# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/10020 |
| **Application Type:** | Full planning permission |
| **Site Inspection:** | |
| **Consultation ends:** | 11 January 2024 |
| **Case officer:** | Jane Sanger |

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| **Site Address:** | Mill Cottages, Conscience Lane, Rowde, Devizes, SN10 2JD |
| **Proposal:** | Demolition of the existing pair of semi-detached cottages on site and the construction of a replacement, two-storey single dwelling, with dormers in the roof, together with related external works. Part retrospective, creation of a new vehicular access and driveway. |
| **Recommendation:** | Approve with Conditions |

**POLICIES**

The National Planning Policy Framework (NPPF) 2023:
Chapter 4 – Decision Making
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – Making Effective Use of Land
Chapter 12 – Achieving Well Designed Places
Chapter 15 – Conserving and Enhancing the Natural Environment
Chapter 16 – Conserving and Enhancing the Historic Environment

The Wiltshire Core Strategy, Adopted January 2015:
Core Policy 1 – Settlement Strategy
Core Policy 2 – Delivery Strategy
Core Policy 41 – Sustainable Construction and Low Carbon Energy
Core Policy 50 – Biodiversity and Geodiversity.
Core Policy 51 – Landscape.
Core Policy 57 – Ensuring High Quality Design & Place Shaping
Core Policy 58 - Ensuring the Conservation of the Historic Environment
Core Policy 60 – Sustainable Transport
Core Policy 61 – Transport and Development
Core Policy 67 – Flood Risk

HC25 – Replacement Dwellings (Saved from The Kennet Local Plan – 2004)

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990

Planning Practice Guidance (PPG).

The Wiltshire Local Transport Plan 2016-2026: Car Parking Strategy (March 2015).

**CONSULTATION RESPONSES**

Rowde Parish Council – no comments to make.

Highway Officer – no objections, subject to conditions.

Drainage Officer – supports the proposals, subject to conditions.

Archaeologist – there are no archaeological issues in this instance.

Tree and Landscape Officer – no objections, subject to a condition.

Ecology Officer – no objections, subject to conditions.

**REPRESENTATIONS**

There have been no third party comments received.

**KEY ISSUES:**

- Relevant planning history.
- The Principle of Development.
- Design, visual amenity and impact upon the character and appearance of the area.
- Impact upon neighbour amenity.
- Impact upon highway safety.
- Impact upon drainage and flooding.
- Impact upon ecology.
- Impact upon trees.
- Impact upon areas of archaeological significance.
- Impact upon the setting of the listed building.

**ASSESSMENT**

Site Description

The application site relates to Mill Cottages, Conscience Lane, Rowde. The site comprises a pair of semi-detached cottages, Nos. 1 and 2, constructed from brick, with some stone dressings to No. 2, under slate tiled pitched roofs, with windows and doors constructed form upvc, timber and metal.

There are three outbuildings within the garden, including; a summerhouse, to the north of the cottages; a corrugated flat roof structure to the north-west, in part comprising a logstore; and a metal corrugated building on the inside edge of the front, northern boundary. There is an oil tank located to the southern, rear of the house.

The dwellings occupy a domestic curtilage of approximately 3.4 acres (1.3 hectares), which is screened on all sides by a combination of mature trees; dense vegetation and hedgerows. Along part of the front, northern boundary of the site, there is a timber, closed boarded fence, at approximately 1.8m to 2m high. There is an existing vehicular access in the front northern boundary, which is currently blocked up with timber and herras fencing. A new vehicular access is under construction at the site, also in the northern front boundary to the north-west of the cottages.

The site lies to the north-east of Rowde and to the north-west of Devizes. It is located outside the Development Boundary for Rowde and is therefore defined by the Wiltshire Core Strategy as being in the open countryside. It is within the setting of the listed building. Vehicular access to the site is via a minor C road classification. There is a watercourse (brook) extending along the southern, rear boundary of the site. The site is identified as being within flood zone 1.

