Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/07485

Decision Date: 07 February 2025

Applicant:	Farlane Homes Ltd 9 Ashvale Close, Nailsea, Bristol, BS48 1QH
Particulars of Development:	Variation of condition 2 of PL/2023/03394 - to rebuild rather than convert to create plots 1 and 2 of the wider approved scheme of works
At:	90, Market Place, Warminster, Wilts, BA12 9AW

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 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 (of plots 1 and 2) hereby permitted shall be carried out in accordance with the following approved plans and documents:

Supporting Statement and Bat Survey Report - received 6 July 2021;
Revised Demolitions Plan 219013/13 Rev B - received 19 January 2022;
Site and Location Plan (219012-104F), House Elevations (219012-103K), Proposed Floorplans (219012-102G) and Proposed Site Plan and Front Elevation (219012-101M) - all received 21 December 2024

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

3 No part of the development hereby approved shall commence on site until evidence of compliance with the Wiltshire Council River Avon Special Area of Conservation Mitigation scheme, or an alternative approved mitigation package addressing the additional nutrient input arising from the development, has been submitted to, secured and approved in writing by the Local Planning Authority.

REASON: To accord with the Conservation of Habitats and Species Regulations 2017, and Wiltshire Core Strategy Core Policy 69

4 The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted to, and approved in writing by the Local Planning Authority. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall also be submitted to the local planning authority for its written approval.

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

5 The bricks to be used in the development shall be Terca Chartham Multi Stock and the roof tiles Sandtoft Double Pantiles Natural Red to match those used on the adjacent terrace 3-8 Jasmine Court (as first approved in application PL/2021/05479).

REASON: In the interests of visual amenity and the character and appearance of the conservation area and settings of the adjacent listed building.

6 The brickwork for the development hereby approved shall be carried out with the same English Garden Wall bond as that used on the adjacent terrace (now known as Nos 3-8 Jasmine Terrace) as first approved under application PL/2021/05479.

REASON: In the interests of visual amenity and the character and appearance of the conservation area and settings of the adjacent listed building.

7 Notwithstanding the approved '*Site Plan and Front Elevation Plan 219012/101 Rev M*' the development shall omit the third and highest stone horizontal course and replace with the continuation of the Terca Chartham Multi Stock bricks using the same English Garden Wall Bond as required under condition 6.

REASON: In the interests of visual appearance of the host building and on the

appearance of the conservation area.

9 The rooflights hereby approved shall be of the ‘conservation’ type with a single vertical glazing bar and mounted flush with the roof slope.

REASON: In the interests of preserving the settings of the adjacent listed buildings and the character and appearance of the conservation area

10 Prior to the first occupation of each plot, the bathroom velux window (plot 1) and the kitchen window (plot 2) on the eastern side elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

11 The development shall continue to be undertaken in full accordance with the approved Construction Method Statement (approved by the Local Planning Authority under Ref: PL/2022/04073) throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

12 The development shall be undertaken in full accordance with the approved Written Scheme of Archaeological Investigations Report (approved by the Local Planning Authority under Ref: PL/2022/04073). As per section 3.4 of this report, following the completion of all necessary on-site archaeological investigations, a report or reports on the results shall be submitted to the Local Planning Authority for approval and development shall be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Informatives: (3)

14 Evidence of compliance to the Wiltshire Council River Avon Special Area of Conservation Mitigation Scheme means the certificate of allocation of credits and confirmation of financial contribution to the scheme. An alternative mitigation package must be approved by the local planning authority and

Natural England with evidence of allocation to the scheme.

15 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.

16 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 landowners 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.

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