

REPORT FOR WESTERN AREA PLANNING COMMITTEE**Report No.**

Date of Meeting	3 April 2019
Application Number	18/11871/FUL
Site Address	Oxford House, No.12 The Butts, Bratton BA13 4SW
Proposal	Demolition of existing dwelling & erection of replacement dwelling & 3 new dwellings with associated landscaping (Resubmission of 18/08346/FUL)
Applicant	Mr Simon Ellinger
Town/Parish Council	BRATTON
Electoral Division	Ethandune ED – Cllr Jerry Wickham
Grid Ref	391443 152194
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Jerry Wickham has requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to support the permission to allow members to fully appraise the following key matters:

- The Scale of Development
- The Visual impact upon the Surrounding Area
- The Relationship to Adjoining Properties
- The Design of the Proposed Development - Bulk, Height & General Appearance

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues to consider for this application are considered to be:

- The Principle of Development
- Impact on the Character of the Conservation Area/Nearby Listed Building
- Impact on the Living Conditions of Neighbouring Residents
- Ecology Issues
- Impact on Trees and Landscape Impacts
- Parking/Highway Safety Impacts
- Other Issues

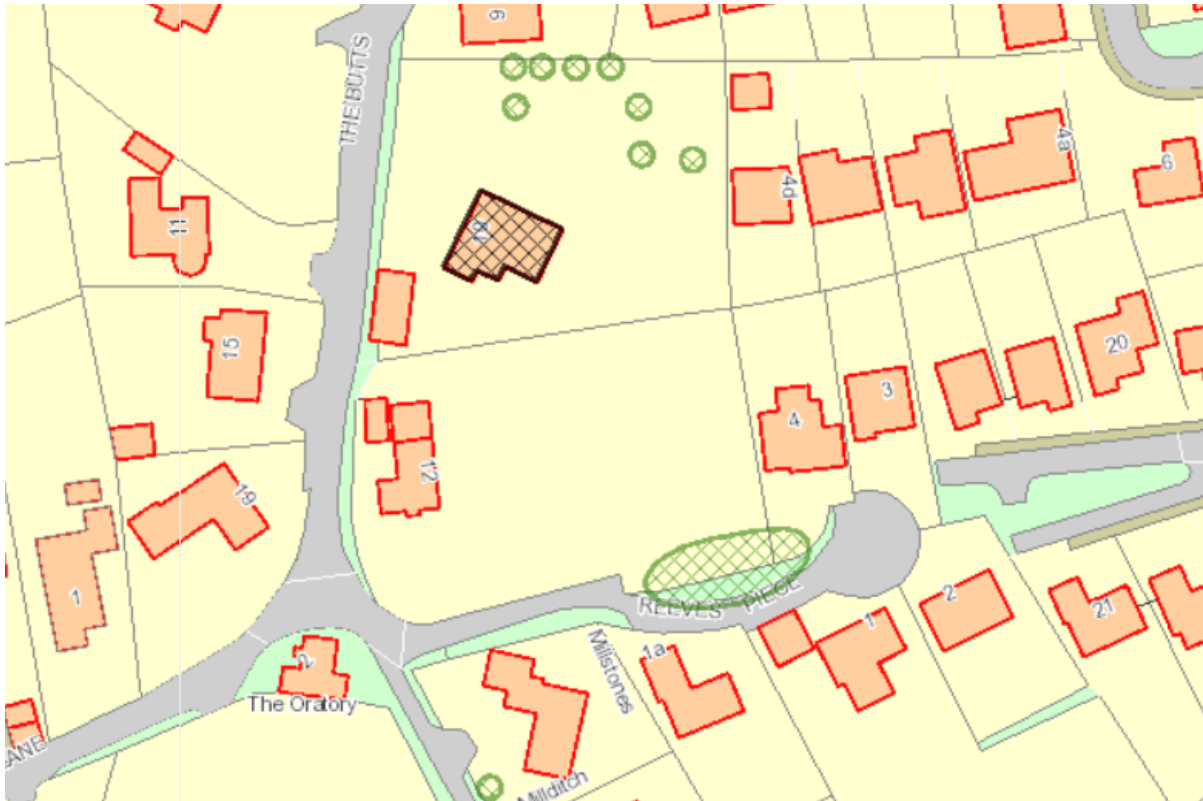
3. Site Description

The application site forms part of the residential curtilage to Oxford House at No. 12 the Butts which extends to some 0.3 hectares located within the settlement limits of Bratton and the Conservation Area. The 2 storey dwelling that previously occupied the site has been demolished (following the implementation of consented application 17/07736/FUL).

The site is served by a vehicular access off the Butts in the north westernmost part of the site, positioned adjacent to the access that serves the neighbouring coach house property at No. 10a The Butts. Located to the north and hatched on the insert map reproduced on the next page, is the Grade II listed Mulberry House property at No. 10 the Butts which dates from circa 1830. A Tree Preservation Order granted under W/09/00039/GRP is in place protecting a

group of trees positioned along and near the site boundary with Reeves Piece. The site is located within flood zone 1 – land with the lowest risk of pluvial/fluviial flooding.

The following map shows the location of the listed building and the trees that subject to a TPO.



To the south east of the application site is a development of 5 detached properties on land that previously formed part of the historic curtilage associated to No. 12 the Butts. These properties are have a suburban characteristic and form part of designated conservation area. The properties located to the south and west comprise a mix including the non-designated heritage asset at The Oratory and mid-twentieth century housing on the opposite side of the Butts.

4. Planning History

18/08346/FUL – Demolition of existing dwelling & erection of replacement dwelling & 3 new dwellings with associated landscaping – **Refused 23 November 2018, with an appeal currently in progress.**

The application was refused for the following reason:

1. The proposed development, by virtue of the siting of dwellings on plots 3 and 4, would result in overdevelopment of the site and erode the open spacious character of the area which would have an adverse impact on the setting of the listed building at 10 The Butts and an adverse impact on the character of the Bratton Conservation Area. The scheme would therefore cause less than substantial harm to the character and setting of the heritage assets which is not outweighed by any public benefit. The proposed development is therefore contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy and section 16 of the National Planning Policy Framework.

18/05492/VAR - Variation of condition 2 on 17/07736/FUL to allow for changes to the design of the proposed houses - **Approved 17 August 2018**

18/02524/TPO - T1 - T32 - Various Works as per schedule – **Approved 17 April 2018**

18/01008/ENF - Breach of 18/05492/VAR and 18/08346/FUL – **No breach found 20 December 2018**

18/00955/ENF - Possible breach of planning 18/08346/FUL – **No breach 29 October 2018**

18/00475/ENF - Breach of conditions 17/07736/FUL – **No breach 7 June 2018**

17/07747/106 - Modification of existing S106 relating to planning permission W/92/00081 to remove land originally included on original application – **Approved 28 September 2018**

17/07736/FUL – Demolition of existing dwelling and erection of 3 new dwellings with associated works including creation of a new vehicular access and landscaping. – **Approved 13 April 2018. The approved site plan for the consented scheme is shown below.**



W/13/00346/TCA – Crown reduce and reshape Sycamore Tree by 30% and crown lift to 4m – **Approved 4 April 2013**

The following application is considered of material interests also as it relates to land to the immediate south of the application site:

W/92/00081/FUL – Erection of four detached chalets each with a detached double garage – **Approved 23 December 1992**

5. The Proposal

This detailed planning application seeks consent to erect four dwellings – two detached and two forming part of a semi-detached pair, along with garaging with three of the units being

served by a new vehicular access formed following the demolition of a dwelling (the latter of which has already been implemented following the planning permission granted under 17/07736/FUL). The dwelling for plot 2 would have its own vehicular access served off the Butts. The plan below illustrates the proposed development for the site which requires member determination.



The proposal for Plot 1 comprises the erection of a 1½ storey property providing 4 bedrooms including one at ground floor level designed for ‘lifetime living’. The property would have garaging at the rear. **This element of the scheme is the same as that approved under application 18/05492/VAR.**

The dwelling on Plot 2 would be a 2-storey property designed to reflect the vernacular of the previous building on the site (now demolished). Materials would be red brick with a natural slate roof. The building would front onto the Butts set back behind a front garden which would be landscaped to provide a new access, hard standing for parking and turning and appropriate visibility plays. The dwelling would provide a 4-bedroom home. **This element of the scheme is also the same as that approved under application 18/05492/VAR.**

Two residential units would be provided by Plots 3 and 4 within the eastern part of the site and adjacent to No. 4 Reeves Piece. The plots (along with plot 1) would be served by a private access drive and would connect with the Butts. Plots 3 and 4 would be 4-bed semidetached dwellings constructed in rustic red brick under a natural slate roof. Through negotiation the application was amended to revise the area of hardstanding to be used for car parking for plot 3 and the erection of a detached timber clad garage and associated works.

6. Local Planning Policy

Local Context: The Adopted Wiltshire Core Strategy (WCS) policies - CP1, CP2, CP3, CP32, CP41, CP45, CP50, CP51, CP57, CP58, CP60, CP61, CP62, CP64, CP67 and appendix D’s ‘saved’ policy U1a of the West Wiltshire District Plan 1st Alteration (2004).

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy

National Context: National Planning Policy Framework (The Framework) and Planning Practice Guidance (PPG)

Section 66 of the Planning (Listed building and Conservation area) Act 1990 which states that the local planning authority: has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and

Section 72 of the Planning (Listed building and Conservation area) Act 1990 which states that the local planning authority: has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

7. Summary of Consultation Responses

Bratton Parish Council: Objects and stated that it is extremely disappointed that a new application has been submitted for four houses on this site. The Parish Council **objects** on the following grounds:

- Over development of the site - the Council considers this site within the Conservation Area is being over-developed with inappropriate houses with just three houses.
- Detrimental impact on local amenity - the development would have a detrimental impact on the amenity and access of existing neighbours.
- Traffic generation –the development would generate a significant amount of additional traffic in already congested and narrow lanes and would represent a health and safety risk on the highway.
- Vehicular access –the increase in traffic would prove problematic given the access onto the B3098 and the narrow lanes leading into the development.

Wiltshire Council's Conservation Officer: No objection to amended scheme

Wiltshire Council's Archaeologist: No objection.

