

Date of Meeting	25 July 2018
Application Number	17/11739/FUL
Site Address	120 Upper Westwood, Bradford on Avon BA15 2DP
Proposal	Replacement dwelling
Applicant	Mr Don McGillivray
Town/Parish Council	WESTWOOD
Electoral Division	WINSLEY AND WESTWOOD – (Councillor Johnny Kidney)
Grid Ref	380664 159826
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The application has been called-in for consideration by planning committee in the event of officers recommending approval. The following reasons were given for the call-in by Cllr Kidney:

- Scale of development is of local concern and greater than existing house footprint.
- Loss of a home suitable for older and vulnerable people.
- The development appears to be contrary to Wiltshire Core Policies 50, 51, 52, 57, 58 and 43, 45 and 46.
- The development appears to be contrary to the National Planning Policy Framework policy 89.
- Potential ecological impact on ancient woodland.

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

This is a report that considers the relevant planning considerations of this development proposal, including the consultation responses all within the context of local and national planning policy and guidance.

The report identifies the various planning constraints and opportunities and considers whether this represents a sustainable form of development having regard to the social, environmental and economic dimensions of this construct.

Furthermore the report considers the level and nature of the public objection to the application as well as the objection from Westwood Parish Council. The level and nature of public support to the proposal is also noted.

Ultimately the report identifies, having regard to the constraints and opportunities and balancing all the planning considerations that, this is a form of development that should be supported and is recommended for planning permission.

3. Site Description

The application site comprises the established residential curtilage of 120 Upper Westwood, which is a detached bungalow with a detached single garage located within the village of Westwood. The property is sited centrally within the plot, built of reconstructed stone, with a tiled roof, set within the context of low density sporadic dwellings in a wooded valley landscape. The following plan insert illustrates the site, the position and layout of the property and its surroundings.

There are a number of WSBRC (Wiltshire and Swindon Biological Records Centre) records of protected species within the vicinity of the site including a number of bat species and badgers. Furthermore the woodland known as Becky Addy Wood to the north east (circa 100m away) is a designated County Wildlife Site (CWS) and registered as Ancient Woodland. The adjacent woodland to the north of the site is not part of this designation but is subject to tree preservation orders (TPOs) and is classed as a priority habitat as a deciduous woodland to which the preceding insert duly refers.

4. Planning History

W/75/00345/HIS – Garage – Approved

17/01612/DDD – T1 Felling of Ash Tree – Consented.

5. The Proposal

This application seeks planning permission to erect a replacement dwelling. The existing dwelling is a single storey property with a detached mid/late 1970s garage. The combined volume of these structures amounts to circa 317sqm. The height to the ridge of the existing dwelling is circa 5m-5.5m. The height of the eaves varies between 2.2m-2.6m; and the footprint extends to 10.7m by 6.4m.

The replacement dwelling, which is illustrated below, would be a 2-storey property with various minor single storey flat roof detailed sections to the rear, south west and front elevations as well as a flat roof detached store. Over the 2-storey element the proposal details a height to ridge of circa 6.8m and eaves height of 4.5m. The overall footprint of the dwelling, although slightly irregular in shape would be circa 12.6m by 7.1m.



The proposed replacement dwelling would have dormer window details that would extend above the eaves, as well as a rooflight and a range of external materials including rubble stone, timber cladding, and zinc. The roof would be covered with natural slate tiles.

The proposal sets out a footprint rotated 90 degrees to the existing arrangement which would present a front elevation facing the access road and public right of way.

The detached store would be a single storey structure with a flat roof form built from complimentary materials to provide space for domestic paraphernalia e.g. garden equipment, bicycles etc.

The proposal comprises the demolition of all the existing structures on the site. The vehicular means of access would be retained similar to the existing arrangement. The proposals detail ancillary earthworks, including retaining walls around the property extending up to 1.5

metres in height, the creation of minor terracing within the garden away from the root protection areas of trees. The scheme also indicates the planting of a boundary hedge along the access road, 2 further planting areas and the planting of 4 new trees.

