Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/09985

Decision Date: 15 May 2024

Applicant:	Mr and Mrs Richard and Fiona Nourse Temple House, Temple, Marlborough, Wiltshire, United Kingdom, SN8 1RU
Particulars of Development:	Demolition of existing late 20th Century house for replacement dwelling, ancillary buildings and swimming pool with new pool pavilion and plant room with associated landscaping works.
At:	Temple House, Rockley, Marlborough, SN8 1RU

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:

- 6408-ADAM-MH-XX-DR-A-0101 – REV.03 – Site Location Plan;
- 6408-ADAM-MH-XX-DR-A-0103 – REV.03 – Proposed Site Plan;
- 6408-ADAM-MH-XX-DR-A-0104 – REV.01 – Curtilage Plan;
- 6408-ADAM-MH-XX-DR-A-0201 – REV.02 – Proposed Basement Plan;

- 6408-ADAM-MH-XX-DR-A-0202 – REV.02 – Proposed Ground Floor Plan;
- 6408-ADAM-MH-XX-DR-A-0203 – REV.02 – Proposed First Floor Plan;
- 6408-ADAM-MH-XX-DR-A-0204 – REV.02 – Proposed Attic Plan;
- 6408-ADAM-MH-XX-DR-A-0205 – REV.02 – Proposed Roof Plan;
- 6408-ADAM-MH-XX-DR-A-0302 – REV.03 – Proposed South Elevation and Section A-A;
- 6408-ADAM-MH-XX-DR-A-0303 – REV.02 – Proposed West Elevation and Section B-B;
- 6408-ADAM-MH-XX-DR-A-0304 – REV.01 – Proposed Section C-C;
- 6408-ADAM-MH-XX-DR-A-0305 – REV.02 – Proposed North and South Wing Elevations;
- 6408-ADAM-DR-A-0306 – REV.02 – Proposed Pool House Plans and Elevations.

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

3 The Housekeepers flat hereby permitted shall only be used for additional living accommodation ancillary to the enjoyment of the replacement dwelling hereby approved (that known as Temple House at the date of this decision). It shall not be used as a separate dwelling unit and it shall remain within the same planning unit as the replacement dwelling at all times.

Reason: It is considered that the site is inappropriate for an independent unit of permanent residential accommodation in addition to the replacement dwelling, and such development would be detrimental to the amenities of the area and sustainability objectives in this rural location, having regard to Core Policies 1, 2 and 14 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

4 The development hereby approved (including demolition) shall not commence until details of a Demolition and Construction Management Plan have first been submitted to and agreed in writing by the local planning authority. As a minimum, the written details shall include:

- Pre-consultation, demolition and construction working method statements for protected/priority species, such as nesting birds, bats and reptiles;
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW);
- Timeframe for provision of compliance report to the local planning authority; to be

completed by the ecologist/ECoW and to include photographic evidence;
- Dust and noise control measures for the demolition and construction phases of the development;
- Location(s) for the storage of demolition debris/materials and details for the reuse in the construction phase;
- Surface water management (to include pollution prevention measures) for the demolition and construction phases of the development;
- Details of the management of the nearby public footpaths (rights of way) named OSTA13 and OSTA37 to include temporary signage, management of vehicle crossings etc.).

The demolition and construction phases of the development shall proceed strictly in accordance with the approved details.

REASON: To ensure that construction of the development proceeds in a sustainable manner and that suitable pollution control measures are employed during the demolition and construction phases of the development in accordance with the aims of Core Policies 41, 50, 51 and 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

5 Notwithstanding the details of the submitted documents, no development shall commence on site until details of site planting scheme have been submitted to and approved in writing by the local planning authority, the details of which shall include (as a minimum):

a) a detailed plan identifying existing trees and hedges to be retained and/or removed;
b) a planting plan showing locations, species, supply/planting sizes and densities, and details of after-care;
c) confirmation of the biodiversity enhancement measures incorporated into the site planting scheme.

All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial 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 (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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 landscaped setting for the development, to provide some biodiversity enhancement and to protect the privacy of future occupiers and neighbours of the development in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

6 Notwithstanding the submitted details, construction of the dwelling hereby approved shall not proceed beyond finished ground floor/slab level until a schedule of all external materials and finishes (to include hard-surfaced areas as well as all new/replacement buildings) has first been submitted to and approved in writing by the local planning authority.

As a minimum, the schedule shall include a description of the material, supplier/manufacturer name, details of the colour/application of external finishes (paint, wood stain etc.) and a photographic sample of the material/finish.

The development shall be completed and maintained in accordance with the approved details thereafter.

REASON: To preserve the character of the site and special characteristics of the North Wessex Downs National Landscape in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy, policy PRES4 of the Preshute Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

7 The development hereby approved shall not be occupied or brought into use until all impermeable surfaces (the roof of the building, new hard-surfaced areas) have been connected into a system for the disposal of surface water in accordance with details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the written details shall confirm how the scheme has been designed in accordance with Sustainable Drainage Systems (SuDS) principles and shall provide design specifications for the proposed construction and maintenance of the system. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority to ensure the development can be adequately drained using SuDS without increasing flood risk on or off-site in accordance with the aims of Core Policies 50 and 67 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

8 The development hereby approved shall not be occupied or brought into use until it has been connected to a foul drainage system in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority to ensure the development can be adequately drained without causing pollution in accordance with the aims of Core Policies 50 and 67 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

9 The development will be carried out and maintained in strict accordance with the following documents:

- Section 4.3 of the Bat Roost Report Temple House (Bat Roost Report). (Author: Enims. Dated: October 2023).
- Approved plan: 6408-ADAM-MH-XX-DR-A-0302 – REV.03 – Proposed South Elevation and Section A-A;

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policy 50 of the Wiltshire Core Strategy, policy PRES2 of the Preshute Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

10 Notwithstanding the details of the submitted documents, no external lighting shall be installed, or existing external lighting replaced within the site of the development hereby approved unless full details of the new/replacement lighting design, measures to prevent light spill and to protect biodiversity have been submitted to and approved in writing by the local planning authority.

Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To preserve the landscape character of the North Wessex Downs National Landscape and biodiversity value of the surrounding area in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policies PRES2 and PRES4 of the Preshute Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

Informatives: (1)

11 **INFORMATIVES**

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.

The applicant's attention is drawn to the fact that during the construction phase, no plant and machinery shall be installed on land outside of the applicant's land/property and at no time shall any construction/delivery vehicles related to the development be parked/left idling in a position to obstruct the public highway or public rights of way.

Buildings B1-B4 at Temple House are used as bat roosts. 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.

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.

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.

The is located close to an area that may contain below ground archaeology. Due to previous ground disturbing works within the site there is only a very low expectation that archaeology of any significance would be discovered during construction of the approved development. However, should any historic structures, material or artifacts be encountered during ground disturbing works, the applicant is advised to cease works and to contact the County Archaeology Department at archaeology@wiltshire.gov.uk for further advice.

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.

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