Wiltshire Council's Arboricultural Officer: No objection

Wiltshire Council's Ecologist: No comments

Wiltshire Council's Drainage Officer: No objection subject to a condition relating to storm water

Wessex Water: No objection

8. Publicity

The application was publicised by the display of site notices and individually posted notification letters sent to neighbouring/properties within close proximity of the site. As a result of this publicity, 12 letters of objection were received with the following summary setting out the grounds of concern:

- Poor design that would be overdeveloped of the site that would not be sustainable;
- Minimal economic benefit and the properties would not likely help local housing need - None of the proposed properties would be affordable;

- The design of the property plot 3 would be out of character with the area and would have an overbearing impact and loss of daylight/ impacts on privacy;
- The development would have a negative impact on the living conditions of adjacent residents;
- The position of the back corner of Plot 3's proposed garage would be tight up against the boundary with Mulberry House making it difficult for the future owners to maintain both sides of the hedge;
- The proposed roof height of the Plot 3 and 4 properties would be considerably higher than No.4 Reeves Piece - creating an unwelcome and overpowering aspect to the residents;
- Traffic and highway issues in particular on The Butts which has a lack of pavements;
- Concerns about accessibility of emergency vehicles, poor access and increased traffic generation and lack of visitor parking provision;
- Inadequate public transport links;
- The development would not preserve the natural environment and would result in the loss of verdant character of the site and negatively impact on bird and wildlife population;
- Objection to the loss of the Ash tree;
- The development would not help meet surplus primary school places
- Concern regarding facilities for workmen on site
- Lack of detail on submitted plans
- Object to the use of UPVC
- Works on site have already commenced
- Potential damage to historic verges
- There are Boundary Disputes

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The Principle of Development - The site lies within the settlement boundary of Bratton. Core Policy 1 and Core Policy 32 define Bratton as a Large Village with designated limits of development; and as set out by Core Policy 2, "*within the limits of development... there is a presumption in favour of sustainable development*". Within paragraph 4.15, the adopted WCS states that within the defined settlement limits of large villages, to support the adopted settlement and delivery strategies, housing development should be limited to small housing sites involving fewer than 10 dwellings (i.e. not constitute as major development).

9.1.2 In this particular case, the 0.3 hectare site benefits from extant planning permission for a replacement dwelling and 2 additional dwellings (granted under ref: 17/07736/FUL and materially revised by consented application ref: 18/05492/VAR). Works to implement the said variation application have already commenced following the discharge of the suspensive planning conditions and the demolition of the former dwelling.

9.1.3 In accordance with adopted WCS Core Policy 43, by virtue of the development comprising less than 5 dwellings, there is no affordable housing provision or contribution justification.

9.1.4 The principle of development has therefore been established and the scheme complies with Core Policies 1, 2 and 32 of the Wiltshire Core Strategy.

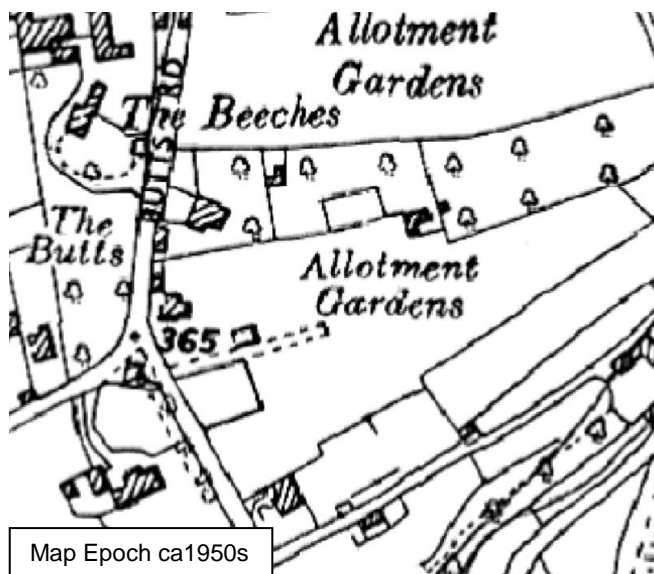
9.2 Impact on the Character of the Conservation Area/Adjacent Listed Building: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of any functions, with respect to any buildings or other land in a conservation area, special

attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The 2019 iteration of the NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight (emphasis added) should be given to the asset's conservation. In line with the aforesaid over-arching requirements, Core Policy 58 of the adopted Wiltshire Core Strategy requires development to protect, conserve and where possible enhance the historic environment.

9.2.1 The application site is located within the designated conservation area of Bratton, it is located immediately to the south of the Grade II listed property located at Mulberry House at No. 10 the Butts and is within the wider setting of this listed building. The site also forms part of the wider setting to the non-designated heritage asset at the Oratory which is located to the south.

9.2.2 The character of the conservation area around the site is one of mainly detached properties in plots of varying sizes. To the east of the site, there is a mix of one and two storey dwellings occupying medium sized plots. The properties found to the north, west and south tend to have larger gardens set in more spacious plots. Historic mapping records for the site indicate that the application site was previously allotment gardens as the epoch map reproduced below for this part of the village in the mid-20th Century reveals.

9.2.3 No further analysis can be reasonably undertaken pursuant to the former dwelling at Oxford House, No. 12 The Butts now that it has been demolished in accordance with the approved details submitted under application 17/07736/FUL and varied by application 18/05492/VAR.



9.2.4 The design of the proposed dwellings on plots 1 and 2 are the same as the approved scheme 17/07736/FUL, and varied by 18/05492/VAR) and following the lawful material commencement of works, the principle of erecting the 2 dwellings on plots 1 and 2 is firmly established and it would be entirely unreasonable to consider the planning merits afresh. As previously argued, the impact of these dwellings on the character of the conservation area, the nearby listed building and non-designated heritage asset, would be acceptable in planning terms. The design, scale, bulk and proposed use of materials were and remain acceptable and the

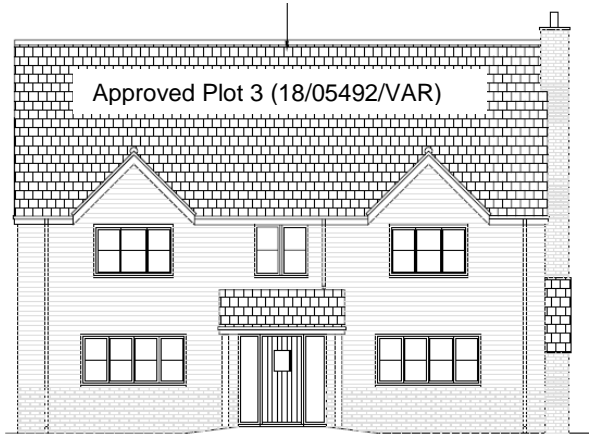
Council's Conservation Officer has maintained his position in having no objections. The delegated report for consented application 17/07736/FUL and 18/05492/VAR are contained within Appendix A at the end of this report. In approving application 18/05492/VAR, officers argued that:

“The elevation approach on plot 1 is to employ a traditional and simple form that may have reflected an ancillary rural type building. The approach on plot 2 was to try and reflect the existing dwelling. The proposals are considered to satisfactorily address the street scene by employing sympathetic scale and massing and reflecting a village vernacular. This is achieved at plot 1 with its simple linear frontage; and on plot 2 by applying style and proportions consistent with the existing dwelling on site”.

9.2.5 As far as Plots 3 and 4 are concerned, the applicant proposes to provide two 4-bed dwellings using the same footprint and building height of the dwellinghouse approved under applications 17/07736/FUL and 18/05492/VAR – as the house type elevation inserts reproduced below reveal. The height, scale and bulk of the building and the construction materials would remain as rustic red brick with a natural slated roof. The design would only marginally change - all of which officers (previously and continue) to support.

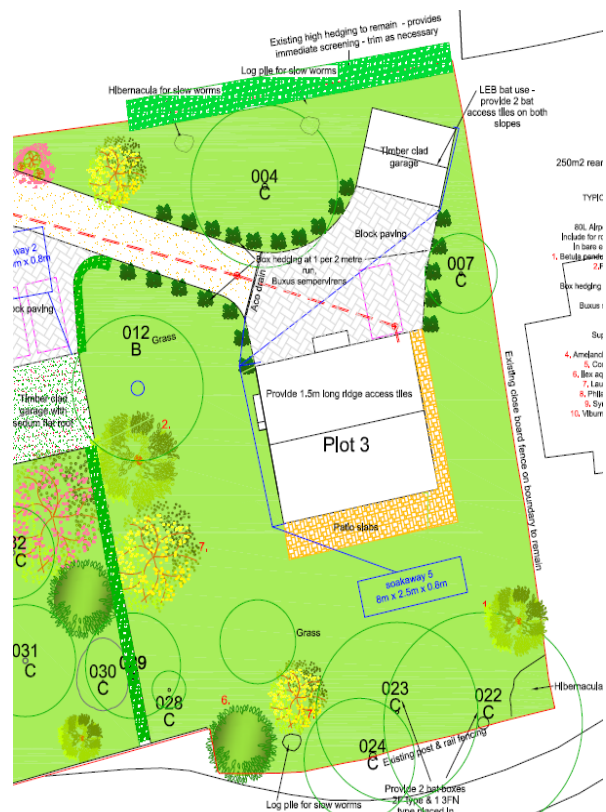
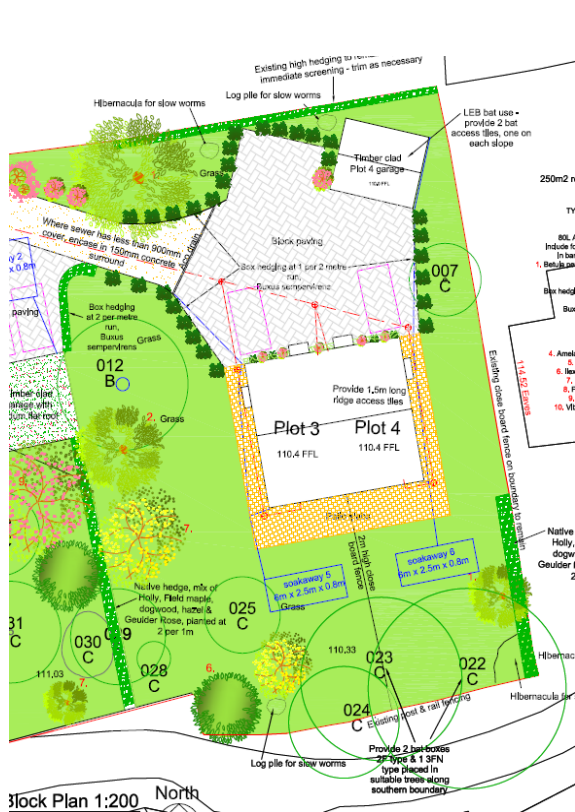


Front (south facing) elevation of proposed 18/11871/FUL application



Front (south facing) elevation of Plot 3 of approved application 18/05492/VAR

9.2.6 As the insert plan below left illustrates (compared to the previous consented plot 3 site plan – below right), this application also seeks to vary the on-site area of hardstanding for the parking of private motor vehicles for plot 3 in addition to the erection of a detached timber clad garage with additional hardstanding for plot 4. The Conservation Officer has no objections to report on these material amendments and instead argues that the development would have no adverse impact on the character of the conservation area or to the wider setting of the nearby listed building or non-designated heritage asset.