The proposals:

The application seeks full planning permission for the demolition of the existing pair of semi-detached cottages and their replacement with a 2.5 storey dwelling, with pitched roof dormers in each of the roofslopes and the associated construction a new vehicular access in the northern front boundary to the north-west of No. 2. It is noted that the opening in the front boundary to create this access has already been carried out.

The existing pair of two-storey semi-detached cottages have gross internal floor areas of 110sqm (No. 1) and 92 sqm (No. 2) respectively, giving a total area of 202 sqm, within a shared site of 3.4 acres, 1.3 hectares. The footprint of the proposed dwelling will have a gross internal area of 501 sqm, providing the following accommodation: sitting room; kitchen; utility; dining room; games room; playroom; office/study; and a cloakroom to the ground floor. The first floor will comprise; 5 bedrooms; shared bathroom and ensuites; and an airing cupboard. The roof space/attic will provide space for plant equipment and storage. It will not be used as habitable accommodation according to the Design & Access Statement.

The proposed materials for the replacement dwelling will be brickwork to the walls, with reconstituted stone dressings, under slate tiled roofs. The brick will be supplied by All About Bricks (AAB) and will be red handmade bricks, code DR1B, brand name, Rijswaard Baksteen. The windows and doors will be upvc. Nominal level paving will adjoin the proposed house and surround the dwelling.

Further proposed is the part removal of some of the hedgerow in the front, northern boundary to create a new vehicular access and related driveway. This part of the development is part retrospective, as the removal of the hedgerow has already taken place and the access created, albeit not surfaced. The driveway will be constructed from asphalt at the apron with the carriageway edge, with a fall into the site, on to gravel, which will form the surfacing for the remaining driveway. The existing access to the north-east of the dwelling in the front, northern boundary is showing on the Proposed Elevation to New Access plan as being stopped up and replaced with hedgerow planting, continuing the existing hedged boundary.

There is some retrospectively constructed 2m high, brown stained closed board fencing panels along part of the site frontage in the northern boundary. They are showing on the originally submitted drawings as being retained. However, the application has now been revised, and the unauthorised closed board fence will be removed and replaced with hedging plants.

Relevant planning history:

None.

The Principle of Development:

The adopted local development plan document is the Wiltshire Core Strategy (WCS) (adopted January 2015). In the interests of promoting sustainable development and the protection of the countryside the policies of the plan seek to restrict all new residential development to locations within the Limits of Development defined for the towns and villages.

The WCS includes a settlement strategy and identifies Devizes as a Market Town and the nearest Large Village to the site is Rowde. Core Policy 1 ‘Settlement Strategy’ and Core Policy 2 ‘Delivery Strategy’ outline that there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Whilst the development site lies outside of the Limits of Development and is located in the open countryside, it will still be built on a brownfield site, due to the proposed demolition of the existing pair of semi-detached dwellings on site. The proposals will have to conform to the character of the prevailing area and other relevant policies within the development plan.

The principle of a replacement dwelling is accepted under Saved policy HC25 ‘Replacement of Existing Dwellings’ of the former Kennet Local Plan 2011, saved within the Adopted Wiltshire Core Strategy 2015. Policy HC25 allows, in principle, for the replacement of an existing dwelling in the countryside. The policy states:

“Replacement of existing dwellings states that in “the countryside, the replacement of an existing dwelling which has not been abandoned will be permitted where:

a) The siting is closely related to the footprint of the dwelling it replaces, unless the re-siting of the dwelling would remove a road safety hazard; and
b) The scale of the replacement dwelling is not significantly larger than the original structure”.

The replacement dwelling will be set back from the front, northern boundary and will be closely related to the footprint of the existing cottages, with its south-western rear part of the new dwellinghouse covering the main part of the footprint of the existing dwellings. Due to its size, the front, northern elevation of the dwelling will be positioned forwards of the principal elevation of the existing pair of semi-detached cottages. However, this will be offset by the substantial size of the plot, which will maintain a significant setback from the highway, in the region of 35m. There are no nearby neighbours that could be impacted upon by the alterations. In addition, the new proposed siting would allow for a significant amount of car parking within the site and will have the ability to turn a vehicle within the access area and enter and exit the highway in a forward gear.

