

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 17/05957/FUL

Agent Spratley Studios Unit 7 Centenary Business Park Station Road Henley on Thames RG9 1DS	Applicant J Faith & D. Morrison Apartment 31 10 Rochester Row London SW1P 1NS
Particulars of Development: Demolition and replacement of the single family dwelling.	
At: Knighton Mill, Knighton Road, Broad Chalke, SP5 5DX	

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 The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule.

Code For Sustainable Homes, pre-assessment report, EB7 Ltd, 13/4/17
Design and Access Statement by Spratley Studios, May 2017
Statement of Significance by Asset Heritage Consulting, AHC REF: 9407, Jan 2016
Statement of Significance by Asset Heritage Consulting, AHC REF: ND9407, Jan 2016 (revised January 2017)
Archaeological Desk Based Assessment by CGMS Heritage, May 2017
Flood Risk Assessment by Glanville, Issue 2: 20 June 2017 Ref: CV8161027/DB/DW/004
Planning Statement by JPPC dated June 2017
Lighting Impact Assessment, by Quinn Ross Consultants Ltd, DOCUMENT REF:

P1327-LIA, F3 - June 2016

Ecology Assessment, Davidson Watts Ecology Ltd, dated 2 June 2017

Landscape and Visual Impact Appraisal, by ARC, April 2017, Ref: A150-AS-01REV A

Proposed Sections 15.578.PL.0117 March 2016

Existing Location Plan 15.578.PL.0100A October 2016

Proposed Site Plan 15.578.PL.0110A October 2016

Proposed Second Floor Plan 15.578.PL.0113A October 2016

Proposed Ground Floor Plan 15.578.PL.0111A October 2016

Proposed First Floor Plan 15.578.PL.0112A October 2016

Proposed Elevations 15.578.PL.0115A October 2016

Proposed Inner Elevations 15.578.PL.0116A October 2016

Landscape General Arrangement, 515-P-00-101-P01 dated 17/06/02

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

- 3 Notwithstanding the details shown on the submitted plans and forms, no development shall commence above ground level until details of the materials for the walls and roof of the development hereby approved 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 proposed application contains insufficient information and the matter raised above is required to be agreed with the Local Planning Authority before development on the building 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.

- 4 Internal and external lighting for the development shall be implemented in accordance with the recommendations in:
- i) the Lighting Impact Assessment by Quinn Ross Consultants Ltd, DOCUMENT REF: P1327-LIA, F3 - June 2016 (see Informative) and
 - ii) Para 7.2.11 of the Ecology Assessment Davidson Watts Ecology Ltd, dated 2 June 2017

REASON: In the interests of the amenities of the AONB, to safeguard protected species and to minimise unnecessary light spillage above and outside the development site.

- 5 The development will be carried out in strict accordance with the Mitigation Recommendations Section 7 contained in the Ecology Assessment, Davidson Watts Ecology Ltd, dated 2 June 2017. All mitigation measures identified in Section 7 will be in place before first occupation of the development or in accordance with the timetable set out in the Ecology Assessment.

REASON: To ensure adequate protection, mitigation and compensation for protected species, particularly bats, water vole and nesting birds and to ensure no loss of biodiversity in accordance with Core Policy 50 of the Wiltshire Core Strategy

- 6 Permanent bat roosts and access points, including any amendments approved under a relevant European Protected Species Licence from Natural England, shall be provided in a suitable condition for use by bats for the lifetime of the development in accordance with the recommendations in Figure 6 (Bat Mitigation Design) and Section 7.2 Mitigation Recommendations of the Ecology Assessment (Davidson Watts Ecology Ltd, dated 2 June 2017). These roosts and access points will be available for bat use before the first occupation of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European

protected species.

- 7 The development shall be implemented in accordance with the Landscape General Arrangement, 515-P-00-101-P01 dated 17/06/02 and all trees and existing boundary vegetation shown on the plan to be retained shall be retained.

REASON: In the interests of neighbouring amenities, the amenities of the AONB and to safeguard protected species

- 8 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. The method statement shall be in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, and shall demonstrate how the trees to be retained within the application site shall be protected during the works. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- Identification of tree protection zones
- A schedule of any tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure

REASON: The Arboricultural Method Statement is required for mitigation of protected species and their habitats, in para 7.1.7 of the Ecology Assessment by Davidson Watts Ecology Ltd, dated 2 June 2017. The Local Planning Authority must be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 9 All soft landscaping comprised in the approved details of landscaping (Landscape General Arrangement, 515-P-00-101-P01 dated 17/06/02.) 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.