9.2.7 The consented scheme included the use of UPVC woodgrain windows, to which officers have no concern about using. Due to the broad similarities of the proposed development and that which benefits from the recent grant of planning permission, in terms of the impacts on heritage assets, officers report no concerns. There would be no harm to the character of the Conservation Area or harm to the wider setting of the nearby listed building or to the non-designated heritage asset and the development is not considered to constitute as an inappropriate form of overdevelopment of the site. The proposed development is considered to be compliant with WCS Core Policy 57 and 58 as well as to the national planning policy contained within the Framework.

9.3 Impact on the Living Conditions of Neighbouring Residents: Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new development and that development proposals should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and to ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing and light, noise and odour pollution.

9.3.1 The front (western facing) elevation of the proposed dwelling on plot 1 would be approximately 20 metres distant from the front (eastern) elevation of the nearby neighbouring property at No.15 The Butts, whilst the front (western) elevation of the proposed dwelling for plot 2 would be in excess of 22 metres from the eastern corner of the nearby property at No. 19 The Butts. The rear (south facing) elevation of the two residential units to be provided within the semi-detached block forming plots 3 and 4, would be located over 27 metres distant from the front (north facing) elevation of 1A Reeves Piece. With these separations and mindful of the scale, siting and building heights being proposed, the development would not result in unacceptable levels of overbearing, overlooking or loss of privacy to the neighbouring properties stated above.

9.3.2 It is acknowledged that No.4 Reeves Piece would lose some light to their rear garden in the late afternoon periods for part of the year if the building for plots 3 and 4 is constructed. However, by virtue of the short term impacts, the extent of loss of light would not be significantly harmful and it is important to appreciate that under this application, the height of the semi-detached building block conforms to the height (when it would serve as one dwelling approved by 17/07736/FUL and 18/05492/VAR). In addition, due to the separation distances involved, the proposed development would not result in significant overlooking or loss of privacy or overshadowing to nearby residents of properties located to the south, west or north. The proposed development therefore complies with Core Policy 57 of the WCS and the NPPF.

9.4 Ecology Issues: WCS Core Policy 50 'Biodiversity & Geodiversity' requires that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy and the NPPF, specifies that all new development should seek opportunities to enhance biodiversity.

9.4.1 Under the previous applications, it was confirmed through detailed ecology surveying that Oxford House previously supported a maternity roost of brown long-eared bats and a daytime roost for common pipistrelle bats and an occasional day-time roost for a small number of serotine bats. The site also features habitat suitable for hedgehogs while the scrub, hedgerows and trees on site provide suitable habitat for nesting and foraging birds as well as offering habitat for reptile sheltering.

9.4.2 Consistent with the consented scheme, this proposed development scheme includes ecological mitigation measures as set out within the submitted ecological appraisal to include the provision of bird boxes within the eaves of the proposed dwellings and bat access tiles for

the roofs of the garages, and provision of log piles for slow worms. These mitigation measures have the support of the Council ecologist and can be secured by planning condition.

9.5 Impact on Trees and Landscape Impacts: Core Policy 51 of the Wiltshire Core Strategy states that development proposals “*should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated through sensible design and landscape measures*”. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced.

9.5.1 The scheme would provide for new tree planting to compensate for the necessary tree loss. The trees subject to the group TPO would be protected during the construction stages and during a recent visit by the planning officer it was noted that the tree protection fencing *(as required by 17/07736/FUL and 18/05492/VAR) was in place. As such, it is not considered that this revised development proposal would have an adverse impact on the landscape character. It is also noted that the Council’s tree officer raises no objection to this development.

9.5.2 The hardstanding areas would be formed in block paving with a gravel driveway. The landscaping scheme would remain fundamentally the same as that approved by the 2017 application and although it is acknowledged that the existing garden and verdant character of the area would change as a consequence of completing either the previously consented development or this proposal, both are considered to be acceptable in landscape terms with the losses compensated for by new landscaping planting with additional hedgerow and tree planting along the western boundary and adjacent to the driveway. Native hedge planting is proposed to the rear of plots 1 and 2 and along the southern section of the eastern boundary. The existing brick wall and hedge along the northern boundary and the existing boundary wall and post and rail fence on the southern boundary and close boarded fence on the eastern boundary would all remain. Subject to a planning condition, the development is considered acceptable and the scheme is considered policy compliant pursuant to Core Policy 51 of the WCS and the Framework.

9.6 Parking/Highway Safety Impacts: The scheme proposes sufficient off-site car parking to satisfy policy and the car parking strategy without degrading the natural environment. Due to the length and width of the proposed driveways and the area of hardstanding, there is no need to prescribe dedicated spaces for visitor parking. There are no objections to the scheme from the Council’s highways team officer and the scheme would not result in harming highway or pedestrian safety. Sufficient off road parking would be provided on site and the scheme would be complies with current Council parking standards.

9.7 Other Issues: Some third parties have raised concern over the lack of detail on the submitted plans. However, officers consider that the submitted details are sufficient to accurately illustrate what is being proposed and the application is supported by sufficient evidence and supporting material to enable the Council to make an informed decision. The concern raised about suitable facilities being made available on site for workmen, is not a material planning consideration. No highway based concerns are raised about emergency vehicle access and it has been observed that the width of the private access serving plots 1, 3 and 4 would be sufficiently wide (at 3.7 metres wide at its narrowest point) to allow an emergency vehicle to gain sufficient access. Third parties have also raised concern over land ownership, however the applicant maintains that the submission is accurate and any residual disputes would appear to be civil matters. In addition, the concern raised about future maintenance restrictions pursuant to the hedgerow that would be close to the proposed garage serving plot 4 would also be a civil matter between neighbouring residents.

10. Conclusion (The Planning Balance) The application site forms part of a residential curtilage associated to the recently demolished 2-storey Oxford House at No.12 the Butts, located within the established settlement limits of the Large Village of Bratton and Conservation Area. The site benefits from extant planning permission for a replacement dwelling and 2 additional dwellings under 18/05492/VAR and works on site have commenced. The proposed design and layout of the dwellings on plots 1 and 2 have not changed from the extant approved scheme 18/05492/VAR; whilst the siting, footprint, height and bulk of the proposed semi-detached dwelling for proposed plots 3 and 4 are the same as the approved extant detached dwelling set out by application 18/05492/VAR. Officers submit that significant weight should be afforded to the above and to officer's detailed appraisal and comparison between what is proposed now and what has extant planning permission.

10.1 The proposed residential development would not lead to substantive harm to the living conditions enjoyed by any of the neighbouring or nearby properties. The density of the scheme is considered appropriate for the site and the revised proposed block plan (as set out by plan drawing. AH2017/29 Sheet 1 of 7) would accommodate a satisfactory form of development in terms of landscape, character and visual impacts. New tree and hedgerow planting would offset the proposed scheme has the support of the Council's tree officer. The proposed ecological mitigation measures are considered acceptable and the scheme would not adversely impact local biodiversity. The proposed development would not harm the character of the Bratton Conservation Area, the adjacent listed building or the nearby non-designated heritage asset. The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety. Securing the necessary parking and drainage provision can be adequately dealt with via planning conditions.

10.2 In terms of the negative impacts, it is recognised that the scheme would result in some minor loss of light to the rear garden of No. 4 Reeves Piece. However this loss of light would not be so harmful that the application could be recommended for refusal

10.3 In terms of positive aspects, the development would provide 3 (net) new market homes. This can be given moderate weight. There would also be some short terms benefits during the construction phase of the development through direct and indirect job creation which can be given some weight as part of the planning balance determination.

10.4 Officers conclude that the benefits of providing an additional house (to be provided as part of a semi-detached building block) comprising plots 3 and 4 would not lead to significant harm to warrant the refusal of planning permission and that planning permission should be granted subject to conditions.

RECOMMENDATION - APPROVE: Subject to 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:

Amended proposed block plan dwg no. AH2017/29 Sheet 1 of 7

Plot 1 proposed plans and elevations dwg no. AH2017/29 Sheet 2 of 7

Plot 2 proposed plans and elevations dwg no. AH2017/29 Sheet 3 of 7

Plot 3 and 4 proposed elevations and street scene dwg no. AH2017/29 Sheet 4 of 7
Plot 3 and 4 proposed plans dwg no. AH2017/29 Sheet 5 of 7
Amended garage plans and elevations dwg no. AH2017/29 Sheet 6 of 7
Existing block plan dwg no. AH2017/29 Sheet 7 of 7

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

3. No development hereby approved shall progress beyond slab level until the exact details and samples of the materials to be used for all the external walls and roofs 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/or 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 hereby approved shall progress beyond slab level until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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 Conservation Area.

5. No development hereby approved shall progress beyond slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. refuse and other storage units etc).

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

6. All soft landscaping comprised in the approved details of landscaping 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 ten 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/ecological features.

7. No development hereby approved shall progress beyond slab level until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until surface water drainage to serve that part of the development has been constructed in accordance with the approved scheme.

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 ensure that the development can be adequately drained.

8. No development hereby approved shall progress beyond slab level until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details to serve that part of the development have been fully implemented in accordance with the approved 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 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 public health or the environment.

9. No dwelling hereby approved shall be first occupied until the access, turning area, visibility splays, parking spaces and garaging to serve each dwelling has been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

10. 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

11. 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 garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected on the site.

REASON: To define the terms of the planning permission and to safeguard the character and appearance of the conservation area and the wider setting of heritage assets.

12. The proposed development shall be undertaken in strict accordance with the Ecological Appraisal and Reptile Mitigation and Compensation Report dated 18 December 2018 by ABR Ecology Ltd. The development shall be carried out with liaison with, and supervision by a suitably qualified, licensed and competent ecological consultant. The compensatory bat roosts, reptile habitats, and ecological enhancements including for nesting birds, shall be retained as available for use by bats, reptiles and nesting birds for the lifetime of the development.

REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

INFORMATIVES:

1. The Council offices no longer have the facility to receive material samples. Material samples required by planning condition, must be made available to the appointed planning officer at a mutually convenient time to site as part of any formal discharge of planning condition process.