It is considered that the proposed new dwelling is significantly larger than the existing dwelling; however, in this instance, the site is unusually large, with the domestic curtilage extending to approximately 3.4 acres and is heavily planted with woodland and trees. Provided there is no harm arising from its size (notably visually), the simply conflict with the term significantly larger would not be sufficient in its own right to refuse the application - noting the policy is now of some age relating to a time expired local plan and therefore not 100% in conformity with the NPPF.

From a climate change adaptation in line with CP41, all new development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer.

Another positive enhancement to the construction of the new house, is that it will be designed to be highly sustainable, incorporating high levels of thermal insulation and efficient plant. The house will be lit with numerous windows, which are an integral part of the design, therefore the glazing in the eastern, western and southern elevations at 2.5 storeys high will provide passive solar enhancement to the house. Therefore, the house, will meet some of the basic requirements of CP41 in relation to sustainable construction and low carbon energy.

Design, visual amenity and impact upon the character and appearance of the area:

The WCS outlines that development needs to be carefully planned to ensure that valuable features and characteristics are protected and enhanced. The layout and design of new developments must be based on a thorough understanding of the site itself and its wider context and seek to maximise the benefits of the site's characteristics. In order to secure good design, Core Policy 57

'Ensuring High Quality Design and Place Shaping' of the WCS outlines that all applications for new developments must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of the area. The policy seeks to ensure that proposals enhance local distinctiveness by responding to the value of the natural and historic environment, and also relate positively to the sites landscape setting and the existing pattern of development.

The curtilage of the property is of a substantial size and scale to accommodate a much larger dwelling than the existing pair of semi-detached cottages, and therefore, a two and half storey house will not be at-odds with surrounding properties. The design of the dwellinghouse is classically inspired, presenting a Georgian country house, with balustrade balconies, on the western and eastern gable ends of the property, which give a sense of grandeur. However, the red facing brickwork will minimise the visual impact of the dwelling within the landscape, together with the position of the dwelling centrally located in a substantially sized plot. The external materials proposed are a similar colour to those on the existing pair of cottages, red brick to walls, white upvc to windows and doors, under slate tiled roofs. The ground level within the site is also lower than the road, albeit with a relatively flat topography within the site, with a nominal rise on the finished floor levels of the replacement dwelling. As the design of dwellings along Conscience Lane both in the immediate and wider area present a diverse range of styles and materials, there is no requirement to respect a set character or appearance. It is further noted that there is an established precedent for replacement dwellings in the immediate area, as the neighbouring, Park House, to the west, was the subject of a replacement dwelling application under 15/05624/FUL, 'Replacement dwelling: Demolition of existing two storey house and adjoining garage. Construction of new two storey dwelling, double garage and car port (Resubmission of 14/11682/FUL)', approved on 04.08.2015. The neighbouring dwelling to the east is also the subject of a replacement dwelling application ('…demolishing one of the gabled blocks; the garden lodge; and the retained gabled block would then be used as home office accommodation'), at Pine Tree, under planning reference K/58454/F, 'replacement work from home dwelling', approved on 28.05.2008.

The site is located within open countryside and within a recognised historic deer park; however, in terms of views from inside and outside of the site, there are views into the site from Conscience Lane above the front boundary hedging, but there are no longer distance views, as the site is well contained within the landscape by existing mature hedgerow and trees forming the boundaries of the property. To the east of the site, beyond the property known as Pine Trees, the land rises steeply upwards and is surrounded by a mature woodland. To the west of the site there are mature trees separating it from the neighbouring Park House.

The closed board fencing erected along the front, northern boundary of the site is unauthorised development and requires planning permission as the fencing is adjacent to a public highway and the height of it exceeds 1m. The siting of the closed board fence on the front, northern boundary of the site is highly prominent within the landscape and presents an alien, urban feature, which detracts from the rural character and appearance of the immediate and wider area. The site is enclosed by mature, dense hedgerow, along the front boundary of the site and beyond, enclosing Conscience Lane, on both sides of the road. There is no established precedent for 1.8-2m high closed boarding fencing adjacent to the road in the immediate and wider area. Therefore, the closed board fence is considered to be unacceptable. For purposes of this application and to enable an approval to be issued, a revised plan has been submitted

showing the removal of this front boundary fence and its replacement with the continuation of the hedging plants, which will blend in with the existing hedgerows which line this road. To ensure that the hedging plants are of an appropriate species and planting densities/sizes, a planting scheme will be requested via planning condition. An informative will draw the applicant's attention to the unauthorised fence and its need to be removed and replaced with hedging plants to facilitate an approval.