- 10 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide full details of attenuation measures to be implemented to prevent pollution of the River Ebble and mill stream and shall encompass full details of all the

measures specified in section 7.1.6 of the Ecology Assessment (Davidson-Watts Ecology Ltd, 2nd June 2017). The development shall be undertaken in strict accordance with the approved CEMP. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones' such as water vole burrows
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features and in accordance with the timings for demolition and tree/landscape works set out in Section 7 Mitigation Recommendations of the Ecology Assessment.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- j) Safeguards to be implemented during the construction phase to minimise the risks of pollution to the watercourses from the development including
 - the use of plant and machinery
 - wheel washing and vehicle wash-down
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles in relation to local roads
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes
 - plant and vehicle emission controls
 - dust management and monitoring and
 - noise and vibration

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: In the interests of neighbouring amenities during the construction phase, the River Ebbles County Wildlife Site (CWS), existing trees to be retained and to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats, as recommended in Section 7 of the submitted Ecology Assessment.

- 11 There shall be no installation of any heat exchange system within the application site, until (in accordance with sections 5.1.1 and 5.3.9 of the Ecology Assessment by Davidson-Watts Ecology Ltd, 2nd June 2017) further water vole surveys have been undertaken to inform the design, and to ensure that there is no adverse impact upon water voles and/or the River Ebbles County Wildlife Site (CWS). The results of the further water vole surveys together with full design details and appropriate mitigation measures shall be submitted to the local planning authority for approval prior to the commencement of any works on site associated with the installation of a heat exchange system. The proposed installation shall be undertaken in strict accordance with the approved design and mitigation measures.

REASON: To ensure adequate protection and mitigation for the River Ebbles County Wildlife Site (CWS) and associated protected and notable species, particularly water vole.

- 12 The development shall be implemented in accordance with the Code For Sustainable Homes, pre-assessment report, EB7 Ltd, 13/4/17.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 13 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (Glanville, issue 2, dated 20 June 2017) and the following mitigation measure detailed therein:
- Finished floor levels shall be set no lower than 78.60 metres above Ordnance Datum (AOD).

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 14 No development shall commence within the area indicated (proposed development site) until:

- i) 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
- ii) 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.

- 15 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 (including additional windows, rooflights or dormer windows) to the replacement dwelling 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, in the interests of neighbouring amenities and the visual amenity of the development.

- 16 Notwithstanding the Statement of Significance submitted with the application, a repair schedule including a detailed photographic record shall be submitted before:
- i) any repair works take place to the historic structures including the leat, pond walls and sluices)
 - ii) any removal of the folly commences on site.

The development shall be implemented in accordance with the schedule to be agreed.

Reason: To ensure that the significance undesignated heritage assets is not harmed by the development and associated repairs.

Informatives

1. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way in the vicinity of the site. Public footpath (BROA28) is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along this path, any householder would need to have a demonstrable private right of vehicular access.
2. 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.
3. With reference to external lighting, please refer to the AONB Position Statement on Light Pollution at www.ccwwdaonb.org.uk, Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings, and Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", and
4. 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.
5. In view of the potential flood risks in this locality, the Environment Agency advises that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings - Flood Resilient Construction, May 2007' available at:-
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
6. In addition to any other permission(s) that you may have already obtained, e.g. planning permission, you may need an environmental permit for flood risk

activities (formerly known as Flood Defence Consent prior to 6 April 2016) if you want to carry out work:

- in, under, over or near a main river (including where the river is in a culvert)
- on or near a flood defence on a main river
- in the flood plain of a main river
- on or near a sea defence

For further information and to check whether a permit is required please visit:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting Officer, daniel.griffin@environment-agency.gov.uk / yvonne.wiacek@environment-agency.gov.uk

7. It is proposed to connect to the existing package treatment plant. The applicant should be aware that the treatment plant may require an Environmental Permit from the Environment Agency. Further guidance is available here - <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>
8. Any archaeological work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.
9. The property is currently accessed by a public footpath (BROA28). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along this path, any householder would need to have a demonstrable private right of vehicular access. At no time can the right of way be obstructed.
10. The applicant is advised that separate consents from the LLFA may be required for flow rate and outfall for a new discharge connection to the ordinary water course.

Signed



Director for Economic Development & Planning

Dated: 13 September 2017

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 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.