

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 14/05698/FUL

Agent A Harlow & Son 31 Roundponds Melksham Wiltshire SN12 8DL	Applicant Mr David Gibbon 16 Berryfield Park Melksham Wiltshire SN12 6ED
Parish: MELKSHAM WITHOUT	
Particulars of Development: Proposed New Dwelling	
At: Land North of, 16 Berryfield Park, Melksham, Wilts, SN12 6ED	

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 187 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 Notwithstanding the submitted details no development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

- 3 No development shall commence on site until a plan showing details of the provision of roosts and a means of access for bats into the new building and details of the provision of nesting sites for House sparrow, Starling, Swift and House martin into the

new building has been submitted in writing to the local planning authority for approval. The development shall then be carried out in accordance with the approved details prior to the dwelling hereby approved being first occupied.

REASON: To provide additional roosting opportunities for bats and nesting sites for birds as a biodiversity enhancement in accordance with paragraph 118 of the National Planning Policy Framework.

- 4 No development shall commence on site until details of how the insulation of the external walls will comply with Table E.2 (Sound Insulation of 50-54 DnT,w dB) of BS 8233:1999 Sound insulation and noise reduction for buildings Code of practice has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of residential amenity

- 5 No development shall commence on site until details of how all the proposed windows will be designed and installed so as to be a minimum weighted sound reduction index of 45 Rw dB as detailed in table 10 of BS 8233:1999 Sound insulation and noise reduction for buildings Code of practice has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of residential amenity

- 6 Notwithstanding the submitted information, no development shall commence on site until the tree which is protected by a Tree Preservation Order has been enclosed by protective fencing in accordance with the Arboricultural Method Statement and drawing labelled Tree Protection Plan received by the Local Planning Authority on 25.07.2014. The protective fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 7 The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement and drawing labelled Tree Protection Plan received on 25.07.2014.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 8 No part of the development shall be first brought into use until the visibility splay shown on the approved plan has been provided with no obstruction to visibility at or above a height of 900 mm above the nearside carriageway level with the exception of the telegraph pole The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 9 The development hereby permitted shall not be first brought into use/occupied until the car parking spaces have been consolidated and surfaced (not loose stone or gravel). The car parking spaces shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 10 No part of the development hereby permitted shall be first brought into use until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no first floor windows shall be inserted in the southern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 12 Notwithstanding the approved plans the proposed first floor windows in the western elevation serving a bathroom shall be glazed with obscure glass only to an obscurity level of no less than level three and permanently fixed shut to a height of 1.7m above finished first floor level prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy

- 13 Notwithstanding the submitted details the dwelling hereby approved shall not be occupied until the surface water drainage has been constructed in accordance with an email received by the Local Planning Authority on 5th August 2014.

REASON: To ensure that the development can be adequately drained and that there would be no harm to highway safety.

- 14 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 08:30 to 18:00, Saturday 08:30 to 13:00, nor anytime on Sundays or public holiday.

REASON: In the interests of residential amenity

- 15 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No AH2014/09 Sheet 1 of 2 and Drawing No AH2014/09 Sheet 2 of 2 received on 23.07.2014

Drawing labelled Tree Protection Plan and drawing annotated as BS5837(2012 received on 25.07.2014

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

- 16 INFORMATIVE TO APPLICANT: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

- 1 INFORMATIVE TO APPLICANT:

Water Supply and Waste Connections:

New water supply and waste water connections will be required from Wessex water

to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets:

A public water main/public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing water mains/public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing water mains/public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer:

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please telephone our Sewer Protection Team to discuss further 01225 526333.

Diversion of water mains and sewers:

Where development proposals affect a public water main or sewer, it may be possible to divert by agreement with Wessex Water. Diverting a water main/public sewer will be subject to satisfactory engineering proposals and a legal agreement subject to the provisions of S185 Water Industry Act 1991.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Odour:

You should be aware that the site is situated approximately 213 metres away from our Bowerhill Sewage Treatment Works. Whilst we do not believe the proposal will be unduly affected it should be noted that the proposal could be subject to odours from the normal operation of our works. Odour is covered by the Statutory Nuisance controls laid down in Part III of the Environmental Protection Act 1990 and enforced by Local Authorities by way of abatement notices.

Signed



Director for Economic Development & Planning

Dated: 04 August 2014

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