species and the Chilmark bat SAC and to protect the dark skies status of the AONB

Informatives:

Materials: The applicant is advised that the proposed materials for the dwelling should include greensand stone in random sized blocks brought to course, due to the location of the site within the Conservation Area and opposite the Grade II* listed church.

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/communityinfrastructurelevy

Protected Species: 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.

Signed:

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