

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	23.01.2013		
Application Number	W/12/01636/FUL		
Site Address	Heronview 91B Winsley Hill Limpley Stoke Wiltshire BA2 7JN		
Proposal	Demolition of existing dwelling and garage, erection of replacement dwelling and garage with associated works		
Applicant	Mr Iain Clamp		
Town/Parish Council	Winsley		
Electoral Division	Winsley And Westwood	Unitary Member:	Linda Conley
Grid Ref	378616 160933		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Linda Conley has requested that this item be determined by Committee to discuss the following:

The scale of development;
 The visual impact upon the surrounding area;
 The relationship to adjoining properties;
 The design, bulk, height and general appearance;
 The alleged encroachment into Green Belt and beyond curtilage defined limits and in support of Parish Council concerns.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses -

Thirteen third party supportive letters were received
 One further third party letter was received offering qualified support (supporting the replacement house but not the terracing element)
 One third party letter neither objecting nor supporting the application was received.
 Three third party objections were received (NB: one objector submitted 5 separate representations)

Parish Council Response - Objects for the reasons stated in section 7 below.

2. Report Summary

The main issues to consider are:

- The lawful use of the site
- The planning history of the site and the principle of replacing a dwelling in the Western Wiltshire Green Belt/ Open Countryside
- The impact on the Cotswolds AONB and the West Wiltshire Green Belt

- Design and detailing
- Impact on protected species
- Highway matters
- The Impact on neighbouring amenities, privacies and interests

3. Site Description

The application site at 91B Winsley Hill (also known as 'Heronview') occupies a sloping site located on the southern side of Woodlands Drive, which is a private road accessed off Winsley Hill sited within the Western Wiltshire Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB).

The residential plot is occupied by an existing split level property with a single-storey rear aspect and a two-storey south facing frontage. The property has been much altered/extended over the years and has rendered walls and a slated roof. A bulky detached double garage is located to the north-west of the house.

The site is very well screened by well established, dense woodland both to the rear (Woodlands Drive) which acts as a robust landscaped backdrop, and to the south east, south and south west, within which, and on other sloping sites, further detached residential properties have been built.

The immediate area, including the area known as 'Little Canada' is characterised by a dozen or so residential properties of varying building styles and sizes, several of which have been complete replacements following the demolition of smaller units. Although the area could be considered as a small hamlet, as far as the Development Plan is concerned, the site is located outside a defined settlement envelope; and is therefore, classed as being located within the open countryside. In this area of Winsley Hill and Murhill, it is a recorded fact that the Council has applied a degree of flexibility towards accepting the principle of replacing smaller houses and allowing larger replacement houses, on the proviso that they do not cause harm.

In the case for Heronview, the Council accepted the principle of allowing a larger replacement house when approving application W/10/00377/FUL - a decision which remains extant but has not been implemented. That application allowed for a materially larger dwelling beyond that which was approved back in 2007. The planning history and the history of the local area are important material considerations for this particular application.

4. Relevant Planning History

89/01984/FUL - Extensions, double garage under, conservatory - Permission 16.01.1990
 90/01227/FUL - Two storey extension detached garage and general improvements - Permission 06.11.1990
 06/03853/FUL - Replacement Dwelling - Refused 14.05.2007
 07/02253/FUL - Replacement Dwelling - Permission (Committee decision) 16.10.2007
 10/00377/FUL - Replacement Dwelling and associated works (material variation to approved reference 07/02253/FUL) - Permission 01.07.2010
 W/12/2140/CLE - Lawful Development Certificate to establish use of land as domestic garden/residential curtilage – granted 31st December 2012.

5. Proposal

Prior to this application being lodged, a series of pre-application discussions and a meeting took place involving the applicant, his agents and the case officer. After the application was submitted and at the request of the case officer, revisions were made to the scheme, including the removal of the entire double garage rear wing extension to reduce the size and scale of the proposed new building. Under this revised submission, the applicant proposes to demolish the existing much altered and extended split level house, the detached garage and log store (totalling approximately 181 square metres) and replace it with a house amounting to 231 square metres.

In this particular case, and in recognition of the extant nature of approved application reference W/10/00377/FUL, the Council must also compare the proposals against the extant permission (which

granted a 5-bed 200 square metre replacement dwelling with a subterranean level and some significant excavation works along with the construction of a replacement garage and log store - a development which remains extant until July 2013.

The following summary calculations quantify the existing, the approved and the proposed footprint:

The existing split level house with its detached double garage/storage outbuilding comprises approximately 181 square metres.

The extant approved replacement house (with garage and log store) allowed a 200 square metre replacement - which equates as a 10.5% footprint increase.

This proposed/revised application seeks to construct a dwelling with a footprint of just under 232 square metres - without a garage or log store.

The applicant has rigidly followed the case officer's advice in maintaining the ridge height of the existing building - so that the proposed new house would not be higher than the existing property. The new house would be re-orientated within the site to facilitate the construction of an enhanced and safer means of access.

The applicant intends to re-use the excavated spoil on-site to reduce the extent to which part of the site slopes. This part of the application has been supported by specialist survey work considering ground stability, land slippage risk and water and drainage management and a construction method statement. For the avoidance of any doubt, the spoil would be created by forming the access drive and the construction of the replacement house with a concealed basement. It should also be noted the initially proposed plans showing the terracing element were inaccurate and these have been superseded by plan drawings, especially Drawing No. P03 Rev A and Drawing No. P04, reducing the terrace and the amount of banking necessary.

