Wiltshire Council

The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2023/10100
Decision Date: 30th August 2024

Applicant:	Mr H Scruse c/o Agent - Master Land and Planning , Unit 7 Oakridge Office Park, Whaddon, SP5 3HT
Particulars of Development:	Variation of conditions 2, 3, 4, 5, 6, 7, 9, 12, 13 and 15 of 20/07754/FUL relating to the agricultural building - To allow removal of rooflights and replacement with 4no. windows on western elevation and 6no. windows on east elevation, removal of open sided hay and straw store to the southern end and replacement with open lean-to structure of same width extending to 5.5m in length, removal of open sided Alpaca Area on western elevation, change to positioning of roller shutter on north elevation to central position and reduction in size, installation of steel door to northern elevation, installation of additional roller shutter door on west elevation to provide additional access
At:	Oak Tree Farm, Crawlboys Lane, Ludgershall, SP11 9PL

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: (16)

1 The development hereby permitted shall be carried out in strict accordance with the following approved plans & documents:

Application Form & Certificate
Ref: 179336-10 – Location Plan. Received – 22.11.2023
Ref: 179336-16 Rev A – Site Plan Revised Drawing B. Received – 11.01.2024

Ref: 179336-17 – Design Scheme Plot 1. Received – 09.09.2020
Ref: 179336-18 – Design Scheme Plots 2 & 4. Received – 09.09.2020
Ref: 179336-19 – Design Scheme Plot 3. Received – 09.09.2020
Ref: 179336-20 – Design Scheme Plot 5. Received – 09.09.2020
Ref: 170336 -108 Rev C – Proposed Design Scheme (Barn Plans). Received – 22.11.2023
Ref: Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm (Condon Drew Associates Ltd, Dated: 03 June 2024). Received – 05.06.2024

REASON: For the avoidance of doubt and in the interests of proper planning and to ensure compliance with the Habitat Regulations.

2 The development hereby approved shall be implemented in full accordance with the agreed Construction and Environmental Management Plan (CEMP), which was considered and approved by the Council on 27th September 2021 under ref: PL/2021/05634.

REASON: To protect the local amenity from any adverse effects of noise, dust, smoke and odour.

3 None of the dwellings hereby approved shall commence above ground floor slab level until the exact details and samples of the materials to be used for the external walls and roofs 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4 No railings, fences, gates, walls, bollards and other means of enclosure development, other than those agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195, shall be erected in connection with the development hereby permitted.

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

5 The landscaping scheme agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195, shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development,

whichever is the sooner within that particular phase; 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.

REASON: To ensure a satisfactory landscaped setting for the development.

6 No further demolition, site clearance or development shall continue on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the tree protective fencing agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195 has been erected in accordance with the approved details. The 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. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

REASON: In the interests of ensuring the construction phase of development does not result in the loss of any trees on the site.

7 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority. No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order 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.

8 No dwelling hereby approved shall be first occupied until the privacy screen walls and/or fences agreed by the Local Planning Authority on 12th November 2021 under

ref: PL/2021/04195 have been installed in accordance with the approved details with respect to that dwelling. The approved screen walls and/or fences shall be retained and maintained as such at all times thereafter for the lifetime of the development.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

9 No part of the development hereby approved shall be first occupied until the visibility splays shown on the approved plans have been provided. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

REASON: In the interests of highway safety

10 No dwelling hereby approved shall be first occupied until the parking area for that dwelling shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter for the lifetime of the development.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

11 The approved drainage strategy, agreed by the Local Planning Authority on 27th September 2021 under ref: PL/2021/05634, shall be fully implemented in accordance with the approved details. None of the development hereby approved shall be first occupied until the surface water drainage scheme has been constructed in accordance with the approved scheme and as-built drawings, which show the drainage has been constructed in accordance with the approved design, have been submitted to and agreed by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.

12 The development hereby approved shall not be first occupied until the bird nesting and bat roosting enhancements, which were agreed by the Local Planning Authority on 31st August 2021 under ref: PL/2021/04504, have been installed in accordance with the approved details. The ecological enhancements shall thereafter be maintained and retained for the lifetime of the development.

REASON: To provide enhancements in line with NPPF (2019) and CP50.

13 No new external artificial lighting shall be installed at the development site unless it

accords with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) 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

14 The development hereby approved shall be carried out in strict accordance with the details and recommendations made within the approved Contaminated Land Intrusive Investigation Report which was considered and agreed by the Local Planning Authority on 12th November 2021 under ref: PL/2021/04195

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

15 The dwellings hereby approved shall not be first occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day (which includes external water usage) has been complied with

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

16 The dwellings hereby approved shall not be first occupied until the existing septic tank, which serves the existing dwelling at Oak Tree Farm, located within the blue line on the approved Location Plan (ref: 179336-10 – Location Plan. Received – 22.11.2023), has been removed and replaced with the proposed package treatment plant (Bio Easy Flow by HABA) in full accordance with the details outlined in the approved Technical Note 1: Nutrient Neutrality, 1947 – Oak Tree Farm (Condon Drew Associates Ltd, Dated: 03 June 2024). Received – 05.06.2024. Any subsequent replacement package treatment plants shall have an equivalent or improved performance specification. The replacement package treatment plant for the existing dwelling of Oak Tree Farm shall be maintained and operated in accordance with the approved details thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future Package Treatment Plant is of an equivalent or improved standard.

Informatives: (2)

1 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: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

2 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.

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