Impact upon neighbour amenity:

The application site is a substantial size, at 3.4 acres (1.3 hectares), therefore despite the size of the proposed replacement dwelling, it will be sited as such, that it will be significantly detached from neighbouring dwellings, at approximately 70m away from the Pine Tree Nursery buildings to the east and 110m away from Park House to the west. There are no neighbouring dwellings opposite the front of the house, only the road, with fields beyond to the north. Therefore, the proposals, including the balconies, are not considered to cause any harm to neighbour amenity in terms of having an overbearing impact; cause any loss of light; overlooking; or resulting any overshadowing.

Permitted development rights will be removed for the construction of any additions/extensions/enlargements/buildings, to any building forming part of the development and the construction of any structures/gate/wall/fence, or other means of enclosure, within the application site, without prior planning permission.

Impact upon highway safety:

The Council's Highways Officer comments:

'I note that the site is an established residential use and that this proposal is to change two units to a single unit. As such the site has established vehicle movements and in theory there should be a reduction of vehicle movements as there is a reduction in unit numbers. However, I do note that there is a proposed change of location for the access and as such there is an opportunity to ensure the new access is safe and useable".

In view of this, the Highways Officer has no objections to the proposals, subject to imposing a number of conditions and informatives including; ensuring visibility splays, the submission of a construction management plan; that the access, turning and parking spaces (including at least 1 EV charging point) have been completed before occupation; that the first 3m of the access is constructed from a consolidated materials, any gates are set back by 4.5m and open inwards; and an informative drawing the applicants attention that a vehicle crossing licence is required for the access/new dropped kerb.

The apron to the access is proposed to extend at least 5m into the site and will prevent gravel discharging onto the highway. A fall will be incorporated from the consolidated material into the site, thus allowing surface water run off to drain through the permeable gravel surface into the ground.

The Wiltshire Local Transport Plan 2016-2026: Car Parking Strategy (March 2015), requires 4+ bedroom properties to be able to accommodate 3 car parking spaces. The existing dwellings together had 6 bedrooms, 3 each, whereas the proposed dwelling will have five bedrooms. Therefore, the size of the site, site frontage and driveway shown, can easily accommodate this requirement.

In view of the above, the proposals are not considered to cause any harm to highway safety.

Impact upon drainage and flooding:

The size of the site, which exceeds 1 hectare, requires the submission of a Flood Risk Assessment (FRA). The submitted FRA sets out that “the site is not in an area with critical drainage problems, as identified by the Environment Agency. A pond and drain lie on adjoining land to the east (within Pine Tree Nursery) and another pond to the south. A minor watercourse is located on the west side of the site…”, which adjoins Park House, to the west.

The FRA sets out that “the existing drainage systems include the existing foul and stormwater drainage systems and are understood to connect a septic tank and soakaway(s) respectively”. Details of these drainage systems have not been investigated in detail, as all of these will be renewed as part of the development.

Proposed Foul Drainage System:

The new foul system is to be connected to an on-site package sewage treatment plant with treated outflow discharging to soakaway.

Proposed stormwater drainage system:

The new stormwater drainage system is to be connected to soakaways.

The proposed driveway will be surfaced in free-draining crushed stone gravel, except for a 5m long access apron between the gravel driveway and public highway. The apron will be surfaced in bound material and set to discharge surface water to the verges within the application site.

Soakaway generally will be subject to percolation testing on site together with appropriate calculations based on input flows and proprietary cells to be used.

