

## Town & Country Planning Act 1990

### Notification of Full Planning

Application Reference Number: 20/03841/FUL

<b>Agent</b> Chedburn Codd Glove Factory Studios 1 Brook Lane Holt Bradford-on-Avon BA14 6RL	<b>Applicant</b> Mr Tony Scorer Church of St Mary the Virgin New Park Street Devizes Wiltshire SN10 1DS
<b>Particulars of Development:</b> Demolition of existing vestry, to be replaced with new single storey extension with a new link through doorway. New landscaping to create level access, and internal reordering of existing church.	
<b>At:</b> Church of St Mary the Virgin, New Park Street, Devizes, Wiltshire SN10 1DS	

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

Application Form  
Heritage, Design and Access Statement  
Statement of Need  
Statement of Significance  
Letter from Ian Pocock (Arboricultural Consultant and Contractor) dated 17 March 2013  
Archaeological Evaluation (Headland Archaeology (UK) Ltd, January 2012)  
Written Scheme of Investigations for an Archaeological Evaluation (Michael Heaton Heritage Consultants, August 2011)  
Business Plan, including Options Appraisal & Running Costs  
Historic Building Assessment (Matthew McMurray 22 September 2009)  
Drainage Sketch  
Photographic Images

Location Plan (Drawing No.1735/01)  
Church Floor Plan as Existing (Drawing No. 1735/02)  
Church Sections as Existing (Drawing No. 1735/04)  
Church Elevations as Existing (Drawing No. 1735/05)  
Site Plan as Existing (Drawing No. 1735/06)  
Masterplan as Proposed (Drawing No. 1735/20A)  
Elevations as Proposed (Drawing No. 1735/21A)  
Sections/Elevations as Proposed (Drawing No. 1735/22A)  
Revised Site Plan as Proposed (Drawing No. 1735/23C)  
Revised Roof Plan as Proposed (Drawing No. 1735/24B)  
Sections/Elevations as Proposed (Drawing No. 1735/25)  
New Door in East Wall of North Aisle as Proposed (Drawing No. 1735/32)

REASON:

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

- 3 No development above slab level shall commence on site until details and samples of all new materials, including roofing, walling and hard landscaping, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON:

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected .

- 4 No works shall commence in respect of the construction of the stone walling hereby permitted until a sample panel, not more than 1 metre square, for the new section of wall has been constructed, inspected and approved in writing by the local planning authority. The wall shall be constructed in accordance with the approved details prior to the first use of the extension hereby permitted.

REASON:

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area is protected.

- 5 All hard landscaping shall be carried out in accordance with the approved details prior to the first use of the extension hereby permitted.

REASON:

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected.

- 6 No works shall commence on site until the trees within the churchyard have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): Trees in Relation to Design, Demolition and Construction - Recommendations. Before the fence is erected its type and position should be approved in writing by the local planning authority and after it has been erected, it 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, should be allowed within the protected areas.

REASON:

To ensure the protection of trees on the site, in the interests of visual amenity.

- 7 No service runs shall be laid until details, including their positioning, 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:

To ensure the protection of trees on the site, in the interests of visual amenity.

- 8 Notwithstanding the details submitted as part of the application, no development shall commence on site until a written programme of archaeological investigation, which shall include on-site work and off-site work such as the analysis, publishing and archiving of the results, along with details of the relocation of the skeletal remains, has been submitted to and approved by the local planning authority. The programme of archaeological work shall be carried out in accordance with the approved details.

REASON:

To ensure that buried archaeology is not harmed as a result of the development.

- 9 No development shall take place on site until details of the proposed slab level in relation to the existing and proposed surrounding ground levels 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 detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected .

- 10 No external lighting shall be installed until details (including lux levels, positioning and angle of lighting) have been first submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details.

REASON:

To ensure that protected species are not harmed as a result of the development and in the interests of visual amenity.

- 11 No works shall commence on site until a construction method statement has been submitted to and approved in writing by the local planning authority, which should include details of the following:

the parking of vehicles of site operatives and visitors;  
loading and unloading of plant and materials;  
storage of plant and materials used in constructing the development;  
measures to control the emission of dust and dirt during construction;  
a scheme for recycling/disposing of waste resulting from demolition and construction works; and  
hours of construction, including deliveries.

The works shall be carried out in accordance with the approved construction method statement and shall be complied with throughout the construction period.

REASON:

In the interests of visual and neighbour amenity.

- 12 The metal-framed windows and doors hereby permitted shall not be installed until full details, including large-scale drawings and sections, and details of precise finish, have been submitted to and approved in writing by the local planning authority. The windows and doors shall be installed in accordance with the approved details.

REASON:

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected.

- 13 No rainwater goods shall be installed until details (including manufacturer, material and finish) have been submitted to and approved in writing by the local planning authority. The rainwater goods shall be installed in accordance with the approved details.

REASON:

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected.

- 14 No works to the listed building shall take place until details of the proposed junctions between the new and existing buildings and the cutting of openings have been submitted to and approved in writing by the local planning authority. The works should be carried out in accordance with the approved details.

REASON:

To ensure that no harm is caused to the historic fabric of the listed building.

- 15 No development shall take place on site until details of how rainwater will be disposed from the new building have been submitted to and approved in writing by the local planning authority. The works should be carried out in accordance with the approved details.

**REASON:**

To ensure that the site is adequately drained.

- 16 No development above slab level shall commence until large-scale section and elevation details to indicate the appearance of the eaves and roof edges of the new structure have first been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

**REASON:**

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected.

- 17 Following the demolition of the vestry, details shall be submitted to and approved in writing by the local planning authority, of any making good to the main church building which is required and for the re-use of salvaged stone. The works shall be carried out in accordance with the approved details.

**REASON:**

To ensure that the historic fabric of the listed building is not harmed as a result of the development.

- 18 No works to the south path to enable level access and to provide for drainage runs shall take place until full details of those works have been submitted to and approved in writing by the local planning authority.

**REASON:**

The application contained insufficient detail and is required to ensure that the significance of the listed building, its setting and the conservation area are protected.

- 19 **INFORMATIVE TO APPLICANT:**  
The applicant is reminded that any signage may require advertisement consent.

- 20 **INFORMATIVE TO APPLICANT:**  
The applicant is requested to give consideration to restoring the existing gates when carrying out the works, in order to enhance the approach to the repurposed building.

**Signed**

*Sam Fox*

**Director Economic Development & Planning**

**Dated: 11 November 2020**

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](mailto: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.