The revised application is accompanied by extensive plan drawings, supporting statements and reports comprising:

- a bat emergence survey;
- a design and access statement (which includes comparable calculations viz. the footprint of the existing property, the extant approved re-development and that which is currently proposed);
- an arboricultural impact assessment and method statement; and,
- a geotechnical assessment has been undertaken to establish the ground conditions and land stability.

The proposed development constitutes a material variation to that which was previously approved in both October 2007 and July 2010. The previously cited existence and reference to a paddock has been found to be erroneous. After a rigorous planning history search and on-site investigations, it was concluded that the currently roughly-cut area of grass (which slopes east-west) is and has been for at least, the last ten years been used as a functioning part of the residential curtilage associated to the dwellinghouse. This conclusion is further supported by a declaration received from the previous owner whose family were residents between 1989 and 2007 - confirming that the plot was not used as paddock or for agricultural purposes. The lawful use of the site was duly considered as part of the separate submission (reference W/12/02140/CLE) which legally tested the precision and weight of evidence. As far as this planning application is concerned, the lawful status of the site is residential curtilage/garden and no argument pursuant to loss of paddock or encroachment into agricultural land can be entertained, and certainly, it cannot influence the determination of this application.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 - Priorities for sustainable development / DP8 - Affordable housing / DP9 - Reuse of land and buildings / DP12 - Western Wiltshire Green Belt

DP14 - Housing, employment and related development in the open countryside / T6 - Demand Management / C1 - Nature Conservation / C3 - Nature Conservation / C5 - The water Environment / C8 - Areas of Outstanding Natural Beauty

West Wiltshire District Plan - First Alteration 2004

C1 - Countryside Protection / C2 - Areas of Outstanding Natural Beauty / C6 - Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites, and Sites of Nature Conservation Interest / C31A - Design / C32 - Landscaping / C38 - Nuisance / GB1 - Western Wiltshire Green Belt / H19 - Development in the Open Countryside / H20 - Replacement Dwellings / T10 - Car Parking / U1a - Foul Water Disposal / U2 - Surface Water Disposal / U4 - Groundwater Source Protection Area

Adopted Supplementary Planning Guidance

Design Guide - Principles (Adopted 5 July 2004) and Residential Design Guide (Adopted November 2005)

Government Guidance

The National Planning Policy Framework (NPPF) and The Noise Policy Statement for England (NPSE)

The Emerging Wiltshire Core Strategy

Strategic Objectives - Delivering a Thriving Economy; Addressing Climate Change; Providing Everyone with Access to Decent, Affordable Housing; Helping to Build Resilient Communities; Protecting and Enhancing the Natural, Historic and Built Environment; and Ensuring that Adequate Infrastructure is in Place to Support our Communities.

Core Policy 7 - Bradford on Avon Community Area; Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 48 - Supporting Rural Life; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development

7. Consultations

Winsley Parish Council - Objects on two principal grounds:

Firstly, on the intrusion into the paddock and creating a change of use to residential.

Secondly, that the size and scale of the development on this land is unacceptable both in terms of the impact on the openness of the green belt and to neighbouring properties. The size and scope of the terracing and the changed land levels caused by the spoil from digging out the basement accommodation.

Cotswolds AONB Conservation Board - The Cotswolds Conservation Board have advised that they shall not be making any comments on this planning application. This response should be taken as a neutral view, neither objecting nor supporting the proposed development.

Wiltshire Highways - No highway objection to the proposal subject to planning conditions.

Wiltshire Council Ecologist - Having reviewed the ecology survey report (Bat Emergence Surveys, Country Contracts, dated June 2012), I am satisfied with the assessment of the development implications. No ecology based objection is therefore raised, subject to a condition and informative being imposed on any permission.

The survey identified that the detached garage is used as a roost site by a common species of bat, the soprano pipistrelle. The development proposes to demolish the garage, which will result in destruction of the existing bat roost. These impacts will result in a breach of Article 12 of the Habitats Directive, therefore the LPA must consider whether the proposals would be likely to meet the requirements of a derogation licence from Natural England prior to determining the application, and in doing so must consider the three tests which would be applied to any licence application:

- There is no satisfactory alternative
- There are imperative reasons of overriding public interest
- The favourable conservation status of the species will be maintained

The proposals offer little support for the first two tests; however, Natural England's guidance states that the tests should be considered proportionately to the scale of the impact, which in this case is a small roost of a common species. The third test is based upon the mitigation scheme for the development. The outline of a suitable mitigation scheme for bats has been submitted, in accordance with Natural England's Mitigation Guidelines for this species. Mitigation includes a temporary roost for the duration of construction work, and the incorporation of permanent replacement roosting opportunities in the new dwelling, which have been included in the plans (Proposed Site Plan, Elevations & Sections, drawing number P02, June 2012). Overall, I am satisfied that in principle the proposals would meet Natural England's requirements for a European Protected Species licence, and as such a permission could be granted in accordance with Wiltshire Council's legal responsibilities under the Habitats Regulations.

Wiltshire Council Tree and Landscape Officer - Raises no objection to the principle of a replacement dwelling on this site. The current house is difficult to view from within the Limpley Stoke or Winsley area. It can only be partially viewed from the North East facing side of the valley and there would be little to no visible change or impact on the landscape character or other attributes.

A detailed method statement showing the full extent of the engineering operations relative to the formation of the terrace has been submitted as well as submitting mitigation for trees on and adjacent to the site. These details are acceptable and the drainage management and construction method statement should be duly conditioned.

A detailed Arboricultural Impact Assessment and Method Statement have been submitted which are acceptable, subject to a planning condition requiring tree protective fencing and implementation of works in accordance with the aforementioned assessments. The hard and soft landscaping proposals require to be conditioned as well as their implementation.