Flooding:

The site is identified as being within flood zone 1. The FRA states “The SFRA Data Explorer shows the site as located outside areas designated as being at risk of flooding. The site is not identified as being at increased flood risk in the future by the Local Authority’s strategic flood risk assessment”. The site already has an established residential use, with the existing two cottages on site, therefore its vulnerability to flooding will not be increased, by the proposals. Whilst the site has no recorded history of flooding, as set out in the FRA, as a precautionary measure, the proposed ground floor level of the new dwelling is proposed to be raised nominally by 600mm above that of the existing cottages. Should flooding occur, and evacuation be necessary, the exit route will lead from the main entrance of the house towards the site access, up a positive incline along the driveway, thereby providing a safe means of avoiding greater depths of water.

The FRA comments that the locality is classed as rural catchment, characterised by open countryside and predominantly in agricultural use, away from large bodies of water. This provides beneficial levels of absorption of surface water, thereby reducing the risk of flooding from areas beyond the site itself.

All surface water run-off from the proposed development, is proposed to be discharged into new soakaways. The soakaway installations shall be appropriate for the application and will take into account climate change. Therefore, they will not contribute to flooding within and outside of the site.

Having regard to impact of foul water volume, the larger replacement dwelling of 5 bedrooms, compared to the existing two, 3-bedroom cottages, the new dwelling is not expected to generate significantly more

volumes of sewage. As with the surface water installations, the system treatment plant outflow will discharge to a new dedicated soakaway following treatment.

The submitted FRA sets out the preliminary calculation of rainwater discharge from roof areas of the proposed dwelling (including climate change allowance and excluding stormwater discharge, which will discharge to adjoining soft areas and absorbed within the site). It concluded that the estimated max flow will not exceed 12 litres/second. The provisional capacity of soakaways required is 12 cubic metres (subject to ground conditions in proposed locations for soakaways and details of proprietary modular soakaway crates).

In conclusion, the probability of the site flooding is low, based on historical record and potential identifiable sources of flooding. The Council's drainage officer supports the proposals, subject to conditions. They comment that "the application has been supported with a Site Specific Flood Risk Assessment (FRA)". It is further noted that the onus is on the applicant to ensure the accuracy of this document.

Conditions require the submission of geotechnical factual and interpretive reports, including infiltration tests in accordance with the BRE Digest 365 in relation to the soakaways being subject to percolation and infiltration testing. If the applicant's proposed foul system meets the requirements of DEFRA's General Binding Rules, it is unlikely to require an Environmental Permit for foul discharge. However, the applicant is required to submit evidence to support that the binding rules have been met, and include any foul discharges to surface water bodies as part of the land drainage application or the Environment Agency Environmental Permit application. Further conditions require the applicant to submit clear arrangements of the ownership and ongoing maintenance of the proposed drainage system, including how silt ingress into soakaways will be managed and mitigated against, including sustainable drainage features. The submission of a construction management plan is required to demonstrate how pollution to groundwater and watercourses, as well as flooding to the people and property will be mitigated.

In view of the above, the proposals are not considered to have cause an increase to the risk of flooding on the site over and above the existing situation and providing the conditions can be met, will ensure adequate drainage within the site.

Impact upon ecology:

The submission includes some bat mitigation and enhancements measures including bat tubes (x8); a bat loft which will be provided for the benefit of brown long-eared and serotine bats, with bat access slates (x6). Further proposed is the installation of bitumen roofing felt or a breatheable membrane which has passed the 'snagging propensity test' in the bat loft is recommended, together with the installation of a hibernacular externally to enhance the site for reptiles.

Having regard to the demolition of the existing cottages on site, it is recommended that work to remove the roof materials will be carried out by hand under ecological supervision and any bats found will be transferred by the supervising ecologist to a schwegler 2F bat box, which shall be installed on a tree close by, amongst other measures.

The Council's ecologist has no objections to the proposals subject to a number of conditions and informatives. The conditions will ensure that the mitigation and enhancement measures for the development will be carried out in strict accordance with the submitted Preliminary Ecological Appraisal by Stark Ecology in particular the bat mitigation on figures 14 and 15. Other conditions ensure that no artificial external lighting shall be installed on the site without the prior approval of the LPA; a pre commencement condition refers to the lack of a general wildlife mitigation and enhancement scheme and requires no demolition or removal of trees or shrubs to take place until full details of a Wildlife Protection and Enhancement Scheme

have to been submitted to and approved in writing by the LPA, to be prepared in accordance with the ecology report.