6. Planning Policy

Local Context: Wiltshire Core Strategy (development plan) - CP1, CP2, CP3, CP7, CP41, CP48, CP50, CP51, CP57, CP58, CP67 and Appendix D 'saved' policies H20 and U1a of the West Wiltshire District Plan 1st Alteration (2004).

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3) Policy 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) and National Planning Practice Guidance (PPG)

Section 66 of the Planning (Listed building and Conservation area) Act 1990 is also of relevance given the proximity of Westwood Conservation Area and listed buildings. S66 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 moreover 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

Westwood Parish Council: Objection. *"The Parish Council objects to this proposed development for the following reasons:*

- 1. It is contrary to the National Planning Policy Framework [para] No. 89.*
- 2. The proposed development represents a significant increase in size (volume and footprint) in comparison to the building it is intended to replace. It is out of scale and character and would dominate the landscape.*
- 3. The proposed development is located within the Green Belt and an Area of Outstanding Natural Beauty and is immediately adjacent to an Area of High Ecological Value. It is essential that the protection of the countryside afforded by these classifications is respected."*

Natural England: No objection.

Wessex Water: Have no comment.

Wiltshire Council's Conservation Officer: No objection.

Wiltshire Council's Ecology Officer: No objection in light of revised and additional submissions.

Forestry Commission: Standing advice provided.

Wiltshire Council's Environmental Protection Officer: No objection.

Wiltshire Council's Highways Officer: No objection subject to condition.

Wiltshire Council's Landscape Officer: Have no comment.

Wiltshire Council's Public Rights of Way Officer: No comments received.

Wiltshire Council's Tree Officer: No objection.

8. Publicity

This application was advertised by the display of 2 site notices, individual letters posted to neighbouring properties and the publication of the application on the Council's planning portal website.

Circa 41 letters of objection have been received which may be summarised as raising the following issues:

- Ecology / biodiversity / protected species / nesting birds / disturbance / cumulative impact of this development / prospect of major extinction / Appropriate Assessment required;
- Impact on Ancient Woodland / TPO trees / Veteran Ash Tree / Inadequate buffers from built form / Additional landscaping plan required / Should consult with Forestry Commission;
- Loss of shrubs/hedge/saplings has had a negative impact / proposal will add to the damage / developer cannot be trusted to comply with conditions or their own submissions;
- Change of use for garden extension into woodland required / land ownership ;
- Green Belt / materially larger / significantly bigger / needs to remain single storey;
- Impact on landscape / designated as an Area of Outstanding Natural Beauty / skyline / views from footpaths;
- Inappropriate materials i.e. glass, metal, slate / no local vernacular reference / suburban;
- Residential amenity / Loss of light / noise / inter-visibility / 20m privacy rule;
- Highway safety;
- Does not improve rights of way / RoW must remain open for access;
- Construction management due to access and potential damage to banks etc from large vehicles / piling foundations;
- Sets a precedent for other inappropriate development;
- Conflicts with need to provide affordable housing and accommodation for the elderly;
- Removal of permitted development rights should be conditional;
- Drainage and subsidence / making up of ground with crushed waste / foundation design / importation of concrete;
- Light pollution;
- No assessment of the setting of the conservation area provided;
- Geographical report appendices not part of planning file and should be available; and
- Suggested alternatives including re-use and extend existing building; rotate building through 90 degrees to avoid backfill area.

Circa 13 letters of support have also been received which may be summarised as raising the following issues:

- The proposal has been reduced following liaison with planning officer;
- Materials are sympathetic / Have been chosen after discussion with immediate neighbours / blend with woodland setting;
- No significant impact on the area / ;
- Garage proposals similar to existing;
- Existing building in poor state / does not comply with building regulations / not economic to refurbish and extend / eyesore;

- 3 out of other 4 dwellings have pitched roof 2-storey accommodation / other units in lane have been developed / ground floor disabled accommodation provided;
- Construction can be controlled / any impacts made good / inconvenience kept to a minimum;
- Landscaping can be enhanced / improve outlook from neighbouring property / good design;
- Proper ecological assessment carried out / developer aware of site ecology / bat boxes to be provided / wildlife is adaptable; and
- There have been no contraventions from removal of trees or bushes.

