Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/06213

Decision Date: 24 June 2024

Applicant:	Mr & Mrs Rogers Trull, Malmesbury, Tetbury, Glos, GL8 8SQ
Particulars of Development:	Erection of new dwelling incorporating elements of the existing dwelling, new swimming pool and extended garden together with second dwelling, in lieu of extant dwelling permission approved by PL/2021/11547
At:	Yew Tree Farm, Vicarage Lane, Hankerton, Malmesbury, Wilts, SN16 9JZ

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: (9)

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:
Site Location Plan, Drawing No. 2302_P001, received by the Council on 24 July 2023, and the following drawings received by the Council on 22 March 2024:
Proposed Site Plan, Drawing No. 2302_P_110B,
Proposed Elevations (South-East Elevation, South-West Elevation), Drawing No. 2302_P_710A
Proposed Elevations (North-West Elevation, North-East Elevation), Drawing No.

2302_P_711A
Proposed Elevations (Garage with bedrooms above), Drawing No. 2302_P_712B
Proposed Ground Floor Plan, Drawing No. 2302_P_210A
Proposed First Floor Plan, Drawing No. 2302_P_211A
Proposed Roof Plan, Drawing No. 2302_P_212A
Proposed Garage Plan, Drawing No. 2302_P_213A

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

3 The proposed development hereby permitted shall be carried out in accordance with drawings listed in condition 2, and shall not be implemented together with any parts of planning permission, PL/2022/03060 nor PL/2021/11547, or any combination of all.

REASON: To avoid any overdevelopment within the site and to safeguard the amenity and the setting of the Non-Designated Heritage Asset.

4 Notwithstanding the approved drawings, no works shall commence until details of the following have been inspected as required on site and submitted to and approved in writing by the Local Planning Authority:

(i) Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

(ii) Large scale details of all internal joinery to the existing buildings at (1:5 elevation, 1:2 section)

(iii) A full schedule of works and specification of repairs and rebuilding to the existing Farmhouse:

- A structural engineer's report setting out the nature of, and suggested remedial work to, structural defects.
- Details of mortar mix for repointing stone work and a sample panel not less than 1 metre square to show the proposed mortar composition and colour, and the method of pointing, has been prepared on site, inspected.

iv) Detailed drawings including sections to show any new alterations to the existing buildings including new openings.

v) Details of all new or replacement rainwater goods (which shall be of cast metal construction and finished in black) and their means of fixing to the existing building.

vi) Details of the methods of insulation for the walls, floors, including 1:5 sections

through walls and ceilings.

The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Non-Designated Heritage Asset and its setting.

5 The existing roof timbers and structural beams shall be retained, uncut and unaltered in situ.

REASON: In the interests of preserving the character and appearance of the Non-Designated Heritage Asset and its setting.

6 All stone on the existing farm outbuildings agreed to be demolished shall be carefully dismantled and stored in a dry and secure place for re-use in the works to the farmhouse and landscaping. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the Non-Designated Heritage Asset and its setting.

7 The works hereby granted permission shall be carried out in such a manner as to ensure that the existing farm cottage to be retained are preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: In the interests of preserving the character and appearance of the Non-Designated Heritage Asset and its setting.

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

- Biodiversity Net Gain- Preliminary Design Stage Report, July 2023 by All Ecology;
- Proposed Elevations Garage P/712 Rev B, March 2024
- Proposed Site Plan P/110 Rev B, March 2024 and;
- Proposed Elevations P/710 Rev A, March 2024

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

9

Within three months following the commencement of the proposal hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed trees planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials;
- time of planting
- a management schedule of the proposed planting

The approved hard and soft landscaping shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Informatives: (5)

10 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.

11 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

12 Bats - There is a low risk that bats may be encountered at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow

the advice of a professional ecologist or to contact Natural England's Batline through the internet.

13 Breeding Birds - The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding.Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

14 Reptiles - There is a residual risk that 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 in line with the recommendations made in (Extended Phase 1 Survey by Stark Ecology dated September 2022). 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

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