Informatives draw the applicant's attention to any great crested newts found on site during the construction and the need to stop works and consult an independent ecologist, that it is an offence to harm any protected species, bats (and birds) and if they are found on site, that a European Protected Species Licence may be required before any work is undertaken; and guidelines on artificial lighting, in relation to bats.

Impact on trees:

The site does not fall within any formal planning designation in relation to trees, i.e. the site is not in a conservation area, there are no Tree Preservation Orders (TPOs), no significant trees, no significant hedges, however, the trees and hedgerows forming part of the site, are an integral part of its character and cumulatively they make a positive contribution to the visual amenity of the site. Therefore, the Council seek to retain as many of the trees on site as practicably possible and avoid any harm to the RPAs of the trees, through the construction phase. Whilst there are no proposals to remove any trees, as a result of the proximity of the wider footprint of the replacement dwelling and its proximity to trees within the site, there is a possibility that the development may impact upon the Root Protection Area of some trees.

The Council's Tree and Landscape Officer comments, "There is no arboricultural objection to this application in principle, however no information has been provided regarding the proposed development in relation to existing trees on site and looking at various maps, it is apparent that there are trees bordering all aspects within the site, all of which need to be considered at this stage when determining the specifics relating to the proposed dwellings and infrastructure".

The following elements have been requested as part of a pre-commencement condition:

"An Arboricultural Impact Assessment, tree survey, tree constraints plan and tree protection plan, prepared by a qualified Arboriculturalist and in accordance with BS5837:2012, should be added as a pre-commencement condition. If any works are to take place within the RPA of any tree on or off site, an Arboricultural Method Statement should also be provided".

Whilst the trees are predominantly located on the boundaries of the site, there are some which encroach into the private amenity space. The replacement dwellinghouse will occupy a significantly wider footprint than the existing pair of semi-detached dwellings and as such, as shown on the submitted Site Layout Plan – 4107-03, trees will be located either side of the dwelling in fairly close proximity to sides of the property, approximately, 5.3m to the nearest tree stem; and 2m to the nearest tree canopy, respectively, to the east side of the new house; and approximately, 1.8m to the nearest tree canopy, to the west side of the house. Therefore, given the proximity of the trees, the proposed dwelling may impact upon the Root Protection Area of these Trees. In view of this, the elements requested above via a pre-commencement condition are considered to be necessary.

Impact upon areas of archaeological significance:

The Council's archaeologist confirms that the proposals will not have any impact upon any areas of archaeological significance.

Impact upon the setting of the listed building:

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 16 (LBC) and 66 (PP) require that special regard be given to the desirability of preserving or enhancing listed buildings, their settings or any features of special architectural or historic interest which they possess.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development.

Paragraphs 201-3 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 197 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It is also required that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

Wiltshire Core Strategy Policy C58 related to Ensuring the Conservation of the historic environment. And states that designated heritage assets and their settings will be conserved.

The proposed replacement dwelling is not considered to have any impact upon the setting of the grade II listed, Swiss Cottage, Folly Road, to the east of the site, despite its location on higher ground level to the site. Due to its siting, it will be separated from the application site by Pine Tree Nursery, at an approximate distance of 276.5m; where both this neighbouring site and Swiss Cottage are surrounded by densely wooded areas of mature trees. Therefore, the replacement dwellinghouse will be hidden amongst the woodland and will not cause any harm to the significance of the setting of the listed building.

Conclusion:

The planning balance here is that whilst the proposed replacement dwelling will be closely related to the pair of existing semi-detached dwellings, its footprint will be significantly larger, however, the curtilage of the site extends to approximately 3.4 acres and will comfortably be able to accommodate this property and not cause any harm to neighbour amenity; visual amenity; or cause any landscape impact, due to the size and siting of the dwelling, well contained within its boundaries.