2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

APPENDIX A: Copies of the officer reports pursuant to approving application ref(s) 17/07736/FUL and 18/05492/VAR

CASE OFFICER'S REPORT

Application Reference: 17/07736/FUL
Date of Inspection: 25 August, 6 September and 5 December 2017
Date site notice posted: 6 September 2017
Date of press notice: 8 September 2017

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend that the application be approved subject to conditions.

2. Report Summary

This report will set out a description of the site, the nature of the proposals, the consultation responses received, the relevant policies and material planning considerations, and provide an assessment of the planning merits which have led to a recommendation for planning permission being granted subject to conditions.

3. Site Description

The application site is the residential curtilage of Oxford House, 12 the Butts, Bratton. It is occupied by an early 20th century dwelling that is in a dilapidated condition. The dwelling is located to the west of the site with a principle elevation that faces north, so that it is sited perpendicular to the highway. It has traditional Victorian massing and proportions with bay windows flanking a porched entrance. It has been subject to 2-storey extension at its rear dating from the mid-19th century. It has been subject to renovations from circa 1980s which replaced the roof with concrete tiles and pebble dashed the exterior walls.

The site has access onto the Butts at its northernmost point, adjacent to the access for the neighbouring property. The access leads to garages/outbuildings of varying form including a clay tiled pitched roof structure adjacent the road and flat roof garages behind.



To the east of the plot a number of large and mature Walnut and Sycamore trees have intertwining canopies and there is an understory of fruit tree specimens under and around these. There are a number of other smaller trees within other parts of the curtilage and frontage boundary hedge plants. This all contributes to a verdant character at the site.

2 Sycamore trees and a Robinia pseudoacacia are subject to a group preservation order (09/00039/GRP) in the south east corner of the site adjacent to the access road serving Reeves Piece. A third Sycamore that formed part of the TPO has been felled following approval (14/09327/TPO).



To the south east of the application site is a development of 5 detached properties on land that has formed part of the extended historic curtilage of 12 The Butts. These are of a suburban form, but form a part of the designated conservation area. To the south and west are a range of properties including the non-designated heritage asset of The Oratory and mid-twentieth century housing on the opposite side of The Butts. To the north is the Grade II listed 10 The Butts which is set behind its curtilage listed 2-storey outbuilding which fronts onto The Butts.



The site is not subject to any other special designations. The site is located within flood zone 1 – the lowest fluvial flood risk. There is no elevated surface water flood risk, but there is a general record of potential ground water flooding that covers much of western Wiltshire.

There are records of kites and bats in the vicinity and the submitted ecology information sets out evidence of bats within the dwelling and further potential across the site for a range of bat species, nesting birds, reptiles, and hedgehogs.

4. Planning History

W/92/00081/FUL – Erection of four detached chalets each with a detached double garage - Approved December 1992

W/13/00346/TCA – Crown reduce and reshape Sycamore Tree by 30% and crown lift to 4m - Approve April 2013

17/07747/106 - Modification of existing S106 relating to planning permission W/92/00081 to remove land originally included on original application - Approved September 2017

18/02524/TPO - T1 - T32 -Various Works as per schedule - Pending

Adjacent land:

W/06/03775/TCA – To fell a Sycamore tree - Approved January 2007

14/09327/TPO – Fell 3 Sycamore trees- TPO W/09/00039 - Approved November 2014

5. The Proposal

This is a proposal to demolish the existing dwelling and erect three dwellings. The proposal also includes associated works such as garaging, a new access to serve one of the proposed units and landscaping works.



Plot 1 would be a 1½ storey property providing 4 bedrooms including one at ground floor level providing for lifetime living. This property would utilise the existing access with garaging at the rear within a detached flat roof sedum structure under the canopies of the walnut trees. It would have hard standing to the front of this for 2 cars. The property would be constructed from a varied palette of materials including brick plinth and horizontal timber cladding to the walls and natural slate to the roof.

Plot 2 would be a 2-storey structure detailed to reflect the vernacular of the building to be demolished on site. It would be constructed with brick and reconstructed stone details to cills, headers and quoins. It is proposed to use natural slate to the roof. This building would front onto The Butts but be set back behind a front garden which would be landscaped to provide a new access, hard standing for parking and turning and appropriate visibility splays. The dwelling would provide a 4-bedroom home.

Plot 3 would be a located to the rear of the site adjacent to 4 Reeves Piece. It would be accessed along a private drive from the existing access to the site. It would have a detached garage and hard standing for parking and turning. The property would be set out over 3 storeys with 2 bedrooms provided within the roof space. It would have 5 bedrooms in total. It would have the same materials palette as plot 1.

The proposal has been submitted with indicative details of landscaping to show the retained trees and indicative details of replacement planting to compensate for those felled. Further the proposals details an ecological mitigation plan.

6. Local Planning Policy

Local context:

Wiltshire Core Strategy (development plan)

CP1, CP2, CP3, CP32, CP41, CP45, CP50, CP51, CP57, CP58, CP60, CP61, CP62, CP64, CP67 and appendix D's 'saved' policy U1a of the West Wiltshire District Plan 1st Alteration (2004).

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3)
PS6.

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

National Context:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

7. Summary of consultation responses

Bratton Parish Council: Objection.

"The Council object to the above application on the following grounds

Policy

The application does not meet the policy aspirations of the Core Strategy namely:-

Development at Large Villages will be limited to that needed to help meet the housing needs of the settlement.

Traffic

The development of 3 four/five bedroom homes would attract too much traffic to an already busy single carriageway village road without footpaths.

Conservation

The Council would wish to see the retention of the Victorian house on the site. The property is clearly capable of restoration and improvement and its retention would underscore the historical importance of this part of Bratton and enhance the conservation area. The Council is of the view that the property merits preservation.

The Chair expressed concern at the way in which the consultation on the revised plans had been carried out by Wiltshire Council."

Wessex Water: No objection.

Wiltshire Council's conservation officer: No objection.

Comments to the revised plans:

"After reading the historic background material I agree that the building is not of any great significance, and I think that the report gives a very good record to preserve the history of the building and the site. The building has been compromised by a host of alterations and its actual significance has been severely degraded. Therefore retaining the building is not of such great importance.

The proposal now offers three dwellings on the site which I feel is an acceptable amount of development. They have now demonstrated that the landscaping of retained and new vegetation would retain the existing verdant character of the site, and therefore maintain its impact on the Conservation Area.

The design of the units, especially Plots 1 and 2, have improved and taken more account of the historic surroundings and would therefore sit better in the street scene and the Conservation Area. The setting of the listed building likewise would be respected.

Consequently, I find that the proposed scheme would result in a neutral impact on the Conservation Area and the setting of the listed building and that on balance no harm would be caused."

Comments to the original submission:

"Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (s66).

Paragraph 132 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... Significance can be harmed or lost through ... development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."

Paragraph 135 of the NPPF states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Core Policy 57 of the Wiltshire Core Strategy states: "A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets. The plot is

within the Conservation Area and directly adjacent to the Grade II listed building to the north. There is an existing building on the application site that is proposed for demolition.

The existing building has a historic core dating to the last years of the 19th Century, as it first appears on the 1900-1901 maps. The front elevation of the building has an attractive symmetry with a central door under a canopy, flanked by bay windows each side, with three windows over. The house also has two brick chimneys with detailing and four chimney pots. However, the house has been poorly extended to the north and its windows have been replaced. The roof covering has also been replaced with modern concrete tiles. The walls have been rough rendered but there are stone details remaining such as the quoins and window cases.

So, the existing building is within the realms of being classed as a non-designated heritage asset, and therefore falls under the protection of paragraph 135 of the NPPF. However, as it has been significantly altered its wider contribution to the historic interest of the Conservation Area is reduced. Its value as a non-designated heritage asset has been compromised by its unsympathetic alterations and therefore its significance is considered to be low.

Ideally, this building would be brought back into a viable use by removing the harmful elements and, perhaps with new extension(s), work to reveal its former significance. The NPPF says that a balanced judgement is required. I do not have an in principle objection to building additional dwellings on the site, although I think the current plans are overly ambitious for this area. I acknowledge that there is similar close grain development to the east, however this current site is within the immediate vicinity of the Grade II listed building, 10 The Butts, and its curtilage listed outbuilding. This close proximity does increase the sensitivity of this site. I would recommend the existing building on site be reworked to provide the basis of a focal building within the site. Then, I would think that perhaps two additional dwellings could be created, preferably without detached garages in order to keep built footprint to a minimum.

I consider that at present the proposed scheme would result in less than substantial harm to the character of the Conservation Area and the setting of the listed building and is therefore in conflict with paragraph 132 of the NPPF and Core Policies 57 and 58 of the Wiltshire Core Strategy. In addition, when considering paragraph 135 of the NPPF the 'harm or loss' to the non-designated heritage asset would be total, as the asset would be demolished. When this is added into the consideration of paragraph 134 of the NPPF I cannot see any public benefits from a conservation viewpoint to outweigh this harm, although other public benefits may exist and these would need to be weighed against the above policies.

I would like to see the above points addressed and I would be happy to attend meetings or review revised drawings as appropriate."

Wiltshire Council's drainage officer: Support with conditions.

"Consultee response from drainage team was made in September 2017, at which time there was a lack of drainage information thus team gave 2 options in relation to a recommendation thus the following points are still applicable"

"Application form say foul drainage disposal to go to main sewer – this will need an application to the sewerage undertaker – also check need to see if layout affects any existing S105A public sewer – may need to change layout or need to seek permission to divert sewers which may (or may not) be given by the sewerage undertaker

Application form states storm water drainage disposal will be a mixture of sustainable drainage, soakaway and main sewer – no supporting information with the application – WW records only show a foul sewer for this area and would not normally allow storm water to foul connection especially if coupled with the use of soakaway

No permeability testing information with submission to show soakaways will work, size/location – see below

Area is chalk thus any soakaway will need to be located at least 10m from buildings/structure/roads due to risk of chalk dissolving and leaving a void which could collapse”

“Still no drainage information to show how site is to deal with foul/storm drainage disposal. As previous response - Site is located in FZ 1 and not within an area shown to be at risk from surface water flooding for 1 in 30/100 events according to EA mapping or affected by high ground water levels

Conditions:

As previous response option of recommendation on drainage is left to the LPA

Option 1 – objection on grounds of no drainage disposal arrangement thus no proof site can be drained

Option 2 – support with the following conditions (on the assumption they can be met)”

Wiltshire Council’s ecology officer: Final comments – no objection.

“I have reviewed the submitted Bat Mitigation and Compensation Plan (Becci Smith Ecological Consultant, April 2018), hereafter referred to as ‘the bat mitigation’ and am satisfied that this suitably addresses the outstanding issue raised within the response I provided on 28th March 2018. As such, I withdraw my previous holding objection to the proposed development, subject to the inclusion of the conditions set out below within the planning permission, assuming you are otherwise minded to approve the application.

