

Town & Country Planning Act 1990

Notice of Planning Permission for Variation/Non-Compliance with a condition imposed on an earlier permission

Application Reference Number: 19/10245/VAR

Agent Turley 6th Floor North 2 Charlotte Place Southampton SO14 0TB	Applicant Dauntsey School C/O Agent
Particulars of Development: Variation of condition 2 of planning permission K/42974 (change of use from agricultural land to use of playing fields and outdoor sports facilities) to allow for different surface material for outdoor sports track, with proposed landscaping to reduce visual impact (resubmission of refused application ref 18/11759/VAR)	
At: Dauntsey's School, High Street, West Lavington, Wiltshire, SN10 4HE	

In pursuance of their 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 any conditions specified hereunder:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing no. 1 001 Issue A (Mercers Field Proposed Site Location Plan), received 07.11.19;
 - Drawing no. 102 Rev.00 (Planing Plan), received 07.11.19;
 - Drawing no. 1743 2710 Issue C (Proposed Planting Plan), received 07.02.19 (originally under application 18/11759/VAR);
 - Document no. 1743-2960 Rev A (Tree & Planting Schedules), received 07.02.19 (originally under application 18/11759/VAR);
 - Drawing no. MCA-MUK1801-01 Rev E (Setting Out as Built), received 18.11.19;
 - Drawing no. MCA-MUK1801-02 Rev D (Setting Out as Built), received 18.11.19;
 - Drawing no. MCA-MUK1801-04 Rev D (Drainage Layout as Built), received 07.11.19;
 - Drawing no. MCA-MUK1801-05 Rev D (Cross Section and Track Construction as Built), received 18.11.19;

- Drawing no. MCA-MUK1801-15 Rev D (Setting Layout as Built), received 18.11.19;
- Drawing no. MCA-MUK1801-16 Rev D (Location Plan as Built), received 18.11.19;
- Drawing no. MCA-MUK1801-18 Rev D (Fence Layout as Built), received 18.11.19;
- Drawing title. Crowd barrier with half mesh, received 07.11.19;
- Drawing no.DAUNT09-OA (Proposed Sportsfield - Section Detail), approved under application K/42974;
- Drawing no.DAUNT09-OB (Proposed Sportsfield - Section Detail), approved under application K/42974.

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

- 2 Within three months of the planning permission hereby granted a colour sample panel of the paint to be applied to the perimeter fence shall be provided on site, inspected and approved in writing by the Local Planning Authority. The fence shall thereafter be painted with the approved colour within one month of the date of the approval or in accordance with a timeframe to be agreed in writing with the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority 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.

- 3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this planning permission. 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

NOTE: The approved landscaping scheme involves the planting originally proposed on drawing no. 1743 2710 Issue C (Proposed Planting Plan) and the additional planting shown on Drawing ref. Figure 4 (Revised landscape strategy with additional detailed planting proposals) listed above in condition 1.

- 4 Within three months of the planning permission hereby granted a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for new trees and shrubs approved as part of the landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: 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, to ensure the proper management of the landscaped areas in the interests of visual amenity.

- 5 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), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 6 The regarding of the site shall only be carried out in accordance with the details shown on drawing DAUNT09-OA and DAUNT09-OB, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity of this edge of the village site.

- 7 The material, colour and treatment of the athletics track hereby permitted shall not be altered or replaced until full details or any proposed works have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In order to agree a suitable replacement track treatment and colour when the track reaches the end of its existing life and requires replacing in the interest of landscape character and visual amenity.

- 8 INFORMATIVE TO APPLICANT:

The applicant is requested to notify the Local Planning Authority when the approved soft landscaping scheme required by condition 3 has been planted, and to discuss possible further planting with the Parish Council which was offered by the Head Master during the Eastern Area Planning Committee meeting.

Signed

Sam Fox

Director Economic Development & Planning

Dated: 30 January 2020

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 – 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.
 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 District 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.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – www.wiltshire.gov.uk. 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