

The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2024/11332
Decision Date: 24 February 2025

Applicant: C/O Agent - RAW Planning Ltd.
Particulars of Development: Variation of condition 2 and 3 relating to application PL/2022/07328.
At: The Hullavington Arms , The Street , Hullavington , SN14 6DU

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: (20)

- 1 The development hereby permitted shall be begun before 08 July 2027

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:

As received by the Local Planning Authority on 19.12.2024:

- Proposed Site Plan, AA/21/05/08 Rev D
- Proposed Ground Floor Plan, AA/21/05/05 Rev C
- Proposed Elevations, AA/21/05/07 Rev B

As received by the Local Planning Authority under PL/2022/07328, on 17.04.2024:

- Revised Proposed detached dwelling and Revised Proposed Ground Floor

As received by the Local Planning Authority under PL/2022/07328, on 21.09.2024:

- Existing Site Plan and Location Plan, Drawing No. AA/21/05/04 Revision A,
- Proposed First Floor Plan and Second Floor Plan, Drawing No. AA/21/05/06 Revision A,
- Noise Impact Assessment report, Reference: 10292/JC Revision B

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

- 3 Prior to the first occupation of any part of the residential development hereby approved, all external and internal works associated with the new public house, including restaurant and café, shall be fully completed to accord with the proposed ground floor, Drawing AA/21/05/05 Rev C and the proposed elevations, Drawing No. AA/21/05/07 Rev B, and the building shall be capable of full opening to customers / members of the public.

REASON: To protect the community assets in the locality.

- 4 The new public house 'also known as the Old Stables' shall be used as public house, including restaurant and café, (sui-generis) and for no other purpose (including any other purpose in Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouses hereby permitted or within their curtilage.

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 enlargements.

- 6 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the any part of the existing and proposed building hereby permitted.

REASON: In the interest of residential amenity and privacy.

- 7 Prior to the first occupation of any part of the proposal hereby approved, details of secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the relevant part of development hereby permitted and shall always be retained for use 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.

- 8 Prior to the installation of the kitchen extraction or mechanical plant to the public house hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority. 1) An assessment of the acoustic impact arising from the operation of the kitchen extraction and mechanical plant shall be undertaken in accordance with BS4142:2014 +A1:2019. The assessment shall be submitted to the Local Planning Authority at together with a scheme of attenuation measures to demonstrate that the development can achieve a rating level of 36dB (Daytime 07:00-23:00) and 28dB (nighttime 23:00- 07:00) at the nearest noise sensitive location The attenuation scheme shall be approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 9 Prior to the first use of the proposed public house hereby approved, the following mitigation measures shall be carried out in full and retained as such thereafter. - Mechanical ventilation to ensure doors and windows to the pub building can remain

closed at all times (including door to the kitchen apart from deliveries) - Deliveries to be restricted to daytime hours between 08:00 and 18:00 only - Table 12- specifying the sound reduction requirements of doors (including frames and seals) - Table 13- specifying the sound reduction requirements for the blocked off door in the public area that is to be retained. - Table 14 – specifying the sound reduction requirements of windows. - A double door lobby system, both doors and lobby layout providing noise reduction of at least 29dB Rw and each door meeting the specification given in table 15. - The provision of 2 metre high acoustic fence is proposed between the pub and the gardens to the cottage gardens to accord with Noise Impact Assessment Reference: 10292/JC Revision B. This acoustic fence shall be solid, with no gaps and a minimum surface density of 10 kilograms/m2.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 10 The proposed public house hereby approved, the following mitigation measures shall be carried out in full and retained as such thereafter. - The outdoor seating area to close at 21:00 hours. - Seating in the outdoor seating area to be limited to 3 benches/tables of a size for 6 people.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 11 Prior to the first use of the public house hereby approved, a noise assessment shall be conducted to demonstrate music noise can be adequately reduced by the structure to ensure sufficient level of amenity for the adjacent occupiers will be safeguarded, with proposed remediation measures if necessary. The detailed noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the assessment shall be made according to the criteria within Wiltshire Council Noise and Planning Technical Guidance. Development shall be strictly carried out prior to the first use of the public house hereby approved and shall be retained as such thereafter only background music shall be played at the premises or its curtilage at any time.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

- 12 The use hereby permitted shall not operate until a scheme containing full details of arrangements for internal air extraction, odour control and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include full technical details and a risk

assessment in accordance with Appendix 2 and 3 respectively of the EMAQ “Control of odour and noise from commercial kitchen exhaust systems” Guidance (Gibson, 2018). The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

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

REASON: In the interests of conserving biodiversity.

- 14 The development will be carried out in strict accordance with the following documents:- Section 5 of ecology report: Ecology Impact Assessment, Ref: WWE22113 ECIA FINAL, Date 17/10/2022 by Wildwood Ecology Limited.

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

- 15 Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Precautionary Working Method Statement (PWMS) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase. Development shall be carried out in accordance with the approved details.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

- 16 Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of biodiversity mitigation and enhancement measures shall be submitted to the local authority for approval in writing. The approved details shall be implemented before occupation of the final works. This condition will be discharged once photographic evidence of installed features has been submitted to and approved by the local planning authority. These measures will continue to be available for wildlife for the lifetime of the development.

REASON: To provide mitigation and enhancement for biodiversity.

17 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries; has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be complied with in full 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.

18 No external works shall be carried out until details of the external materials, including wall material and roof materials for relevant part of the development 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: In the interest of visual amenity and character and appearance of the area.

19 Prior to the first occupation of any part of residential development hereby approved, 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;

- A detailed planting specification showing all plant species, supply and planting sizes, planting densities; time of planting
- Means of enclosure;
- All hard and soft surfacing materials;
- Minor artefacts and structures (e.g. refuse and other storage units);
- A tree planting scheme, including number of trees, of a size and species in a location, and time of planting to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428,
- A landscape maintenance scheme for a minimum of 5 years

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission to ensure a satisfactory landscaped setting for the development and the protection of existing landscape features.

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There shall be no customers / members of the public on the public house site outside the hours of 08:00 and 23:00 Mondays to Sundays (including Bank or Public Holidays).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Informatives: (7)

- 21 The proposal may include an 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 a license 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 the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.
- 22 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.

- 23 The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 24 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
- 25 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.
- 26 Statutory Undertakers. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the

sewer in question.

- 27 Property Rights. 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