In consideration of the above it is concluded that the development would be in accordance with the development plan. With no circumstances warranting otherwise the application is recommended for approval subject to the conditions outlined below.

**RECOMMENDATION:** Approve with conditions.

**Conditions:** (22)

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
Stark Ecology Preliminary Ecological Appraisal, Dated October 2023
Drawing Nos:
4107. DAS - Design & Access Statement
4107.FRA – Flood Risk Assessment
Mill_Cottages_ Topo_001 dwg Rev A – Topographical Survey
Mill_Cottages_ Elevations_002 dwg – Ground Floor Plan (Existing)
Mill_Cottages_ Elevations_002 dwg – First Floor Plan (Existing)
Mill_Cottages_ Elevations_003 dwg – Elevations (Existing East & West Elevations)
Mill_Cottages_ Elevations_003 dwg – Elevations (Existing North & South Elevations)
4107-01 – Site Location Plan
4107-03 – Site Layout Plan
4107-04 – Proposed Plans / Elevations & Section
All received on 21.11.2023.

Drawing Nos:
4107-02 Rev A – Site/Block Plan
4107-05 – Existing Elevation to New Access
Both received on

Drawing No.
4107-06 Rev A – Proposed Elevation to New Access
Received on 12.02.2024.

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

3 The walls of the replacement dwellinghouse hereby permitted shall be constructed from red handmade bricks, code DR1B, Rijswaard range, supplied by All About Bricks, and stone dressings as shown on submitted Drawing No. 4107-04 – Proposed Plans/Elevations & Section, dated as received on 21.11.2023. They shall remain as such for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 The roofs of the replacement dwellinghouse hereby permitted shall be covered in natural slate and shall remain as such for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area.

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), there shall be no additions to, or extensions or enlargements of any building forming part of the development 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 enlargements.

6 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 buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site, without prior planning permission.

REASON: To safeguard the character and appearance of the area.

7 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the north-east and 90 metres to the north-west from the centre of the access in accordance with plans to be submitted to and approved by the Local Planning Authority. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900m above the level of the adjacent carriageway.

REASON: In the interests of highway safety

8 The development hereby permitted shall not be first brought into use until the first three metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates shall open inwards only.

REASON: In the interests of highway safety.

10 No development shall commence on site until details of the stopping up of all existing accesses, both

pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

11 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces (to include at least 1 EV charging point) have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

12 No part of the development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

1. The parking of vehicles of site operative and visitors;
2. Number and size of delivery vehicles/construction vehicles;
3. Loading and unloading of plant and materials;
4. Storage of plant and materials used in construction the development;
5. Wheel washing facilities;
6. Measures to control the emission of dust and dirt during construction;
7. A scheme for recycling/disposing of water resulting from demolition and construction works;
8. Measures for the protection of the natural environment;
9. Hours of construction, including deliveries;

have been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with approved construction method statement without the prior written permission for the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during construction phase.

13 The development hereby approved, states that soakaways are subject to percolation and infiltration testing. As the surface and foul water drainage strategies are dependent upon soakaways, no development shall take place, until Geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365, to demonstrate this is feasible, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved reports and infiltration tests.

REASON: Site drainage is dependent upon infiltration and Cranfield Soilscapes outlines the site has

impeded drainage which could threaten the feasibility of the proposed strategy.

14 No development shall be carried out on site until details demonstrating that the proposed foul system meets the requirements of DEFRA's General Binding Rules and an Environmental Permit for foul discharge is not required, including the submission of the following details, have been submitted to and approved in writing by the Local Planning Authority:

(i) evidence to support that the General Binding Rules have been met;
(ii) evidence any foul discharges to surface water bodies as part of the Land Drainage (Ordinary Watercourses) Application or an Environment Agency (EA) Environmental Permit (Main Rivers) Application;
(iii) Where proposals do not meet the General Binding Rules, evidence that an Environmental Permit application for foul discharge has been made to the Environment Agency.

The development shall be carried out in strict accordance with he 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 the development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to the public health or the environment.