The bat mitigation plan considers the application against the three licensing tests under the Habitats Regulations 2017 and provides information to demonstrate how the proposals meet the tests. Taking this into account I consider that Natural England (NE) would likely grant a European Protected Species Mitigation Licence (EPSML) to permit the works on the basis that the proposed mitigation and compensation for bats is strictly implemented.

Conditions:

The proposed development shall be undertaken in strict accordance with the Bat Mitigation and Compensation Plan (Becci Smith Ecological Consultant, April 2018), Reptile Mitigation and Compensation Report (Sedgehill Ecology Services, Updated February 2018), Section 8 of the Extended Phase 1 Habitat Survey and Daytime Bat Inspection Survey Report (Sedgehill Ecology Services, Updated February 2018) and Drawing No AH2017/29 Sheet 1 to 7. The development shall be carried out with liaison with, and supervision by a suitably qualified, licensed and competent ecological consultant. The compensatory bat roosts, reptile habitats, and ecological enhancements including for nesting birds, shall be retained as available for use by bats, reptiles and nesting birds for the lifetime of the development.

REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).”

Wiltshire Council’s highways officer: No objection.

“I refer to the recent Site Plan, I raise no highway objection to the proposed development subject to the visibility splays as shown on the plan, being available prior to the development and maintained thereafter.”

Wiltshire Council’s rights of way officer: No comments received.

Wiltshire Council's tree officer: Support subject to conditions.

“Following a positive site meeting with the applicant, all tree matters have been taken into consideration and a larger amount of mature trees retained providing a sense of maturity to the proposed development. The issues regarding the retention of two Walnut trees and the proposed installation of a car port between the two trees has also been rectified and agreed, that careful laying of a cellular confinement system and low impact screw thread piles would have a minimal impact on the health, vitality and longevity of these important landscape trees.”

8. Publicity

This consisted of neighbour letters, the erection of a site notice, a Wiltshire Times advert and publication on the Council's website. Revised plans were consulted upon. In total both consultation efforts resulted in circa 28 letters of representation from circa 17 parties. The objection against the original proposals may be summarised as follows:

- Section 106 restrictions to development;
- Oxford House (12 The Butts) ought to be retained;
- Ecology concerns;
- Impact on character and appearance of the area including heritage assets;
- Highway safety with dramatic increase in vehicles;
- No pavement on The Butts and reversing onto it would be dangerous;
- Overlooking and impact on amenity;
- Impact on trees;
- Outside of housing area / housing need to be met by proposed allocation / proposals do not meet housing need;
- Impact on drainage / water pressure / sewers;
- Cynical attempt at maximising developer profits;
- Gardens too small and property too close to road;
- Overdevelopment;
- Inappropriate design and elevation treatments;
- Lack of consultation /communication with residents prior to submission;
- Various contradictions, inaccuracies, incongruencies within the submissions;

The objection against the revised proposals may be summarised as follows:

- Concerns over consultation process and IT issues (consultation extended to address this);
- Plans are improved;
- Ongoing harm to conservation area from demolition of existing dwelling;
- Neighbouring amenity and overlooking;
- Highway safety;
- Further extensions to property should be restricted;
- Management of trees and ecology required;
- Plot 3 is too high;
- Does not contribute to the need within Bratton for smaller housing;
- An alternative scheme for 2 houses needs to be explored with the revenue from the additional dwelling being utilised to fund the renovation of the existing;
- An alternative scheme would be for 6-8 starter units in a stable yard arrangement;
- Cynical attempt at maximising developer profits – there are other ways to achieve this end;
- Detailed design concerns / potential for pastiche / success or failure in the detail; and
- Ecological measures need to be secured or are pointless.

9. Planning Considerations

□ Principle of development:

The application site is located within the development limits of Bratton, which is designated as a large village under Core Policy 32. In these circumstances Core Policies 1 and 2 direct that the principle of further housing development is acceptable in principle. The provision of 2 additional dwellings over the existing unit would help contribute towards the delivery of housing within the area and make a more efficient use of land within a location that policy directs as being sustainable.

Concern has been raised as to whether the proposal would meet a housing need. In terms of numbers the latest Housing Land Supply Statement sets out a residual requirement for 4 houses within the Westbury Community Area (outside of Westbury itself) up to 2026. Whilst the residual requirement is nominal, this is a minimum requirement and not a cap on development. Furthermore there are only two large villages (Bratton and Dilton Marsh) and one small villages (Edington/Tinhead) to meet this need. The residual requirement up to 2026 highlights that the need is not urgent, not that nonetheless there is clear need.

In terms of the type of housing required CP45 of the development plan set out that:
“The Wiltshire Strategic Housing Market Assessment identifies the housing needs of Wiltshire. Any variation to this will need to be justified through the production of new, sound evidence from either an updated Strategic Housing Market Assessment or other credible evidence source.”

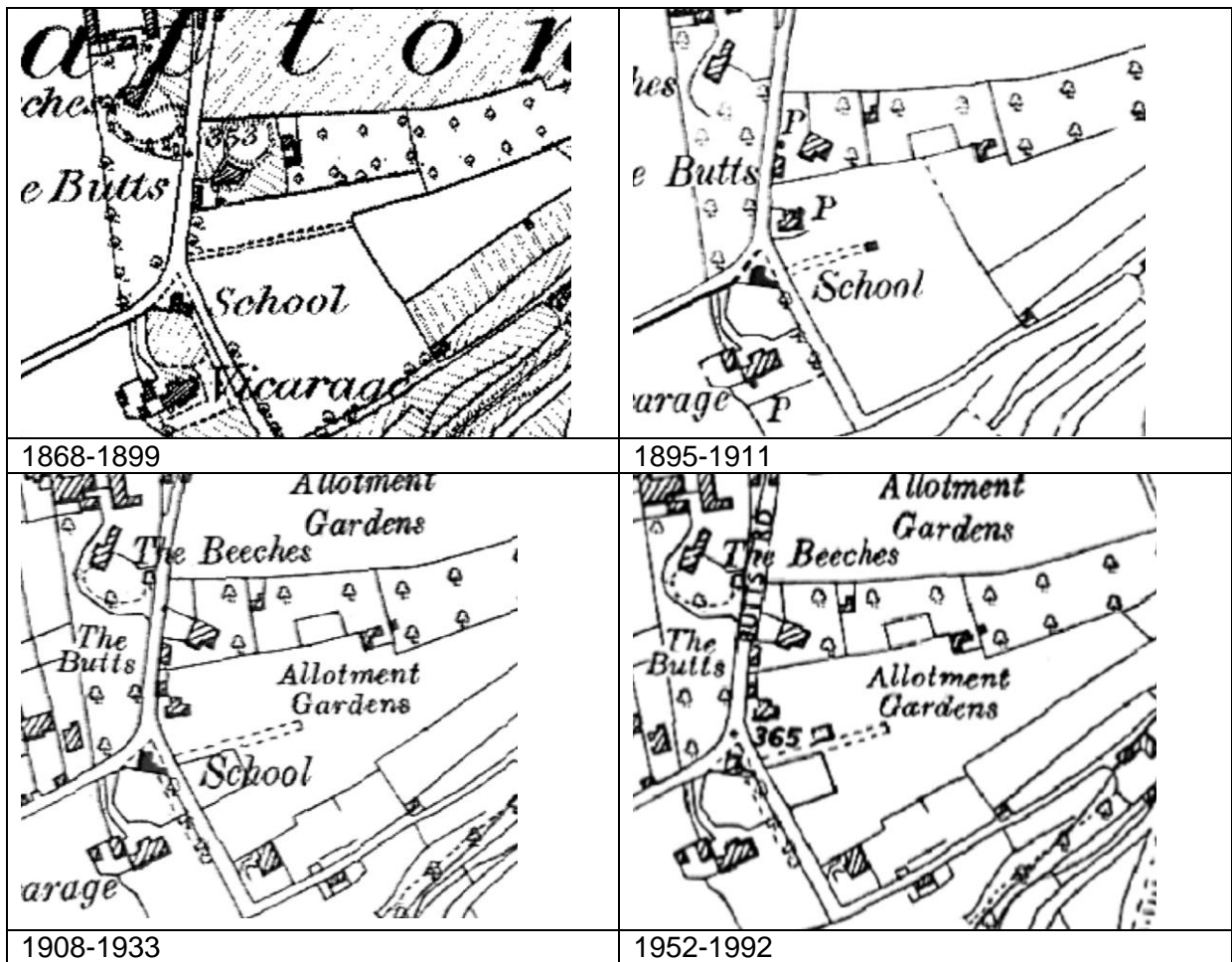
The most up to date *Strategic Housing Market Assessment* is from 2017 and this identifies a need for 2, 3, 4 and 5+ bedroom accommodation that is market housing. ‘Affordable housing’ needs are not relevant in this case as it is a proposal for market housing and below the thresholds for providing ‘affordable housing’. The evidence points to the main need being for 3 and 4 bedroom market accommodation. This proposal would provide 1x 3-bedroom dwelling with flexible ground floor space to provide a further bedroom at the desire of occupants; 1x 4-bedroom dwelling and 1x 5 bedroom dwelling. The proposal would therefore address the evidenced housing need and comply with CP45.

□ Impact on designated and non-designated heritage assets:

The application site is located within the designated conservation area of Bratton, it is located immediately to the south of the Grade II listed, 10 The Butts and is within the setting of this listed building. Furthermore the site is occupied by a late 19th century 2-storey property that may be considered as a non-designated heritage asset. Furthermore the site forms part of the setting to the non-designated heritage asset that is the Oratory. Designated heritage assets are subject to statutory protection as set out above. The conservation officer’s comments are set out verbatim above and already provide the detail of the statutory protection, the tests required by the NPPF and the local policy context.

The application has been submitted with a heritage assessment that considers most of the relevant heritage assets and their significance. It is clear, through discussion, that this has in part informed the design and nature of the proposals in order to try and ensure that no harm to the significance of these assets occurs and where it necessarily occurs that it is minimised.

It is understood that the application site has never had an association with 10 The Butts (Grade II listed). The land has consistently been shown as separate to the property and the existing relatively high red brick boundary feature is likely to be a historic feature of this relationship. It is proposed to retain this feature and express it as part of the site layout. This contributes to maintaining the setting of the listed building and the significant features of the conservation area.



