Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/10969

Decision Date: 08 May 2024

Applicant:	Biddestone Developments Ltd Mill House, Woodgreen Road, Breamore, Fordingbridge , Hants, SP6 2AF
Particulars of Development:	Vary conditions 2, 3, 4, 6, 8, 9, 10 and 17 and delete conditions 7 and 11 of consent ref. PL/2022/04474 in response to detailed surveys and post-planning design amendments
At:	Former Biddestone Arms, The Green, Biddestone, Chippenham, SN14 7DG

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 06/02/23.

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 and to comply with the extant time limit of consent ref. PL/2022/04474.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and details:

- Location plan ref. SLPa.
- Existing ground floor ref. EP01.
- Existing first floor ref. EP02.

- Existing SE and NE elevations ref. EE01.
- Existing NW and SW elevations ref. EE02.
- Block plan ref. BLOCK _ 2057_S73 - Plot 4 Site.
- Garage and bin store ref. N11.
- Visibility splay plan ref. T01 REV E (insomuch where it identifies the visibility splay only).
- Demolition plan ref. D12a.
- Proposed floorplans ref. P1_A_2057_S73 - Plot 4.
- Indicative windows ref. 55.
- Foul and surface water drainage layout ref. 9672BAC-P510-P1.
- Construction Management Plan received 15/03/24.
- Written Scheme of Investigation ref. MH3827-4WSI.
- Archaeological Building Record ref. 3827-4.
- Proposed elevations ref. P2_A_2057_S73 - Plot 4.
- Contextual street elevation ref. P3_A_2057_S73 - Plot 4.
- Landscaping plan ref. SITE_A_2057_S73 - Plot 4 Site.
- Sample panel received 15/03/24.
- Demolition Risk and Method Statement ref. 0922-001 rev. 01.
- Materials schedule received 15/12/23.
- Drainage Technical Note ref. 9672BAC/5.
- Wildlife Protection and Enhancement Scheme ref. eg20930.04_WPES_REV02 received 05/04/24.

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

3 All soft landscaping comprised in the approved landscaping plan 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.

4 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: in the interests of highway safety.

5 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: in the interests of highway safety.

6 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, the dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: to ensure that the development is served by an adequate means of access.

7 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 and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

8 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.

REASON: in the interests of residential amenity.

9 The garage/home office outbuilding hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, and shall not be converted to habitable accommodation.

REASON: to safeguard the character of the area and to ensure that adequate provision is maintained for parking.

10 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.

11 The development will be carried out in strict accordance with the ecological mitigation and enhancement measures outlined in sections 4 and 5 of the approved Wildlife Protection and Enhancement Scheme (WPES) ref. eg20930.04_WPES_REV02 received 05/04/24 and detailed on the approved proposed elevations plan. Where section 5 of the WPES refers in error to measures relating to the existing pub building, this shall be interpreted to mean the proposed new dwelling.

REASON: for the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

Informatives: (5)

12 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 landowner's 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.

13 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.

14 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.

15 The applicant is advised that there will be a requirement to enter into a S278 Legal Agreement with the Council to secure the highway works for the off-site footway works and proposed

pedestrian/vehicular access point. The proposal includes alteration to the public highway. Consent hereby granted shall not be construed as authority to carry out works on the highway.

The proposal includes alteration to the public highway. Consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license/permit will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Local Area Highways Office on telephone 0300 456 0105 or email westernhighways@wiltshire.gov.uk for further details.

16 The roof space of The Biddestone Arms is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017, 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.

There is a residual risk that great crested newts/reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.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