15 No development shall be carried out on site until details showing clear arrangements for the ownership and ongoing maintenance of the proposed drainage system, including how silt ingress into soakaways will be managed and mitigated (including Sustainable Drainage Systems (SuDS)) features, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approve details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

16 No development shall be carried out on site until a construction management plan which demonstrates how pollution to groundwater and watercourses, as well as flooding to people and property will be mitigated, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage and does not increase the risk of flooding or a pose a risk to public health or the environment.

17 No development shall commence on site until the following details and plans have been submitted to an approved in writing by the Local Planning Authority:

(i) An Arboricultural Impact Assessment, tree survey, tree constraints plan and tree protection plan, prepared by a qualified Arboriculturalist and in accordance with BS5837:2012.

(ii) If any works are to take place within the Root Protection Area of any tree on or off site, an Arboricultural Method Statement should be provided.

The development shall be carried out in strict accordance with the approved details and plans.

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

18 The development shall be carried out in strict accordance with the following documents:

Mitigation and enhancement measures detailed in the Preliminary Ecological Appraisal (Stark Ecology, October 2023). Bat mitigation on Figure 14 and 15 of the Preliminary Ecological Appraisal (Stark Ecology, October 2023).

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

19 No new external artificial lighting shall be installed at the site, without the prior planning permission of the Local Planning Authority.

REASON: In the interests of conserving biodiversity.

20 No demolition or removal of trees or shrubs shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in accordance with and expand on measures recommended in the Preliminary Ecological Appraisal (Stark Ecology, October 2023). These details shall include:

(i) Details of proposed measures that will be taken to avoid harm to wildlife, including timing of works to avoid nesting birds, and pre-commencement checks for protected species including but not exclusively reptiles, amphibians, birds and bats;
(ii) Details of proposed measures that will be taken to protect woodland and trees at the boundaries of the site;
(iii) Quantification of biodiversity net gain provision including a plan showing the location(s) and type(s) of feature(s) to enhance the site for biodiversity.

The development shall be carried out in strict accordance with the approved details.

REASON: To avoid adverse impacts on biodiversity.

21 Prior to the occupation of the dwelling, details and plans of a planting scheme, for the continuation of the existing hedgerow across the existing vehicular access and in place of the existing closed board timber fencing, along the front, northern boundary of the site, including plant species, planting sizes, planting densities, and supply have been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be carried out in strict 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 the dwelling is occupied.

22 All soft landscaping comprised in the approved details of landscaping (planting scheme) 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.

**Informatives:** (11)

23 The applicant's attention is drawn to the unauthorised closed board fencing on part of the northern, front boundary of the site. To comply with this planning permission, this closed board fencing in its entirety needs to be removed and replaced with hedging plants, to be carried out in strict accordance with the details and plans set out in the approved planting scheme referred to in condition 21 above.

24 The application involves the creation of a new access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent. Please contact the Drainage Team at Drainage@wiltshire.gov.uk

25 For great crested newts and reptiles where habitat manipulation is appropriate over small areas: There is a residual risk that great crested newts / reptiles could occur on the application site. These

species are legally protected and planning permission does not provide a defence against prosecution. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

26 For applications where a bat roost is impacted and a European Protected Species Licence is required. The roof space and external features of Mill Cottages support multiple bat roosts. Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

27 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 not 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.

28 The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas resulting in a negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, ‘Guidance for the Reduction of Obtrusive Light’ (ILP, 2021), and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

29 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council’s CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council’s website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

30 Wiltshire Council Soakaway Guidance: https://www.wiltshire.gov.uk/media/208/Developers-Guidance-Notes-Surface-water-soakaways/pdf/Developers-guidance-note-surface-water-soakaways-

2.pdf?m=637082203851900000

31 DEFRA's General Binding Rules regarding foul water discharge: https://www.gov.uk/government/publications/small- sewage-discharges-in-england-the-general-binding-rules

32 The Environmental Agency Permits: Septic tanks and sewage treatment plants: what you need to do: Apply for a permit - GOV.UK (www.gov.uk)

33 The applicant should note that in all instances, the preference of the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) is for foul discharge to be to the foul/combined sewerage network (subject to agreement from the Sewerage Undertaker for the area).