Wessex Water - No objections, subject to an informative.

Wiltshire Fire and Rescue Service - The Fire and Rescue Service actively supports and encourages the increased use / provision of residential sprinkler systems in properties. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new buildings such as this, they can be designed to sit flush with ceilings (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. It is recommended that this guidance is passed to the developer/applicant by way of an informative attached to any permission.

8. Publicity

The application was advertised by site notice and two neighbour notification periods.

Expiry dates: 12 October and 15 November 2012

The application was also advertised as a potential development plan departure with the expiry of the press notice dated 9 November 2012.

Thirteen letters of support from local residents/neighbours were received raising the following points:

- Full support given to what several call a vast improvement with a much 'cleaner unobtrusive design' 'visually more pleasing' with sash windows, well detailed stone walls and 'a simpler roof profile'.
- The current property on the plot is not in keeping with the surrounding properties (in particular with the old Woodlands house at the end of the drive).
- The proposed materials are more in keeping with the houses of the area.
- Local residents are aware of the 2010 permission which is still extant and they argue this proposal is even more impressive and would 'add value to the area'.
- There would be no negative impacts to neighbours or the environment.
- Full support is given for the repositioning of the proposed house and the demolition of the double garage, which would provide better facilities to turn a car round. This has been/would always

be a problem with the existing house and the approved plans. The proposed repositioning will make for a safer entry and exit from the property.

- Sinking the house into the hill side is supported. This shall make the ground floor lower and will reduce the overlooking potential.
- The terrace to the southwest of the house should also be approved as it reduces the overlooking potential.
- The applicants have prepared a considerate scheme for a family dwelling, taking into account the existing planning consent, the impact on their immediate and across-valley neighbours, as well as the environment.
- There would be no detrimental effect on the setting of this property at all, particularly as views of the garden for most people will be from across the valley at a considerable distance, masked by the mature surrounding woodland. The house/site is well screened "no one can see the building".
- The issue of the terracing in the paddock seems to have the support of a number of immediate neighbours and I share the view that the proposed property would be a considerable aesthetic improvement on the current building. The lawn seems well screened by trees, even in winter - from elevated positions, so I cannot see any objection to the terracing.
- The demolition of the existing garage is welcomed, as this is the most visible element, as it stands.

One local resident / third party offered the following qualified support:

- My support is for the proposed new house itself, to be built in a classical style with local materials. Although the house is substantial in size, I understand that this factor is already recognised in an extant planning permission, and that the new design meets the requirement that it should not exceed the original ridge height. The reorientation of the house, which requires an easement across the original building line, is, I think, acceptable, because it will greatly improve the setting for and accessibility of the north-side of the new property.
- Further, it is encouraging that the increase in size is to be achieved efficiently by taking advantage of the new build to construct a full footprint basement and to create use-able space within a mansard roof.

The above is qualified by stating the following concern:

- Strong opposition is raised against the use of the excavated spoil to change the character and appearance of the adjoining paddock. Such a proposal was not contained within the extant planning permission, which states that any proposals impinging on the paddock would have to come forward as a further application for permission. Clearly, the proposal to change the character of the paddock with terracing will have an impact on all the properties adjoining the paddock, and apparently there is no evidence to suggest that they have been approached as part of the planning process. It has been pointed out that, on the south and west boundary edge, the level of the terrace could be as much as five metres above the paddock as it now is, and this would clearly be unacceptable, not least for those adjoining owners.
- The proposal to change the character of the paddock with terracing earthworks should be refused, and that the classical theme of the new house should emulate Bath's Royal Crescent and Prior Park, both of which look out over sloping open grassland. I realise this will mean the removal of spoil off-site and the consequential transport movements and energy use, but I think that course of action is appropriate in this case where it is imperative from all points of view to protect the landscape.

Three third parties submitted the following objections

- As a resident on the opposite side of the Limpley Stoke Valley, I have views directly towards Winsley Hill. The houses in this area are, in general, single storey or low level construction so that they blend in with the landscape. During the summer, many dwellings are obscured by trees and even in the autumn once the leaves have fallen, the buildings still seem to blend with the woodland. A recently started development further down the hill recognises this and the new house, which also replaces an older bungalow, is a modern low level design which will not look out of place and will be in keeping with the natural setting. The proposed development at Heronsview, appears to be very large and completely different to the surrounding houses. Rather than low level, naturally blending with the surroundings, a neo-Georgian design (which is more appropriate to Bath City Centre) with three floors, (four counting the basement) is planned. This will be out of character with the area and dominate the landscape.
- The proposed dwelling would have significant added volume beyond that which was approved in 2010. Historically, increases in cubic capacity have been tightly controlled within the Green Belt.

