Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/09727

Decision Date: 09 May 2024

Applicant:	Lord and Lady Rothermere Ferne Park , Ferne Park Estate, Berwick St John, Wiltshire, SP7 0EU
Particulars of Development:	Tennis and games building over existing outdoor tennis court.
At:	Tennis Court, Ferne Estates, Berwick St John, Wiltshire SP7 0EU

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: (8)

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:

Location Plan ref:202310_PL001 Received: 09/11/23
Design and Access Statement 09/11/23
Existing Site Plan and Photographs ref:202310_PL00 Received: 09/11/23
Site Massing Model ref: 202310_PL007 Received: 09/11/23
Proposed Site/Roof Plan ref: PL003 Rev A Received: 02/04/24
Proposed Ground Floor Plan ref: 202310_PL004 Rev A Received: 02/04/23
Proposed Elevations ref: PL005 Rev B Received: 03/05/24
Proposed Elevations ref: PL006 Rev B Received: 03/05/24

Landscape Implementation and Maintenance Detail Received: 02/04/24
Ecological Appraisal Received: 02/04/24
WHL rebuttal response Received: 02/04/24

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

3 Materials to be used in the construction of the works hereby permitted shall be as stated on the application form.

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

4 The use of the proposed sports barn is to only be for private use and not to be used as a public or competitive sports facility for the lifetime of the development.

REASON: Due the isolated nature of the proposal and the narrow characteristics of the local roads the location is not appropriate for a public or competitive sports facility.

5 Prior to the development being in use, the ecological mitigation proposed within the blue line boundary is to be implemented, maintained and retained for the lifetime of the development according to the submitted documents.

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy

6 The development will be carried out in strict accordance with the following documents:

- Landscape Implementation and Maintenance Detail for Proposed Tennis Barn, Ref: 23.1676, Rev:, Date: February 2024 by WH Landscape Consultancy Ltd
- Sections 6.1, 6.3, 6.4 of the report: Ecological Appraisal, Proposed Sports Barn At Ferne Park, Date: 21st June 2023 by Malford Environmental Consulting

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

7 Any new external lighting should be for the purposes for safe access and security only and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, ‘Guidance for the Reduction of Obtrusive Light’ (ILP, 2021), and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats

8

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 and all shrubs, trees and hedge planting shall be maintained in accordance with drawing *Landscape Strategy, Number: WHL-1676-05, Date: February 2024 by WH Landscape Consultancy Ltd* for the duration of the development from the commencement of the scheme and shall be protected from damage by vermin and stock. Any trees or plants which, 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.

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy

Informatives: (1)

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this planning application 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.

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