Historic mapping indicates that the application site has generally had an open character being in agricultural use (allotments gardens) as recently as the late 20th century. Indeed in the late 20th century, the agricultural activity appears to include substantial building footprints on land that has now been developed (Reeves Piece). The verdant nature of the site appears to be a relatively modern feature of the land. It appears to have occurred (in part) simultaneously with the wider development that has happened around this location and which has severed the site from its historic agricultural origins. It is also considered that many of the trees are fruit trees that may age from the allotment gardens that were in the vicinity around 1900. This may include the Walnuts (Trees 2 and 12 – category B) as well as the numerous fruit tree species. It is possible to conclude that the verdant nature of the site may and indeed is likely to have been the case for longer than the applicant considers and it now actively contributes to the character and appearance at this point in the conservation area. The current proposals are much improved in terms of tree retention and indicative details of replacement planting to compensate for the trees that would be felled. This is generally acknowledged in the public responses. Further the conservation and tree officers are not raising objection to the revised proposals and conditions may control the final details. To this end the scheme would not cause any harmful impact to the character and appearance of the conservation area subject to conditions.

The site is occupied by a much altered late 19th century dwelling. It has had significant and rather regrettable extensions to the rear, but its south elevation still reads well as a principle elevation. However the roof has been recovered with concrete tiles, its windows replaced with uPVC and its walls covered with painted pebbledash render. Its origins and significance to the conservation area have been researched and appear, from the lack of information, to be limited. Its aesthetic value is also limited given the circa 1960s additions and circa 1980s

renovations. Its general condition is acknowledged to be poor and investment costs to improve it likely to be high and towards the disproportionate end of the spectrum. This is supported by a condition survey and viability statement submitted by the applicant showing works required to bring it up to desirable and modern standards to be in excess of £350k. Further its siting results in an inefficient use of the site frontage and land making it difficult to accommodate frontage development and increasing pressure on the trees within the centre of the site. Whilst the dwelling could be retained and the works could be funded by allowing a single dwelling at the rear such a project is unlikely to generate notable profit and would probably require a developer to do it for its own sake. There would be likely funding issues with such a project. In short such an approach is not considered to be feasible based on the evidence and information available.

Moreover the NPPF is clear that:

“In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

This proposal would lead to the complete loss of the non-designated heritage asset. However the significance of this is considered to be limited. The loss of the asset would allow for a more efficient use of the land. The evidence presented indicates that the heritage asset is beyond economic repair and there is no substantive evidence to the contrary. In this context a balanced judgement is that the loss of the non-designated heritage asset is not objectionable.

As a feature of the conservations area, a designated heritage asset (and where a different test applies), it is considered to have limited significance given its age and current appearance and on balance would not result in any significant harm. Any very limited harm would be outweighed by the benefit of redevelopment through enhancing the appearance at this point, providing additional dwellings, making a more efficient use of land and the associated economic, environmental and social benefits involved with this.

To the south The Oratory is an attractive non-designated heritage asset. Its setting is much altered over time by developments such as the existing dwelling on site and other 20th century housing to the east, west and north. In this context the proposal would have a very limited impact on the setting of this non-designated heritage asset. The weight that can be afforded to this is low.

It is noted that the Council’s conservation officer concludes to raise no objection to the proposals and their assessment is set out verbatim above.

It is concluded that the site and the dwelling, 12 The Butts, are of limited value to the significance of the character and appearance of the conservation area and the setting of 10 The Butts as a listed building. Furthermore the loss of 12 The Butts (as a non-designated heritage asset of such low significance, given its historic value and its condition) is not a significant concern. The impact on the setting of the Oratory to the south is also of very low significance given that this is not listed and only its setting would be affected – a setting that is already much altered.

This proposal would maintain a high degree of the existing verdant character based on the plans which show retention of key trees, such as the 2 walnut specimens and an indicative landscaping scheme that proposes more trees than would be felled. A detailed landscaping scheme can be controlled by condition. The siting and elevation treatment of the dwellings is considered to respect the context of the site with traditional design features in the frontage locations and a more contemporary and suburban form to the rear adjacent to the existing dwellings of this type.

□ Design and street scene:

This application has been subject to protracted discussions and negotiations with the developer that have resulted in a reduction in the number of dwellings proposed and an enhanced design approach.

The proposal now concentrates the number of dwellings at the frontage to be 2 in lieu of the existing dwelling. This would be a more efficient use of land. This also concentrates development away from the retained trees within the centre of the site. The elevation approach on plot 1 is to employ a traditional and simple form that may have reflected an ancillary rural type building. The approach on plot 2 was to try and reflect the existing dwelling.

Proposed street scene of plots 1 and 2 with the scale of adjacent buildings outlined:



The proposals are considered to satisfactorily address the street scene by employing sympathetic scale and massing and reflecting a village vernacular. This is achieved at plot 1 with its simple linear frontage; and on plot 2 by applying style and proportions consistent with the existing dwelling on site. Materials and finishes can be controlled through conditions but it is noted that natural slate is proposed to the roofs as well as brick and timber to the walls. As suggested in the public responses the success of the design relies on the detail, and so far as this can be reasonably controlled through planning, it would be through the use of planning conditions.

In terms of plot 3 this has been sited to the rear of the site and would not form a prominent part of the street scene. It would be well screened from prominent view by any final details of landscaping. The design approach to this plot has been led by the adjacent development at Reeves Piece which employs a 20th century suburban aesthetic. The proposal is considered to be sympathetic to this context with very similar scale and heights to the existing development next door.

It is considered that the design approach has been justified through the course of discussion and negotiations. This has been refined in further discussions to the point where the applicant is unwilling to make any further compromises. This is considered to be the best scheme that can be negotiated with the developer and their agent and it is considered to be satisfactory in the context of the surrounding built form having regard to the development plan policies and any other material considerations. Further details can be controlled by condition (to a point), but planning ultimately is not intended to control every minutiae of development.

□ Landscape and landscape features:

As set out above the verdant nature of the site is the key defining characteristic of the site now. This is likely to stem from the twentieth century only, whether that was early, mid or late twentieth century is a point of conjecture.

Retention of this verdant character presents both an opportunity and constraint for development of the site and seeking a more efficient use of the land within the development limits. Finding an appropriate balance is required and this requires the strategic retention of key trees and a strategic replacement landscaping scheme. It is considered that the proposals achieve this balance with in the indicative replacement planting scheme which ensures more planting than would be felled. The details of planting should be secured through conditions.

The only significant existing hard landscaping feature here is the boundary between 10 and 12 The Butts. This is proposed to be retained and expressed as part of the final layout. Final details of all proposed landscaping again ought to be controlled through condition. It is noted that the Council's tree officer raises no objection subject to conditions.

- Ecology:

The application has been submitted with detailed ecology reports that have been subject of detailed discussion and negotiation with the Council's ecologist. The final comments from the Council's ecologist are set out verbatim above and they are satisfied that the proposals are acceptable subject to a condition to secure the ecological mitigation detailed in the submissions.

The initial phase 1 report concludes that "*habitats on the site are considered to be of potential ecological value and the presence of protected species is of probable*". In light of this further survey work (reptiles and bats) was required and general recommendations for mitigation and enhancement were made (habitat, nesting birds, and hedgehogs).

A reptile mitigation and compensation report was submitted in light of the phase 1 findings. This found the site was used by slow worms, a protected species. The affected population would be of "local importance". The proposal is acknowledged to result in a loss of habitat for this species and as such the scheme has been designed to mitigate for this through alternative herbaceous and shelter provision and ensuring that they are translocated as part of the pre-construction phase. Once development is complete the use of the land remains residential and species will be able to move freely within the created landscape setting. It is important to note that other legislative protections are not affected by planning. The full details are set out within section 8 of the report and indicated within the architectural plans. The suggested condition by the Council's ecologist would control the implementation of the proposed mitigation and enhancements.

A bat mitigation and compensation report was also submitted in light of the phase 1 findings. This found the site was used by 3 species of bats for roosting. A small maternity roost for brown long-eared bats ("medium conservation status") and day roosts for a single serotine and a low number of common pipistrelle bats ("low conservation status") were found. The proposal is acknowledged to result in a loss of habitat for these species and as such the scheme has been designed to mitigate for this through alternative roosting provision prior to demolition, and additional roosting features as enhancement upon scheme completion. Conditions can ensure alternative provision is made, once complete the land use would remain residential. It is important to note that other legislative protections are not affected by planning. The full details are set out within section 8 of the report and indicated within the architectural plans. The suggested condition by the Council's ecologist would control the implementation of the proposed mitigation and enhancements.

The proposals would affect protected species and their habitat as well as other ecological interests. Taking a proportionate assessment of the likely impacts and mitigation proposed it is considered that the delivery of needed housing is considered to represent an overriding public interest in this case, and there is no satisfactory alternative to the proposals with the mitigation that has been set out as part of the scheme. The proposals are considered to ensure a favourable conservation status to the protected species and as such a licence from Natural England is likely to be forthcoming as the derogation tests would be satisfied. The Council's ecologist raises no objection subject to a condition. The proposals also detail enhancement features and on balance it is considered that the proposals would likely result in a broadly neutral impact moving towards modest enhancement in ecology terms. The proposals would accord with CP50 of the development plan which seeks conservation and where possible enhancement.

□ Drainage:

The applicant has stated that they intend to dispose of foul waste to the mains sewers. This approach accords with the hierarchy for disposal of foul waste and can be controlled by condition.

The applicant has stated that they intend to dispose of surface water to soakaways. This accords with the hierarchy for disposal of surface water and can be controlled by condition. This is because, although no infiltration testing has been done, indicative details have been provided to show that such an approach can be accommodated within the building and landscaping layout detailed. This layout shows building regulation compliant distances to structures – there is no planning policy to support an approach over and above building regulations – and soakaways outside of tree root protection areas. The site is within flood zone 1 – the lowest fluvial flood risk and is not subject to any surface water flooding risk.

The advice of the drainage officer is noted and it is noted that they consider a conditional control to be an acceptable option.

□ Highway safety and parking:

The concerns of local residents and Bratton Parish Council are noted. The local roads cannot be considered to be congested or resulting in any existing highway safety hazard with normal and sensible driver behaviour. This is a proposal for 2 additional dwellings and is unlikely to result in any significant increase in traffic levels over the existing and no capacity issues.

The proposal would add to the movements on the local road network and the junction with the B3098. However with reasonable behaviour and moreover, the limited movements associated with a small number of additional dwellings this poses no concerns.

The existing access onto the public highway is considered to be substandard in terms of visibility to the north. It is an existing access though and the highway advice is that they are content that its use can be intensified, to the modest level detailed, without any significant highway harm.