- The replacement dwelling at 92 Winsley Hill (a neighbouring property) granted under application 05/00762/FUL was subject to severe restrictions on the footprint, size, position and elevations. These restrictions severely limited the scope of the development. This proposal seeks to add approximately 28% on top of the existing footprint.
- I am reliably informed by former residents of 101 and 91a Winsley Hill that part of the site was part of the old Winsley Hill orchard. It is further alleged that in the past, a donkey was kept.
- The revised house is still very large and the proportions will alter the landscape character of this part of the valley. The development will dominate the hillside and not blend well with this AONB/Green Belt location, and it would stand well apart from its neighbours.
- It is understood that the courts (in *Heath & Hampstead Society v London Borough of Camden*) have defined that a material enlargement is based on added floor space, volume and footprint. This proposal is unquestionably materially larger consisting of a 28% footprint increase and a 390% volumetric increase. Paragraphs 87 and 89 of NPPF deals with the issue of what is considered as being inappropriate development - which is by definition, harmful to the Green Belt; which should not be approved except in very special circumstances. It is noted that B&NES planning authority use volume as an indicator of any material enlargement.
- The applicant and his agents are wrong to use application 05/00762/FUL as some kind of precedent. This application only allowed a very nominal (1 sq.m) increase over the previous footprint. No objections are raised against the previously approved application w/10/00377/FUL - even though it allowed a 10.5% increase; and no objections are raised against approved applications w/11/00487/FUL or W/11/02843/FUL at 100 Winsley Hill – which allowed the replacement of a single storey house to a two storey replacement.
- The 9 sq. metre encroachment into the open meadow land would harm the openness of the Green Belt. The area of land has never been used as a formal garden, but has been left as grassland, and many years ago, a donkey was kept on the site.
- The NPPF requires local planning authorities to ensure 'substantial weight' is placed on what harm any new development would cause to the Green Belt.
- The site is a wild life refuge for foxes, deer and badgers.
- The proposed site excavations and site re-modelling would contravene District Plan Policy C1.
- The new house would be positioned closer to neighbouring properties and with a much higher elevation, it would encroach upon and almost dominate neighbouring privacies.
- No evidence has been provided in terms of investigating and reporting on site stability and ground water measurement and management. No historic evidence gathering on localised site conditions and previous land slippage events have been documented.
- If the applicant secures any new building into the hillside through pile-driving, what impact will this have upon neighbouring properties - which have experienced some movement?
- Why was the press notice delayed until October?
- Why was this application not rejected straight away as being materially larger? It should be noted that the original submission was for an even larger house.
- At the Winsley Parish Council meeting, the applicant stated that he would not have bought the property had he been advised at pre-application stage that he would not be allowed to build a larger house than the existing. What indications were given at the pre-application stage?
- In-accurate information has been submitted and contrary to the assertions made within the Design and Access Statement, at no time has the applicant or his representatives, discussed his proposed intentions with ourselves.
- Concerns are raised that the underground water flow might be disturbed which could directly affect adjoining properties directly below the proposed development. A reassurance that the water flow will not be disturbed is sought. Adequate investigations need to be undertaken before granting any permission. It is asserted that any failure by the local planning authority in this regard may leave them open to legal challenge in the courts should subsequent slippage or water damage occur.
- The terracing of the land on the proposed development could also present a stability problem, and again the planning authority should be prepared to assure property owners below the proposed development that adequate measures have been taken to prevent the slippage of such a large volume of earth on what is known to be a fragile hillside. Again, if no such assurance is given, then the authority could leave itself open to legal challenge should other properties suffer.
- The photographs included within the accompanying Statement have been taken at the height of the summer when the trees in the valley are in full leaf. As almost all the trees are deciduous, a totally different picture emerges in the winter. The said pictures are taken from selective points to minimise the effect of the development on the valley. The name of the property in question, Heronsview, gives a good indication of the views from the property, and naturally the views of it from many valley

positions. The laurel hedge referred to is located on an adjoining property and provides no high screening as inferred.

- When the property was previously marketed by Savills, the sale particulars for the property indicated areas of garden, paddock and woodland. The paddock has been grazed by goats and a donkey and evidence can be provided.

The Applicants Response to Third Party Representations

- The footprint of the proposed dwelling is of a similar area to that which was approved in 2010 and the ridge height is the same. The basement, being completely underground, adds no perceived volume at all. By virtue of demolishing the visually dominant detached garage, it is asserted that the visual impact would be smaller than the previously approved scheme. Although the proposed dwelling would have 4 floors, the basement floor is concealed and the top floor is within the roof space. The visual volume of the proposal is therefore similar to that previously approved.
- The total frontage of this revised proposal is 12% less than the existing plan, due to the demolition of the highly visible modern white garage. The plan is supported by all of my neighbours on Woodlands Drive and many others, including support from the other side of the valley.
- The main body of the house is no wider, taller or deeper. The increase in footprint (from existing permission) is now 16%, and this extra area is in a partly concealed turfed-roof section, built into the hillside. Any increase in usable volume is generated by better utilisation of the (existing) loft space which Mr Chadwick overlooks in his calculation, and by building a concealed basement. Additionally, the comparison with the existing dwelling is misleading, since planning has previously been granted for a larger house. I find it difficult to see how a concealed basement could be said to cause "harm" to the greenbelt, which is the primary tenet of the NPPF.
- The existing garage and wood store are the most conspicuous visual elements from across the valley and their removal (without being replaced) provides a significant gain for the openness of the greenbelt.
- The proposed re-orientated dwelling would be on residential curtilage. The plot has no agricultural or pastoral use and has only ever been used as part of the garden. The nominal re-positioning of the proposed house over the existing retaining wall would allow for a turning circle which has significant highway benefits and allows for emergency vehicles access. The encroachment would have little or no recognisable impact on the openness of the greenbelt or to neighbouring properties.
- The site is most unsuitable for agricultural use, and if previous residents kept a couple of donkeys in the under croft or garden in the past, this does not reclassify land as paddock. It was historically part of the "pleasure garden" of the Woodlands House estate. If the preservation of a continuous green space is an issue, it's clear that the removal of the low wall serves to increase the openness of the greenbelt.
- The currently approved plans have little architectural merit and provide for a gabled "barn-style" house, with large bi-folding doors and new rubble stone finish. In contrast, this proposal would use reclaimed ashlar blocks in order to look weathered and old, and timber sash windows - to mirror the architectural style of many of the older houses in Limpley Stoke and Winsley, and that of the "Woodlands" House - my neighbours.
- The proposed materials are reclaimed Bath stone Ashlar and slate which were chosen specifically so that they would blend into the surroundings harmoniously.
- A comprehensive site investigation has been carried out by Greenfield Associates and the detailed results have been provided. The intention is to introduce land drainage as required so as not to disturb the present water flow below the proposed development.
- An accurate topographical survey was undertaken by Dando Surveying which included level information relating to an arbitrary datum rather than corresponding to Ordnance Survey datum. There is, as described by Mr Briggs, a drop on the north side of the canal but this is further down the site from the area of development.
- A thorough and professional site investigation has been undertaken by Greenfield Associates including slope stability analysis and groundwater measurements.
- Momentum Structural Engineers have been appointed to design all elements of the foundation and land drainage to safeguard the house's stability and that of the neighbours and ensure protection from water flow. Both companies carry professional indemnity insurance.
- The applicant has undertaken extensive local consultations on his own, revisiting vacant properties to ensure that all local residents knew about these plans. Following the submission of third party representations, the applicant has endeavoured to make contact with his neighbours to attempt

