

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 20/04524/FUL

Agent Savills Savills Embassy House Queens Avenue Bristol BS8 1SB Avon	Applicant Jennifer and Eddy Shah Steinbrook House Swindon Road Kington Langley SN15 5LY
Particulars of Development: Full planning application for the erection of a single dwelling of exceptional quality and innovative nature of design and creation of new access and associated landscaping	
At: Land south of Steinbrook House, Swindon Road, Kington Langley, Chippenham, Wiltshire,	

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:

- 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 No development shall commence on site until a scheme of hard and soft landscaping has been 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;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;

. All hard and soft surfacing materials;

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the 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 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan – PROW – 115_PL_001 B
- Existing Block Plan – 115_PL_002 B
- Proposed Block Plan – 115_PL_003 B
- Proposed Site Plan – 115_PL_004 B
- Proposed Ground Floor Plan – 115-PL-005
- Proposed Roof Floor Plan – 115-PL-006
- Existing Elevation ES – 115-PL-010
- Proposed Elevation NS – 115-PL-011
- Proposed Elevation NS (1) - 115-PL-016
- Proposed Elevation EW - 115-PL-012
- Proposed Elevation EW (1) 115-PL-017
- Proposed Section AB - 115-PL-013
- Proposed Section CD - 115-PL-014
- Proposed Section EF - 115-PL-015
- Section through accessible garden and KLAN5 footpath – 115_PL_021
- Jacksom's Lane – View 5 Site Section – 115_PL_020
- Planting Plan 0 1267-201-P5
- Formal Garden Illustrative Masterplan – 1267-R002-P4
- Landscape General Arrangement Plan – 1267-001-P4
- Illustrative Masterplan – 1267-R001-P4
- Landscape Management Plan – 1267-SP-01-P4
- Establishment of Wildflower Areas – 1267-SP-02-P1
- Statement – Gradients to wheelchair accessible paths – 1267-10-P1
- Wheelchair Accessible Planter – 1267-401-P1
- Arboricultural Impact Assessment - LC 00542 May 2020
- Tree Survey LC 00542 May 2020
- Energy and Sustainability Strategy – P389-R-001 Rev A 290520
- Proposed Site Access Arrangements – S651-10B
- Upbrook House – Updated Submission 240221
- Accessible Design Features Document

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or

amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings other than a single greenhouse, the position and design of which shall be submitted to and approved in writing by the Local Planning Authority, shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- 7 Prior to any development above slab level, details of the type of glazing to be fitted to all glazed areas to prevent reflective glare, shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be fitted prior to the first occupation of the dwelling hereby permitted and permanently maintained thereafter.

REASON: To protect the visual amenity of the area.

- 8 Prior to the first occupation of the dwelling hereby granted planning permission, the accessible design features detailed within the Accessible Design Features document dated 24/02/2021 shall be installed in their entirety and be made fully functioning. Those accessible design features shall be retained in their entirety and shall remain functional at all times thereafter. Any subsequent development or alteration of the accessible design features (as set out in the submitted document) of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

REASON: To ensure that the design features that were used to justify the dwelling area retained.

- 9 The development shall be carried out as specified in the approved Findings of the Arboricultural Impact Assessment prepared by Landscape Collective dated May 2020 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

- 10 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 practise.

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: To ensure the retention of trees on the site in the interests of visual amenity.

- 11 The development hereby permitted shall be carried out in strict accordance with the following documents :-

- " Figure 1: Dark Area Plan. GE Consulting, (7/10/2020).
- " Ecological Enhancement Plan. GE Consulting, (November 2020).
- " Planting Plan - Site Wide. Macgregor Smith, Drawing Number 1267-201.
- " Landscape Management Plan. Macgregor Smith Ltd, (02/06/2020).

REASON: In the interests of ecology.

- 12 No development shall take place, including demolition, ground works, vegetation clearance until a CEMP has been submitted and approved by the Local Planning Authority. The statement shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species and habitats (namely reptiles, breeding birds, hedgehogs, hedgerows, woodland, trees and water courses). The approved statement shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure adequate protection and mitigation protected species in accordance with Core Policy 50 and the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 13 No new external artificial lighting shall be installed at the development site unless otherwise agreed in writing by the local planning authority.

REASON: The Site supports features of known value to nocturnal species that are sensitive to light pollution including foraging and commuting bats. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

- 14 No development shall commence within the area indicated by application 20/04524/FUL until:

- a) A written programme of archaeological investigation, which should

include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

Informatives:

In this instance the archaeological investigations should take the form of a trial trench evaluation, with trenches located within the footprints of proposed buildings and the new access road. This trenching should sample 5% of the total area of the proposed development and should be carried out by qualified archaeologists. The costs of the work to be borne by the applicant.

- 15 Prior to commencement of the development hereby permitted, details of the methods and procedures for publicly sharing the methods used and lessons learned from both the design, development and post occupation lessons, shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall be made publicly available as agreed in perpetuity.

REASON: To ensure that the construction of this dwelling has opportunity to raise standards of design in rural areas.

- 16 The development shall be carried out in accordance with the details of flood compensation areas and the proposed drainage strategy for the site as set out in the FRA dated June 2020 by PFA Consulting ; received 3rd June 2020.

REASON: To prevent flooding.

- 17 No development shall commence on site 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 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, in the interests of visual amenity and the character and appearance of the area.

- 18 The development hereby permitted shall not be first occupied until the first five metres 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. Any gates shall be set back 5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 19 No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans. They shall be retained thereafter for the parking of vehicles.

REASON: In the interests of highway safety and the amenity of future occupants.

- 20 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160 metres to the North and South from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 21 No part of the development shall be occupied or first brought into use until the passing/waiting bay(s) shown on the plans hereby approved has/have been formed in accordance with the approved details. The passing/ waiting bay(s) shall at all times thereafter be kept clear of obstructions and available for passing/parking of vehicles.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

- 22 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular (except for the provision of an emergency vehicle access), have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access (except for the agreed emergency vehicle access) to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

- 23 The development hereby permitted shall not be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

INFORMATIVE TO APPLICANT:

The applicant is advised that there will be a requirement to enter into a S278 Legal Agreement with the Council to secure the highway works for the existing and proposed access points. The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway.

The applicant is advised that the retaining wall structure proposed requires consultation with the highway structures department.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer

INFORMATIVE TO APPLICANT:

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>.

Signed

Sam Fox

Director Economic Development & Planning

Dated: 20 April 2021

Town and Country Planning Act 1990
PERMISSION FOR DEVELOPMENT
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.

In particular the applicant is reminded of the following matters:-

- 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>). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which

are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work
6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.