The new access proposed onto The Butts serves a single dwelling. Following negotiation this has been detailed with turning facilities within curtilage so as to allow access and egress in a forward gear. Reasonable visibility for vehicles egressing the site in a forward gear can be achieved. The road is unclassified, likely to be subject to low speeds below the 30mph speed restriction, and generally subject to very limited through traffic (local residents are well aware of the road character and likely to drive appropriately). In this context there would be no demonstrable highway safety concern from the new access.

The proposals detail car parking to meet the minimum car parking standard and adequate space for vehicles to turn within the site before exiting from the existing access point.

The proposals have been designed so as to provide adequate parking and reasonable measures to minimise any highway safety harm have been taken. Highway officers raise no objection to the final proposals.

□ Residential amenity:

The proposals would maintain adequate distances between existing and proposed properties with no direct overlooking of gardens from a distance of less than 10 metres and habitable room windows by a distance of 21 metres.

The proposals would not result in any significant loss of light, dominance or overshadowing.

The public objection in this regard is noted, but it is not considered that the proposals would cause any significant harm to residential amenity given the separation distances in this case.

The proposals would retain a verdant landscape, which can of itself reduce the amenity of residential property if the trees are too close to habitable room windows. This has therefore been avoided within the design of the built form and landscaping to be retained and planted. Furthermore it would be a context and character that future buyers would be aware of.

□ Any other material considerations:

Infrastructure – Any new dwelling has an impact on the services and infrastructure for the settlement and community area. Given the scale of this scheme this is a matter to be addressed through the Community Infrastructure Levy (CIL). Additional dwellings are chargeable development.

Rights of Way – There is a right of way (BRAT38) within the vicinity, however this will be unaffected by the proposals.

Consultation – It is acknowledged that during phases of the statutory consultation process that the Council has experienced IT issues that have affected the ability of local people to view the submissions on-line. This is not acceptable. As such officers have been flexible and pragmatic about the dates on which comments may be received. The level of public response (proportionate to the scale of development) is indicative of the IT problems not significantly affecting the ability of the public to express their opinions and views. The IT issues have not affected the planning merits of the development.

10. Conclusion (The Planning Balance)

This is a proposal to replace a dwelling with 3 new dwellings in a low density arrangement that respects the spatial character of the village. This is in a location that is acceptable for further housing development in principle and would meet a housing need as defined by the most recent Housing Land Supply Statement and CP45 of the development plan.

Information has been provided that illustrates that the existing dwelling is of limited heritage value and is beyond economic repair. The proposals would maintain the existing verdant context and have received no objection responses from the Council's tree and conservation officers. The plans show units 1 and 2, which would be prominent within the street scene as having a satisfactory design in the context of the character and appearance of the conservation area at this point. Unit 3 would not be prominent and would have a more suburban form that accords with the context of the adjacent built form. Reasonable levels of separation to the adjacent listed building would be maintained; a dwelling that has not had any historic association with the application site. The proposal is therefore considered to cause no significant harm in terms of design, heritage or trees.

The proposal would provide 3 habitable dwellings built to modern standards in terms of energy efficiency which would go some way to addressing local housing need by creating additional dwellings and which may in turn free up other housing types within the village. The proposals would make an efficient use of the land without compromising the verdant character of the site or the wider character and appearance of the conservation area. The proposals would provide adequate mitigation for ecology interests and any residual concern can be addressed through the use of conditions.

The proposals would provide safe and convenient access; and car parking at a level that would accord with the current minimum car parking standards. The level of additional activity is considered to be modest and acceptable in terms of highway capacity and engineering.

The proposals would provide a good level of amenity for future occupiers of the development and protect the reasonable levels of amenity for the existing occupiers of neighbouring property.

The local objection to these proposals is noted and has been given careful consideration. In light of this and the relevant development plan policies the application has been discussed and negotiated at length in the interests of being positive and proactive. In light of the revised plans – which reduce the number of units from 4 to 3 and provide an enhanced level of design and landscaping – it is noted objection remains, albeit more modest. This has again been considered carefully in the context of the development plan policies and a balance of the environmental, social and economic dimensions of sustainable development. On balance it is considered that the proposals would be a sustainable form of development and no significant harm to planning interests would occur. Any minor residual concerns can be minimised/addressed by conditions or is outweighed by the benefit of providing needed housing and making an efficient use of land.

RECOMMENDATION Approve subject to conditions.

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 17/07736/FUL

Agent A Harlow & Son Park Gates Rood Ashton Park West Ashton BA14 6AT United Kingdom	Applicant Mr Simon Ellinger c/o agent
Particulars of Development: Demolition of existing dwelling and erection of 3 new dwellings with associated works including creation of a new vehicular access and landscaping.	
At: Oxford House, 12 The Butts, BRATTON, BA13 4SW	

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:

AH201729 Sheet 1 of 7 by A Harlow & Son, dated 3rd April 2018;
AH201729 Sheet 2 of 7 by A Harlow & Son, dated 20th March 2018;
AH201729 Sheet 3 of 7 by A Harlow & Son, dated 3rd April 2018;
AH201729 Sheet 4 of 7 by A Harlow & Son, dated 3rd April 2018;
AH201729 Sheet 5 of 7 by A Harlow & Son, dated 20th March 2018;
AH201729 Sheet 6 of 7 by A Harlow & Son, dated 1st February 2018; and
AH201729 Sheet 7 of 7 by A Harlow & Son, dated 1st February 2018.

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

- 3 Notwithstanding the hereby approved plans, no development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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/or 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 above slab level shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 6 All soft landscaping comprised in the approved details of landscaping 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 ten 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/ecological features.

- 7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- * A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
 - * A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
 - * A schedule of tree works conforming to British Standard 3998: 2010;
 - * Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - * Plans and particulars showing the siting of the service and piping infrastructure;
 - * Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
 - * In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried out no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
 - * Subsequently and until the completion of all site works, site visits should be carried out on a regular basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 8 No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

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 order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until surface water drainage to serve that part of the development has been constructed in accordance with the approved scheme.

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 ensure that the development can be adequately drained.

- 10 No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details to serve that part of the development have been fully implemented in accordance with the approved 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 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 public health or the environment.

- 11 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during demolition;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment; and
 - i) hours of construction, including deliveries;
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 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 the construction phase.

- 12 No plot shall be first occupied until the access, turning area, visibility splays, parking spaces and garaging to serve the plot have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 13 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 14 The proposed development shall be undertaken in strict accordance with the Bat Mitigation and Compensation Plan (Becci Smith Ecological Consultant, April 2018), Reptile Mitigation and Compensation Report (Sedgehill Ecology Services, Updated February 2018), Section 8 of the Extended Phase 1 Habitat Survey and Daytime Bat Inspection Survey Report (Sedgehill Ecology Services, Updated February 2018) and Drawing No AH2017/29 Sheet 1 to 7. The development shall be carried out with liaison with, and supervision by a suitably qualified, licensed and competent ecological consultant. The compensatory bat roosts, reptile habitats, and ecological enhancements including for nesting birds, shall be retained as available for use by bats, reptiles and nesting birds for the lifetime of the development.

REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

INFORMATIVE:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure/elevy.

Signed

A handwritten signature in black ink, appearing to read 'T. Martiensen', with a horizontal line extending to the right.

Tim Martiensen
Director
Economic Development and Planning

Dated: 13 April 2018

CASE OFFICER'S REPORT

Application Reference: 18/05492/VAR
Date of Inspection: 25 August, 6 September and 5 December 2017; and 3 July 2018
Date site notice posted: 3 July 2018
Date of press notice: 13 July 2018

11. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend that the application be approved subject to conditions.

12. Report Summary

This report will set out a description of the site, the nature of the proposals, the consultation responses received, the relevant policies and material planning considerations, and provide an assessment of the planning merits which have led to a recommendation for planning permission being granted subject to conditions.

13. Site Description

The application site is the residential curtilage of Oxford House, 12 the Butts, Bratton. It is occupied by an early 20th century dwelling that is in a dilapidated condition. The dwelling is located to the west of the site with a principle elevation that faces north, so that it is sited perpendicular to the highway. It has traditional Victorian massing and proportions with bay windows flanking a porched entrance. It has been subject to 2-storey extension at its rear dating from the mid-19th century. It has been subject to renovations from circa 1980s which replaced the roof with concrete tiles and pebble dashed the exterior walls.

The site has access onto the Butts at its northernmost point, adjacent to the access for the neighbouring property. The access leads to garages/outbuildings of varying form including a clay tiled pitched roof structure adjacent the road and flat roof garages behind.



Recent removal of trees and tree management has taken place since the 2017 inspections. Two mature and prominent Walnut trees have been retained with a number of other smaller and varied species. The understorey of fruit tree specimens under and around these has been removed. The verdant character at the site remains and the management has generated opportunity for the retaining and new trees.

2 Sycamore trees and a Robinia pseudoacacia are subject to a group preservation order (09/00039/GRP) in the south east corner of the site adjacent to the access road serving Reeves Piece. These have been retained. A third Sycamore that formed part of the TPO has been felled following approval (14/09327/TPO).



To the south east of the application site is a development of 5 detached properties on land that has formed part of the extended historic curtilage of 12 The Butts. These are of a suburban form, but form a part of the designated conservation area. To the south and west are a range of properties including the non-designated heritage asset of The Oratory and mid-twentieth century housing on the opposite side of The Butts. To the north is the Grade II listed 10 The Butts which is set behind its curtilage listed 2-storey outbuilding which fronts onto The Butts.



The site is not subject to any other special designations. The site is located within flood zone 1 – the lowest fluvial flood risk. There is no elevated surface water flood risk, but there is a general record of potential ground water flooding that covers much of western Wiltshire.

There are records of kites and bats in the vicinity and the originally submitted ecology information sets out evidence of bats within the dwelling and further potential across the site for a range of bat species, nesting birds, reptiles, and hedgehogs.

14. Planning History

W/92/00081/FUL – Erection of four detached chalets each with a detached double garage - Approved December 1992

W/13/00346/TCA – Crown reduce and reshape Sycamore Tree by 30% and crown lift to 4m - Approve April 2013

17/07747/106 - Modification of existing S106 relating to planning permission W/92/00081 to remove land originally included on original application - Approved September 2017

17/07736/FUL – Demolition of existing dwelling and erection of 3 new dwellings with associated works including creation of a new vehicular access and landscaping. – Approved April 2018.

18/02524/TPO - T1 - T32 -Various Works as per schedule - – Approved April 2018.

Adjacent land:

W/06/03775/TCA – To fell a Sycamore tree - Approved January 2007

14/09327/TPO – Fell 3 Sycamore trees- TPO W/09/00039 - Approved November 2014

15. The Proposal

This is a proposal to vary planning permission 17/07736/FUL. Fundamentally it remains the same, to demolish the existing dwelling and erect three dwellings. However this variation application seeks to make minor material amendments to all three dwellings and provides additional details in terms of drainage and landscaping.