to explain his plans further, to submit additional information and through discussions with the case officer, explore ways in which the scheme could be amended to seek a resolution.

- The photographs included within the Design and Access Statement were taken by the applicant and were the only views that he could find from publicly accessible locations. They were taken earlier this year and it is fully understood that much of the leaf coverage will reduce into the winter months. It is evident though that the house has markedly less visual impact than many on the hillside as illustrated in the design and access statement photographs. The proposed terracing would serve to partly screen the house from neighbouring houses. If deemed necessary, the applicant is willing to consider further screening or boundary treatments to protect neighbouring amenity and privacy.
- A critical evaluation of the proposed scheme confirms that the weight of the house is actually less than the weight of earth to be excavated to create the basement - meaning that there would be less loading placed on this area of the hillside. The extent of the terracing is not "massive" - at its highest point it involves about 2m of sloped earth banking, which will be properly drained and stabilised by slope stabilisation matting. We are designing the terrace and terraced sloped to be more stable than the existing (unstabilised) slope, which should provide comfort. The slope simulation takes no account of ownership of the land and includes modelling ground-forces on neighbouring properties (including Mr Chadwick's) and those on the hillside below. My site investigation team have 20 years of experience and my structural engineer, 33 years.
- The house presents itself as a smaller, older structure, more in keeping with traditional Bath stone houses in Limpley Stoke and Winsley and cannot be said to "harm" the greenbelt in any way.

9. Planning Considerations

9.1 The Lawful Use of the Site

The immediate environs around the existing house have been the subject of a rigorous planning history review, on-site investigations and analysis of evidence submitted as part of a lawful development certificate to establish the lawful status of the site. Following this assessment, which included reviewing a declaration submitted by the previous owners, the roughly cut area of land, which slopes gradually at first then more steeply in a southern and south-western direction is lawfully residential curtilage/garden and any continued allegation of paddock use cannot be taken into account.

The previous owner of the site prior to selling it to the applicant has provided written confirmation that the use of the site was that of residential garden as far back as 1989, when it came into their ownership. This declaration from the previous owner provides robust evidence which helps confirm the lawful use of the plot. To further strength the case, the Council's own catalogued aerial photographs of the site spanning more than ten years clearly show the grassed land having been cut, with no signs of any animals and devoid of any shelters. The historic photographs and on-site investigations clearly highlight the lack of a northern boundary or historic metalwork affixed to the old low level stone wall. The lack of a robust means of enclosing the site further decreases the likelihood that the site has been used for paddock/agricultural purposes in the past ten years at least. Furthermore, the topography of the land is such that it simply not suitable for many animals. Additional on-site investigations which clearly show low hanging branches of trees around the site boundary adds further weight to the view that animals have not been grazed on the landholding for a long time, if at all.

Several local residents have also declared voluntarily that the site was never used as a paddock, including one resident of 35 years standing. Although this assertion has been verbally disputed by one third party, suggesting that donkeys may have been kept previously on the site, no corroborated or documentary evidence has been provided.

9.2 The Planning History of the site and the Principle of Replacing a Dwelling in the Western Wiltshire Green Belt/ Open Countryside

The principle of replacing the existing dwelling with a new property is well established. As was the case in 2007 and 2010, when the former West Wiltshire District Council and then Wiltshire Council granted planning permission for a replacement dwelling on this site, the West Wiltshire District Plan - 1st Alteration remains the adopted District Plan and the aforementioned policies remain saved and are relevant to this application.

Adopted Development Plan Policy H20 allows the principle of replacing existing dwellings, but caveats this by stressing that proposals should not be 'materially larger' than the existing property, or perpetuate a serious traffic hazard, form an isolated development or adversely affect the rural scene. The issue about what is 'materially larger' requires careful analysis - leaving the highway impacts, the appropriateness of the proposed details and impact upon the surroundings to be considered later on in this report.

Local Plan Policy H20 and the associated commentary do not prescribe or quantify what would be treated as being "materially larger". This is because each application and proposal should be treated on its own individual merits taking on board all relevant and material planning considerations. Having a prescriptive and quantified ceiling would be unreasonable as it would fail to take into account the varying sizes of individual properties.

Appeal decisions such as reference APP/F0114/A/09/2113203 and the Courts (in the case of Heath and Hampstead Society v SSCLG & Vlachos & LB of Camden [2008] EWCA Civ 193) have however usefully concluded that:

"whether or not a replacement is materially larger than the building it is to replace is principally a question of size, rather than its impact" (quoted from the aforesaid appeal citing and Case Law). The impacts of any development are a separate assessment and material consideration.

