

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 15/04954/FUL

Agent Paul Stevens Architecure 108A Fisherton Street Salisbury Wiltshire SP2 7QY United Kingdom	Applicant Mrs Bev Cornish West View Slab Lane Downton Salisbury Wiltshire SP5 3PS United Kingdom
Parish: DOWNTON	
Particulars of Development: Partial demolition of some flat roof structures at the back of the Memorial Hall. Replace these with a Community Pre-School with play area and Community Meeting Rooms.	
At: Memorial Hall, The Borough, Downton, Wiltshire, SP5 3NB	

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:

Drawing number 636/06C (undated), as deposited with the local planning authority on 03.1.15, and

Drawing number 636/08 dated 09.04.15, as deposited with the local planning authority on 21.05.15, and

Drawing number 636/10 dated 09.04.15, as deposited with the local planning authority on 21.05.15, and
Drawing number 636/07C (undated), as deposited with the local planning authority on 03.11.15, and
Drawing number 636/11A dated 10.04.15, as deposited with the local planning authority on 08.06.15, and
Drawing number 636/09C (undated), as deposited with the local planning authority on 03.11.15.

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

- 3 No development shall commence on site until the exact details and specifications of the materials to be used for the external walls, roofs and for the proposed windows 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

- 4 No development shall commence on site until a Green Travel Plan has been submitted to, and approved in writing, by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 5 The removal of trees or trimming of tree limbs shall only be undertaken by a climbing Arborist with bat experience. Should bats be found in concealed cavities of trees, Natural England shall be consulted for advice on how to proceed and the necessity for a Protected Species Licence.

Reason: In the interests of nature conservation and the preservation of protected species.

- 6 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of the amenity of nearby residents.

- 7 No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

Reason: In the interests of the amenity of nearby residents.

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

- 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

- 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.

- 9 Prior to the commencement of development, detailed plans and designs for the proposed new walls, stepped access etc. (which will form part of the flood defence scheme), plus method statements for the demolition/construction phases including allowances made for flood risk management contingency, shall be submitted to the local planning authority and agreed in writing. Development shall be carried out in accordance with the details thereby agreed.

Reason: To ensure adequate mitigation in terms of flood defence and flood risk for the proposed development and surrounding area.

INFORMATIVES:

The Environment Agency advises that the applicant will need to consider the following points when discharging the proposed conditions and/or applying for Flood Defence Consent from the Environment Agency:

1. Temporary Removal Of Defence

The existing boundary wall forms part of the flood defence scheme for this area. When this is removed, and before the proposed new Memorial Hall extension and new boundary wall is constructed, the flood defence scheme will be compromised. To help ensure that there is minimal flood risk as a result of this work we request that the following options are incorporated by the developer (please note that our advice could change at short notice if conditions dictate):

A. If the works are to be undertaken in the summer months and ground water levels are low (we can advise on groundwater levels as required) then we would be comfortable that the developer would only require an approved contingency plan (details to be agreed).

B. If the works are to be undertaken in the summer and ground water is high or the long range forecast predicts unseasonably high rainfall then we would want to see an approved contingency plan with materials on site to enable rapid deployment of a temporary flood defence.

C. If works are to be undertaken in the winter months and groundwater levels are low and the long term forecast is dry then we would want to see an approved contingency plan with materials on site to enable rapid deployment of a temporary flood defence.

D. If works are to be undertaken in the winter with normal or high groundwater and normal or high rainfall then we would require temporary defences pre-installed before works commence on site for the duration of the works.

2. Flood Embankment / Wall.

A. We would not want any plant accessing site over the existing flood embankment that runs across the Memorial Gardens. However, if this is essential, then there must be a pre-agreed methodology to protect the embankment. There must also be no storage of plant or materials on top of or within 2 metres of the embankment toe.

B. The new walls that will form part of the flood defence scheme (to be advised) must be designed in accordance with Environment Agency specification. Any damage to the existing flood walls or embankment must be made good to the satisfaction of the Environment Agency before the contractor leaves site.

C. Details of the existing embankment and walls can be provided (after the upcoming Easter break) and we would expect any extensions or repairs to either the wall or the embankment to be to our provided specification.

D. We will require a before and after survey of the flood defences (to be specified later).

E. We will require daily photos of key sections (to be specified later) to be provided to enable the updates to the health and safety file for the site.

3. Construction Traffic

If construction traffic and heavy machinery is to be brought to site via the Long Close route they should be of an appropriate size not to damage the twin culvert under Long Close. If any damage is sustained it should be made good at the expense of the contractor. Before and after survey of the culvert will be required if this route is used.

4. Dropboard

Any fixtures for the existing dropboard installed within the Memorial Hall boundary wall should be removed from site and returned to the Environment Agency in the best condition possible ready for reuse. The replacement stepped access has been previously discussed in principle with design details to be agreed.

5. Flood Defence Consent

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed (permanent or temporary) works or structures in, under, over or within 8 metres of the top of the bank of the River Bunny, designated a 'main river' and the flood defence scheme. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin (Tel: 02030 259299).

ARCHAEOLOGY INFORMATIVE

Further Recommendations: The work should be conducted by a professional archaeological contractor in accordance with a Written Scheme of Investigation agreed by this office. There will be a financial implication for the applicant.

ECOLOGY INFORMATIVE

There is a very low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or

substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

Signed

A handwritten signature in black ink, appearing to read 'Alan Cummins', written in a cursive style.

Director for Economic Development & Planning

Dated: 14 April 2016

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