The changes to plot 1 involve the removal of a proposed chimney and utilising patio doors instead of the approved bi-folding doors.

The changes to plot 2 involve the relocation of a chimney to the south elevation and introduction of 3 windows (2 at ground floor to serve a living room, and 1 at first floor to serve an en-suite bathroom). The proposal would enlarge the footprint of the 'main' part of the dwelling by circa 500mm, resulting in a slight increase in height. Further the rear 'extension' would project an additional 900mm at the rear, resulting in a slight increase in height. The proposal details the enlargement of the garage (400mm in depth and 600mm in width) and changes to the fenestration on the north elevation (the only additional opening being for a bathroom).

The changes to Plot 3 involve the removal of the bonnet hip details to the roof form for standard gable ends. The timber cladding is now detailed as cedar half lap and additional information on rainwater goods have now been provided.

The proposal has been submitted with some details of the landscaping scheme showing retained trees and a number of details on the proposed trees and planting. Some trees and hedging appears as indicative details only. Ecological mitigation is detailed still and drainage is now detailed to show routes of and point of connection for foul flows to the mains in The Butts. The plans show locations of routes to soakaways for drives and dwellings. Further information in relation to soakaway testing has also been provided.

16. Local Planning Policy

Local context:

Wiltshire Core Strategy (development plan)

CP1, CP2, CP3, CP32, CP41, CP45, CP50, CP51, CP57, CP58, CP60, CP61, CP62, CP64, CP67 and appendix D's 'saved' policy U1a of the West Wiltshire District Plan 1st Alteration (2004).

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3)
PS6.

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)

Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)

National Context:

National Planning Policy Framework 2018 (Framework)

Planning Practice Guidance (PPG)

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

17. Summary of consultation responses

Bratton Parish Council: No comments received.

Wessex Water: As per original comments.

Wiltshire Council's conservation officer: No comments received.

Wiltshire Council's drainage officer: Requests further collated details.

Wiltshire Council's ecology officer: No comments received.

Wiltshire Council's highways officer: No objection.

Wiltshire Council's rights of way officer: No comments received.

Wiltshire Council's tree officer: No comments received.

18. Publicity

This consisted of neighbour letters, the erection of a site notice, a Wiltshire Times advert and publication on the Council's website. 2 letters of objection were received which may be summarised as follows:

- Suggests amendment to landscape species; and
- Does not wish to see any further amendments.

19. Planning Considerations

- Principle of development:

The principle of development has been established and set out within the original planning permission's delegated officer report. Since that time there have been some changes in circumstances. The government has published a revised version of the Framework and now there is an extant planning approval for the demolition and erection of 3 dwellings. This variation application is a matter for detailed consideration. The application has been assessed in light of this revised circumstance.

- Changes to the site layout:

The additional details of landscaping are welcomed, however there remains some paucity of information with some details remaining indicative. As such this remains a matter to be controlled by condition.

The details of foul drainage are welcomed and subject to implementation this poses no concerns. It accords with the hierarchy of using mains drainage for foul waste as the preference.

A condition can be imposed to ensure the point of connection is applied and separate agreement for that connection with Wessex Water is the responsibility of the developer.

In terms of the surface water drainage the details are welcomed and are acceptable in principle. They again accord with the hierarchy of disposal for surface waters. The location of routes and soakaways appears to be satisfactory and has regard to building control requirements (5m easements) and tree constraints. The size of soakaways has been calculated based on BRE365 testing and is therefore acceptable. The holes to carry out this were dug to 2m without finding groundwater and so it is unlikely that groundwater flooding of the soakaways would occur. The drainage request for 10m clearance is noted but there is no evidence that this is necessary over and above building control requirements and would result in detrimental impacts to trees. This is therefore not supported. Implementation of the submitted details can be conditioned.

- Changes to Plot 1:

The alterations to plot 1 pose no planning concerns whatsoever. The removal of the chimney makes no material difference to the design of the dwelling or its relationship to heritage assets. The change to the rear patio / bi-fold doors pose no planning concerns.

- Changes to Plot 2:

This is the plot that has been subject to the most notable changes, although the alterations remain modest. The dwelling would be slightly enlarged but this poses no significant planning concerns, it would remain a proportionate and scaled building to the context and would not cause overshadowing to neighbour property.

The alterations to the fenestration would not result in any increased overlooking that would cause harm to neighbouring amenity.

- Changes to Plot 3:

The removal of the hipped detail and replacement with gable ends is arguably a regrettable change to the design of the building. However this is a subjective judgement and ultimately this dwelling remains of a similar suburban design and the alteration would have no demonstrable negative impact on planning interests.

- Any other material considerations:

The site wide changes would result in no harmful impact on heritage assets having regard to the statutory duties and the Framework.

The neighbour concern over species of box hedge and vulnerability to disease is noted. Any approved landscaping would be subject to 5 year protection and replanting if necessary.

The neighbouring concern over incremental revisions eroding the quality of the scheme is noted. It is not the case to date, but ought to be borne in mind through discharge of conditions and any further application if they are indeed submitted.

There are no further material planning matters raised by the proposed variations to the extant planning approval.

20. Conclusion (The Planning Balance)

The conclusions on this variation application remain as per the original approval. This is a proposal to replace a dwelling with 3 new dwellings in a low density arrangement that respects the spatial character of the village. This is in a location that is acceptable for further housing development in principle and would meet a housing need as defined by the most recent Housing Land Supply Statement and CP45 of the development plan.

Information has been provided that illustrates that the existing dwelling is of limited heritage value and is beyond economic repair. The proposals would maintain the existing verdant context. The plans continue to show units 1 and 2, which would be prominent within the street scene as having a satisfactory design in the context of the character and appearance of the conservation area at this point. Unit 3 would not be prominent and would have a more suburban form that accords with the context of the adjacent built form. Reasonable levels of separation to the adjacent listed building would be maintained; a dwelling that has not had any historic association with the application site. The proposal is therefore considered to cause no significant harm in terms of design, heritage or trees.

The proposal would provide 3 habitable dwellings built to modern standards in terms of energy efficiency which would go some way to addressing local housing need by creating additional dwellings and which may in turn free up other housing types within the village. The proposals would make an efficient use of the land without compromising the verdant character of the site or the wider character and appearance of the conservation area. The proposals would provide adequate mitigation for ecology interests and any residual concern can be addressed through the use of conditions.

The proposals would provide safe and convenient access; and car parking at a level that would accord with the current minimum car parking standards. The level of additional activity is considered to be modest and acceptable in terms of highway capacity and engineering.

The proposals would provide a good level of amenity for future occupiers of the development and protect the reasonable levels of amenity for the existing occupiers of neighbouring property.

The original local objection to these proposals has been considered and the contemporaneous comments (much reduced) noted and addressed above. Careful consideration in the context of the development plan policies and a balance of the environmental, social and economic dimensions of sustainable development has been had. On balance it is considered that the proposals would be a sustainable form of development and no significant harm to planning interests would occur. Any minor residual concerns can be minimised/addressed by conditions or is outweighed by the benefit of providing needed housing and making an efficient use of land.

RECOMMENDATION Approve subject to conditions.

Town & Country Planning Act 1990

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

Application Reference Number: 18/05492/VAR

Agent A Harlow & Son Park Gates Rood Ashton Park West Ashton BA14 6AT United Kingdom	Applicant Mr Simon Ellinger c/o agent
Particulars of Development: Variation of condition 2 on 17/07736/FUL to allow for changes to the design of the proposed houses.	
At: Oxford House, 12 The Butts, Bratton, BA13 4SW	

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 condition(s) specified hereunder:-

- 1 The development hereby permitted shall be begun before 13 April 2021.

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:

AH201729 Location Plan by A Harlow & Son, dated 20th March 2018;
AH201729 VAR Sheet 1 of 5 by A Harlow & Son, dated 20th July 2018;
AH201729 VAR Sheet 2 of 5 by A Harlow & Son, dated 6th June 2018;
AH201729 VAR Sheet 3 of 5 by A Harlow & Son, dated 6th June 2018;
AH201729 VAR Sheet 4 of 5 by A Harlow & Son, dated 6th June 2018;
AH201729 VAR Sheet 5 of 5 by A Harlow & Son, dated 6th June 2018;
AH201729 Sheet 5 of 7 by A Harlow & Son, dated 20th March 2018; and
AH201729 Sheet 6 of 7 by A Harlow & Son, dated 1st February 2018.

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

- 3 Notwithstanding the hereby approved plans, no development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs 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/or 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 above slab level shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies 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.

- 5 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 6 All soft landscaping comprised in the approved details of landscaping 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 ten 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/ecological features.

- 7 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:
- * A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
 - * A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
 - * A schedule of tree works conforming to British Standard 3998: 2010;
 - * Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - * Plans and particulars showing the siting of the service and piping infrastructure;
 - * Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
 - * In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
 - * Subsequently and until the completion of all site works, site visits should be carried out on a regular basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 8 No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

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 order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

- 9 No dwelling shall be first occupied until surface water drainage to serve that part of the development has been constructed in accordance with the hereby approved plans.

REASON: To ensure that the development can be adequately drained.

- 10 No dwelling shall be first occupied until the approved sewerage details to serve that part of the development have been fully implemented in accordance with the hereby approved plans.

REASON: 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 public health or the environment.

- 11 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during demolition;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment; and
 - i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 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 the construction phase.

- 12 No plot shall be first occupied until the access, turning area, visibility splays, parking spaces and garaging to serve the plot have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 13 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 14 The proposed development shall be undertaken in strict accordance with the Bat Mitigation and Compensation Plan (Becci Smith Ecological Consultant, April 2018), Reptile Mitigation and Compensation Report (Sedgehill Ecology Services, Updated February 2018), Section 8 of the Extended Phase 1 Habitat Survey and Daytime Bat Inspection Survey Report (Sedgehill Ecology Services, Updated February 2018) and Drawing AH201729 VAR Sheet 1 of 5. The development shall be carried out in liaison with and supervision by a suitably qualified, licensed and competent ecological consultant. The compensatory bat roosts, reptile habitats, and ecological enhancements including for nesting birds, shall be retained as available for use by bats, reptiles and nesting birds for the lifetime of the development.

REASON: To ensure appropriate mitigation, compensation and enhancement for protected species; and compliance with The Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework, the NERC Act 2006 and Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015).

INFORMATIVE:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Signed



Tim Martienssen
Director
Economic Development and Planning

Dated: 17 August 2018