In accordance with the aforesaid Court ruling, it is duly submitted that it would be entirely wrong and unreasonable to only consider added volume within any proposed replacement house. It is a fact that the concealed basement and utilisation of the roof space contributes towards a significant amount of added volume, but crucially, as this is largely 'invisible' internal added space within a replacement building that would not be higher than the existing house or have a significantly wider or deeper plan than what was previously granted in 2010, the added internal volume does not in itself, mean that the proposed replacement dwelling is significantly larger or inappropriate.

Under this revised application, the applicant seeks permission to demolish the existing split level dwellinghouse, detached garage and log store with a combined footprint of about 181 square metres and replace it with a house with a 231 square metres footprint - which would constitute as an approximate 27% increase on the existing. However, it is necessary for the Council to also consider the material revisions being proposed beyond the w/10/00377/FUL extant permission (which granted a 5-bed replacement dwelling with a garage and log store amounting to approximately 200 square metres - to construct a house with a 10.5 % increased footprint).

Given that the 10.5% footprint increase was deemed acceptable in 2010, it is now necessary for the Council to consider whether the 16.5% further increase is appropriate and acceptable or harmful.

The Planning and Compulsory Purchase Act 2004 requires local planning authorities to make decisions in accordance with the development plan save where material considerations indicate otherwise. The 2007 and 2010 permissions are material considerations and cannot be ignored as they have established the principle of demolishing the existing property which lacks any architectural merit and replace it with a materially larger dwellinghouse (with three levels of accommodation).

Notwithstanding the guiding tenet that each application should be assessed on its own merits, it is useful to be aware of the wider planning history at Winsley Hill and the area known as 'Little Canada' in terms of appreciating local context and consistent decision making with respect to replacement dwelling applications. The following planning history is considered noteworthy:

92 Winsley Hill was subject to an application in 2005 (reference 05/00762/FUL) which allowed substantial site excavations and the replacement of a single storey bungalow with a house having two floors of accommodation with rooms provided within the roofspace - a development which constituted as having 12% added volume;

95 Winsley Hill had a larger replacement house granted under 87/00118/FUL and had a 27% increase permitted under 05/01217/FUL;

97 Winsley Hill had a 36.4% increase approved under application w/11/00732/FUL;

98 Winsley Hill obtained permission under 89/01559/FUL for a materially larger replacement (which was recognised as a plan departure);

99 Winsley Hill benefitted from planning permission for a 33% increase to the original property under applications 83/00945/FUL and w/09/03626/FUL; and, 100 Winsley Hill after obtaining outline permission of a larger replacement house under application 99/01800/OUT, permission was granted for a 1.5 storey house to replace the single storey property under applications w/11/00487/FUL and amended by w/11/02843/FUL.

From the above list, it is asserted that the Council has exercised a degree of flexibility in terms of supporting sensitive sustainable development proposals and allowing replacement dwellings in this area of Winsley. Wherever possible, and especially in cases where no harm is caused, the Council has consistently and proactively supported the local community in terms of providing sympathetic new replacement dwellings.

The impacts on the Cotswolds AONB and the West Wiltshire Green Belt shall be considered next.

9.3 The impact on the Cotswolds AONB and the West Wiltshire Green Belt

Since the 2007 and 2010 decisions were made, Central Government has revoked a raft of national planning policy guidance, including PPG2 (Green Belts) and PPS7 (Sustainable Development in Rural Areas, which covered the AONB). In March 2012, the NPPF was published which inter alia, succinctly emphasises the importance upon ensuring that development within the Green Belt and/or AONB is appropriate and does not cause harm to the openness and special landscape character.

The NPPF (paragraph 87) places a presumption against 'inappropriate development' within the Green Belt, which is by definition harmful; and in such cases, should not be approved except in very special circumstances. Within the very next paragraph, the NPPF stresses that "when considering any planning application, the local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Paragraph 89 of the NPPF (in conjunction with District Plan Policy H20) establishes that a replacement dwelling in the Green Belt is only to be regarded as 'inappropriate development' if it is "materially larger".

After a thorough analysis of this application, officers acknowledge that the scale of the new house would, in terms of the added footprint, be larger than the original house, however, it would not be significantly larger than what was previously granted permission in 2010. In forming this view, it is duly noted that the proposed site excavations allow the house to be set into the site; and given the site's robust landscaped boundaries and backdrop, it is a development which would not appear as discordant. The replacement house would have a ridge height matching the existing and have similar dimensions to the extant approval and the bulk and scale of the replacement house would not be considered as harmful or inappropriate.

The proposed development would create a 6-bed detached dwelling with a concealed basement - which equates to 60% of the proposed added floor space, and even though the replacement house would be re-orientated, the new house would still overlap part of the existing built footprint. Although 4 levels of accommodation would be created, the property would visually appear as a modern two-storey building with accommodation provided within the roof - which would be served by three modestly scaled roof dormers within each roof plane.

The added footprint is principally created by the sunken, partly concealed turfed roofed single storey addition set back and located on the eastern gable. This element formed part of the negotiations with the applicant which led to the removal of a double garage wing to reduce the scale to a level which is considered appropriate and reflective of the extant 2010 permission - in terms of its scale and size, but without the triple gabled projecting extrusions on the southern elevation as granted in 2010 or the rather imposing pitched central roof, and indeed, it should be borne in mind that the proposed replacement house under this application would present a much shallower roof.

