Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08252

Decision Date: 10/09/2025

Applicant:	Mr J Penny
Particulars of Development:	Erection of 2 No Dwellings with parking and amenity areas.
At:	Land Adjacent Windwhistle, Lopcombe, Salisbury, SP5 1BX

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 39 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:

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 listed in schedule:

Location and Block Plans ref P20-70-02-02-03A dated Dec 2022

Proposed Site Plan ref P20-70-02-02-01 Rev G dated 8/4/24

Proposed Elevations Plot 2 ref P20-70-02-05-01-Plot 2 dated Nov 2023

Proposed Elevations Plot 2 ref P20-70-02-05-02-Plot 2 dated Nov 2023

Proposed Elevations Plot 1 ref P20-70-02-05-03-Plot 1 dated Nov 2023

Proposed Elevations Plot 1 ref P20-70-02-05-04-Plot 1 dated Nov 2023

Proposed Floorplans Plot 1 ref P20-70-02-03-03-Plot 1 dated Nov 2023

Proposed Floorplans Plot 2 ref P20-70-02-03-01-Plot 2 dated Nov 2023

Proposed Streetscene ref P20-70 02-05-03 dated 10/25/2022

Proposed Garage Plans and Elevations ref P20-70 02-03-02 dated 10/25/22

Appendix 3 Access and Visibility plan ref NCJ-001 dated Dec 2022 in the Highway Technical Note by Nick Culhane received 26 Sept 2023

Design & Access Statement ref P20-070-01 dated September 2023

Preliminary Ecological Appraisal by Vesper dated 21/2/24

Arboricultural Impact Assessment, Tree Schedule and Protection Plan by SJ Stephens Associates dated 17th January 2023

Preliminary Tree Protection Plan ref 2050-01 dated Jan 2023 (in the AIA)

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

3 The materials for the development hereby approved shall be in accordance with the submitted elevation plans and application form details hereby approved, namely timber and metal cladding to the external walls above a brick plinth and slate roof tiles for the dwellings and timber cladding with slate tiles for the garages. The shared parking and turning area shall be finished in paving setts or an equivalent consolidated surface.

Reason: To secure a harmonious form of development

4 No site clearance and no removal of any trees and shrubs shall take place on the site within the red line area of the approved site plan (Rev G) until full details of a Wildlife Protection and Enhancement Scheme (WPES) have been submitted to and approved in writing by the local planning authority. These details shall include:

• Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, reptile exclusion and translocation methods and pre-commencement checks for protected species.

The development shall be implemented in accordance with the approved Scheme.

The ecological enhancement features shown on the approved site plan ref (Proposed Site Plan ref P20-70-02-02-01 Rev G dated 8/4/24) shall be installed before the dwellings are occupied and maintained in situ for the lifetime of the development.

REASON: To avoid adverse impacts on biodiversity and to provide ecological enhancements.

5 The development shall be carried out in strict accordance with Arboricultural Impact Assessment, Tree Schedule and Protection Plan by SJ Stephens Associates dated 17th January 2023 and the Preliminary Tree Protection Plan ref 2050-01 dated Jan 2023 (in the AIA), as may be updated by the Wildlife Protection and Enhancement Scheme to be approved.

The protective fencing should be erected in accordance with BS5837:2012 before any work commences, including demolition or other enabling works. The fencing, or other protection, which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works have been completed and all equipment, machinery and surplus materials removed from the site.

REASON: To ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site are adequately protected during the period of construction.

6 All soft landscaping and new tree and hedgerow planting comprised in the approved details on the site plan ref Proposed Site Plan ref P20-70-02-02-01 Rev G dated 8/4/24 and any details to be subsequently approved (under the Wildlife Protection and Enhancement Scheme) shall be carried out either in accordance with the timings set out in the documents to be approved in writing or in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner.

All shrubs, new trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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, unless otherwise agreed in writing by the local planning authority.

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

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), there shall be no extension or alterations to the roofslopes to the approved dwellings and no window, dormer window or rooflight (other than those shown on the approved plans) shall be inserted in the walls and roofslopes of the development hereby

permitted other than approved as part of a formal planning application by the Local Planning Authority

REASON: In the interests of residential amenity and privacy.

8 The hours of construction for the development shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Reason: In the interests of neighbouring amenities.

9 The dwellings hereby approved shall not be occupied until the Building Regulations Optional requirement of maximum water use of 110 litres per person per day has been complied with.

REASON: To avoid any adverse effects upon the integrity of the River Test Special Area of Conservation

10 No part of the development shall be occupied, until the visibility splays shown on the approved plans (Appendix 3 Access and Visibility plan ref NCJ-001 dated Dec 2022 in the Highway Technical Note by Nick Culhane received 26 Sept 2023) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

11 The development hereby permitted shall not be occupied until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

12 Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway.

REASON: To ensure that the highway is not inundated with private surface water.

12 Any gates shall be set back 4.5m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

14 No part of the development hereby permitted shall be occupied until the access, turning area & parking spaces [6 No] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

15 The package treatment plant (and any drainage field) shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant (and any drainage field) shall be installed, connected and available prior to the development first being occupied and shall be maintained and operated thereafter for the lifetime of the development.

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

16 Before the commencement of development of the dwellings hereby approved above slab level, an acoustic report shall be submitted to and agreed in writing by the Local Planning Authority. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report shall include full details of any scheme of mitigation required to achieve this standard and the approved details shall be implemented in full before the dwellings are occupied and retained for the lifetime of the development.

REASON: In the interests of the future amenities of the occupiers for the lifetime of the development.

17 In the event that contamination is encountered at any time when carrying out the approved development, then no further development shall be carried out until the Local Planning Authority has been advised in writing of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be agreed in writing by the Local Planning Authority. The statement shall be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use. The remediation strategy shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

Noise and Acoustic Report

In discharging this condition, the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

Nesting Birds and Protected Species:

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.

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.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which **will NOT require the approval of a biodiversity gain plan** before development is begun because statutory exemptions or transitional arrangements are considered to apply.

Highways and Drainage

The application involves alterations to the existing vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk

EV Charging: The suitability and location of the Electric car charging points need to be check and covered by Building Regulations.

CIL: The applicant is advised that the development may represent chargeable development (unless the development is self-build and exempt) under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Sched ule. A separate Community Infrastructure Levy Liability Notice would be issued by the Local Planning Authority in the event of planning permission being granted. Please refer to the Council's Website

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

S106 Agreement

This decision shall be read in conjunction with the Section 106 Agreement completed on 3rd of September 2025 and relating to mitigation for the River Test and New Forest protected sites, and which is payable before the commencement of development.

Nic Thomas **- Director of Planning, Economy and Regeneration**

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 Community Infrastructure Levy (CIL) - Wiltshire Council