The revised proposed 'cut and fill' proposals to form a terrace have been critically evaluated by third parties, the Parish Council, and Council officials. After a protracted assessment which included 5 site

visits, (two of which were accompanied by local residents) it is asserted that the site is sufficiently well screened to ensure that the visual impact of the proposed development would be minimised locally. The terrace would in visual terms, have only a limited impact upon the Green Belt and AONB. When finished, there is every likelihood that it would be much better maintained and would certainly be much more useable as residential curtilage. There would be structural engineering works necessary to physically tie/bind the terrace to the slope and drainage management measures would clearly be essential to ensure the works are completed sensitively and mindful of land slippage risk, water run off and site stability. When complete, the site would appear as a flatter grassed area of land. The banking element would be largely hidden from wider views, given the robust tree planting along the southern boundary.

After a careful review of the all the submissions made and considering the supporting evidence supplied by the applicant's consultants, the terrace element can be supported. It should also be duly noted that this view is shared by the Council's Tree and Landscape officer. The development would however have to be very carefully conditioned to ensure that it is constructed in full accordance with the plans and supporting surveys and statements.

The proposed massing, layout and scale of development is considered respectful to this protected locality and is a development which can be supported, subject to appropriate planning conditions (one of which should remove PD rights to ensure that any future development of the site is appropriate to the Green Belt, the AONB and ecological interests). The level of local support both from immediate neighbours and from across the Limpley Stoke valley, is further testament to the conclusions reached that this development is not harmful.

9.4 Design and Detailing

The design and detailing of the replacement house would add further variety to the immediate surroundings, which are characterised by a mix of different house types. Adopted and saved District Plan Policy H24 stresses that new houses proposals should deliver a mix of "sizes and types combined to create visual interest and varied street scene". It is strongly argued that the development is much more architecturally appealing and of a higher quality than that which was approved in 2007 and 2010 - which is a guiding tenet of the NPPF (paragraphs 9 and 17 refer).

The substantial level of local support, principally based on the exceptional architectural quality of the proposed house should not be understated. It is clear from the representations received, that the vast majority of the next door neighbours, local residents and interested parties recognise the exceptional architectural detailing proposed. Indeed within paragraph 55 of the NPPF, raising standards of design in rural areas is specifically encouraged.

The proposed development would not be out of keeping or harmful to its surroundings. The applicant's agent keenly asserts that "the Georgian proportions have been modified to suit the site and setting and large sash windows provide the country house feel while reduced floor to floor dimensions produce more intimate and homely spaces... Gestures of grandeur and embellishment have been reduced to an entrance portico and moulded stone corbel at the base of the parapet. The ridge height of the new building takes its datum point from the ridge height of the existing building. Therefore the new building should be no more obtrusive to neighbouring buildings and those across the valley".

The proposed materials (namely - reclaimed cut ashlar stone blocks to front and rear elevations, coursed rubble stone to gables, a slate roof with leaded dormers, timber fenestration with stone reveals) are supported and it fully recognised that the proposed use of good quality materials combines well with the overall architectural design.

9.5 The Impact on Protected Species

As reported above, the Council's Ecologist raises no objection to this application, subject to a planning condition and informative being imposed on any permission. This application is accompanied by a robust and up-to-date ecology survey which has identified the existing detached garage being used as a roost site by a common species of bat, the soprano pipistrelle. Given that the garage is identified for demolition, the existing bat roost would be lost. The level of impacts would

therefore breach Article 12 of the Habitats Directive. In such cases and only where accompanied by robust survey work, the Council is duty bound to carefully consider whether the proposed development would likely meet the requirements of a derogation licence from Natural England. After a detailed analysis, the Council's Ecologist has duly concluded that adequate and necessary mitigation measures, both temporary and permanent, have been proposed as part of the submission - which enables the Council to support the application on ecology grounds through the recognition that if a licence from Natural England is granted, biodiversity interests on site could well be enhanced through the added measures being proposed (which need to be conditioned).

9.6 Highways Matters

The proposed development raises no highway based objection. Planning conditions are required to ensure that adequate sight lines are provided for enhanced visibility; that the existing access be closed up prior to the new access being brought into use and surface water drainage details.

9.7 The impact on neighbouring amenities, privacies and interests

The replacement house would not cause significant detriment to neighbouring amenities through overlooking or loss of privacy. Although the proposed replacement house would be marginally re-sited within the plot which would result in it being brought slightly closer to neighbouring properties, the separation distance is such that there would be no significant overlooking conflict or other demonstrable harm caused.

Whilst there would undoubtedly be some disturbance caused during the construction stage, the planned re-development of the site should not cause significant nuisance to neighbours. It has been confirmed by the applicant's own structural engineers that silent piling rigs should be used at this site to protect neighbouring amenity and site stability. These rigs induce little or no vibration. The piling sheets should be perforated to allow the passage of ground water, which would be picked up in land drains and managed much more rigorously than at present and directed to the south-east corner of the garden away from neighbouring properties within a trench leading to the applicants woodland where water can be directed to existing water courses via a pond within the woodland itself. The engineer stresses that the volume of water managed in this way will be quite small in comparison to the surface water run off.

The application is supported by robust and professionally written reports and surveys which have been fully researched and examined. The construction method statement submitted with the application ties the development to a clear management process which shall ensure that the development proceeds in an appropriate manner without causing significant nuisance. In this case, the applicant's willingness to find resolution to all concerns has been a welcome approach and it is noted that he has endeavoured to keep all local residents informed of his plans both before and during the application stage - an act of neighbourliness which has no doubt helped in terms of having thirteen local residents/ immediate neighbours taking the time to voice their full support for the proposals.

Notwithstanding the strong local support for this application, the applicant and the case officer have been mindful that some concerns have been raised from a couple local residents. These concerns have been duly considered and assessed above and through appropriately worded planning conditions, the development should be able to proceed (in accordance with the associated plans and supporting surveys and statements) without causing any demonstrable detriment.

10. Conclusion

The proposal will not have an adverse impact on the character or appearance of the area and is in accordance with the planning policies for the area. Accordingly, permission is recommended.

Recommendation: Permission

For the following reason(s):

The scale, massing, design and visual bulk of the replacement dwelling is considered acceptable; and, by virtue of the site's heavily wooded backdrop and densely treed boundaries, the proposed development would not significantly affect the openness of the Green Belt and nor would it cause detriment to the AONB or materially affect the amenities of neighbours.

- 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 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 3 No development shall commence on site until 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 4 Notwithstanding the detail shown on plan drawing PO3 Rev A, no permission is hereby granted for the double garage (as duly hatched). Development shall be carried out in accordance with the approved details included within the stated approved plan drawing list, unless otherwise amended and approved by a subsequent application to the local planning authority.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: GB1, C31a and H24.

- 5 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces 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.

- 6 The development hereby permitted shall not be occupied or first brought into use until the area (in so far as it is within the applicant's control and ownership) between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 That prior to the new access driveway being brought into use, the existing vehicular driveway serving Heronsview shall be closed up permanently with the details showing the exact means by which the existing drive/access shall be closed up being submitted to the local planning authority for its written approval.

REASON: In the interests of highway safety and to avoid neighbouring nuisance.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a .

- 8 No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

- 9 Any gates shall be set back 4.5 metres from the edge of the shared Woodlands Drive, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C38.

- 10 The development hereby approved shall be carried out in full accordance with the bat mitigation measures, as set out in the submitted bat survey report (Bat Emergence Surveys, Country Contracts, June 2012) and drawings (Proposed Site Plan, Elevations & Sections, drawing number P02 Rev A), unless otherwise agreed in writing with the Local Planning Authority.

- 11 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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- 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;
- other vehicle and pedestrian access and circulation areas;
- 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);
- retained historic landscape features and proposed restoration, where relevant.
- compensatory tree and shrub planting of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

- 12 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 five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 13 The development hereby approved shall be carried out in strict accordance with the approved details contained within the Arboricultural Method Statement published by Atworth Arboriculture Ltd and received on 6 December 2012. In addition to the recommendations specified within the aforesaid Statement, the applicant / developer shall ensure that the following requirements are fully adhere to:-

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 monthly 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: 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.

- 14 The development hereby approved shall be carried out in accordance with the construction method statement produced by Greenfield Associates and the accompanying terrace sketch and plan drawing Site GA Reference 1342.100.03 (received 9 November 2012) and the piling works shall follow the recommendations contained within the supporting statement prepared by Momentum Structural Engineers (dated 4 July 2012). The approved Statements and recommendations shall be complied with in full throughout the construction period, unless otherwise agreed in writing with the local planning authority.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

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

EXISTING LOCATION & BLOCK PLAN – Drawing No. Ex01 Rev A – received on 26.10.2012
BOUNDARY LINE OF EXISTING RESIDENTIAL CURTILAGE – Drawing No. Ex03 – received on 09.11.2012
EXISTING & PROPOSED SITE CONTOUR PLAN – Drawing No. P04 – received on 26.10.2012
SKETCH SITE SECTIONS EXISTING & PROPOSED – Drawing No. P03 Rev A – received on 15.10.2012
EXISTING HOUSE AND GARAGE PLANS AND ELEVATIONS – Drawing No. Ex02 Rev A – received on 26.10.2012
PROPOSED SITE PLAN, ELEVATIONS & SECTIONS – Drawing No. P02 Rev A – received on 26.10.2012
PROPOSED FLOOR PLANS – Drawing No. P01 Rev A – received 26.10.2012
HARD & SOFT LANDSCAPING PLAN – Drawing No. P05 – received on 06.12.2012
TREE CONSTRAINTS PLAN – received on 06.12.2012
TREE PROTECTION PLAN APPENDIX D – received on 06.12.2012
CONSTRUCTION METHOD STATEMENT PLAN – Drawing No. Site GA 1342.100.03 – received on 09.11.2012

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

Informative(s):

- 1 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire _ Rescue Service on tel. no. 01225 756 500 or via email at planning@wiltsfire.gov.uk.

It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.

- 2 The applicant/developer should be aware that planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimate any action likely to breach Regulation 41.

3 Water Supply and Waste Connections

Should new water supply and waste water connections be required from Wessex water to serve this proposed development, application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water.

Basement

If a drainage connection from the basement is required this should be pumped in order to prevent flows from backing up into the property.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

- 4 Prior to commencing work on site, the applicant /contractor are encouraged to arrange to meet with Officers of the Council/Environmental Protection team to establish the following:

A. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

B. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00

Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

C. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

D. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

E. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

F Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

G. Radio noise should not be audible at the boundary of the nearest neighbouring property.

H. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

I. Both the Council and Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department on (01225) 776655 prior to commencement.

- 5 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.
- 6 In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant, his agents, the Parish Council and the local community, through discussing the details and intricacies of the scheme, re-assuring those that have concerns and explain the complexities of the planning history, the lawful established use, providing advice on Case Law and appeal decisions on green belt and AONB impacts - to secure this development which has been duly assessed in line with adopted plan policies with due cognisance given to those key, material planning considerations which are highlighted within this report.

Appendices:	
Background Documents Used in the Preparation of this Report:	