9. Planning Considerations

- The Principle of a replacement dwelling:

Although this proposal is located outside of any settlement limits, the development plan makes provision for replacement dwellings under 'saved' West Wiltshire District Plan Policy H20. This policy states that proposals will be permitted "*provided the new dwelling is not materially larger than the dwelling to be replaced*", does not "*perpetuate a serious traffic hazard*", "*form an isolated development*" or "*adversely affect the rural scene*". Policy H20 goes on to detail that "*replacement proposals that involve substantial alteration will be treated as new dwellings under Policy H19*". It is important to note that Policy H19 which formed part of the West Wiltshire District Plan – 1st Alteration is no longer a saved policy and it has been replaced by policies CP1 and CP2 of the current development plan - The Wiltshire Core Strategy which was adopted in 2015.

Policy H20 does not prescribe what would constitute as "materially larger". Instead, it is left for the decision makers to appraise each application on its merits taking into account the existing building and comparing it to what is proposed. In this particular case, the existing house (which includes the dwelling and garage) has a volume of circa 317 cubic metres, whereas the volume of the proposed property would be 50% greater at 475 cubic metres. In footprint terms, the existing dwelling and garage extends to approximately 89sqm whereas the proposed development would have a footprint of circa 104sqm – which equates to a 17% increase.

The proposed replacement dwelling is considered to be a well-proportioned design; the maximum height increase at ridge level of the existing versus the proposed dwelling is limited to circa 1.2m. This is an economical means of providing first floor accommodation and in design terms, is considered to be a far more coherent approach compared to adaptations to the dwelling that could be achieved under permitted development rights.

It is material in this case to appreciate that this dwelling retains permitted development rights and that it has been subject to no significant change through the years to the original property, save for the construction of a garage. The site is located within an Area of Outstanding Natural Beauty (which is Article 2(3) land) and therefore in the interests of landscape protection, permitted development rights are restricted. An increase at the rear could nevertheless provide some 18-20 sqm of additional volume (under Class A), roof lights may facilitate the internal conversion of the property to allow new habitable accommodation to be provided in the roof (which with an eaves to ridge distance of over 3m would appear to be realistic under Class C). In addition, PD rights to erect porches could provide a further 6sqm of extensions (Under Class D). Furthermore there are provisions for outbuildings (under Class E) which may allow quite extensive levels of development on the site far in excess of the level being proposed under this application.

It is noted that within the immediately environs of the site, No.119 has accommodation within their roof and rear projections. There is no planning history recorded on the Council's planning or mapping database for any alterations to the property at No.119 so these may

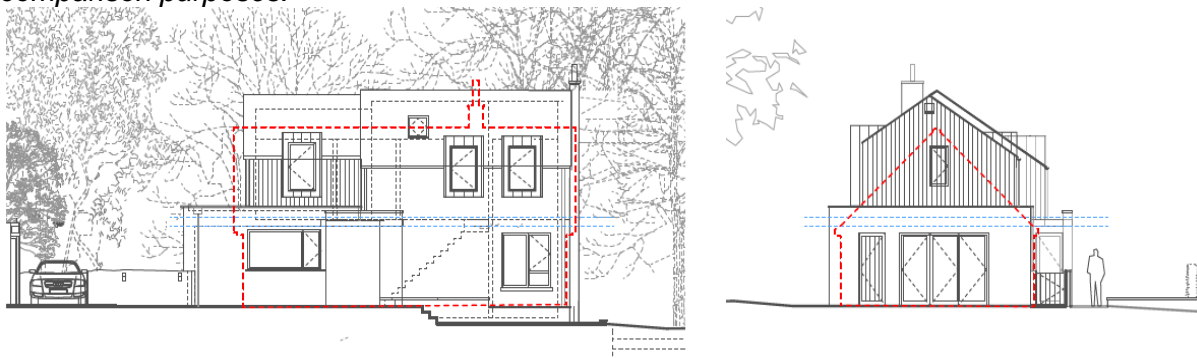
well be original, or secured under permitted development. It is noted that No.119a did obtain permission for loft conversion works in the late 1970s facilitating first floor accommodation.

Photo showing the application site in the foreground with the neighbouring property (No. 119) beyond and overlooking the site.



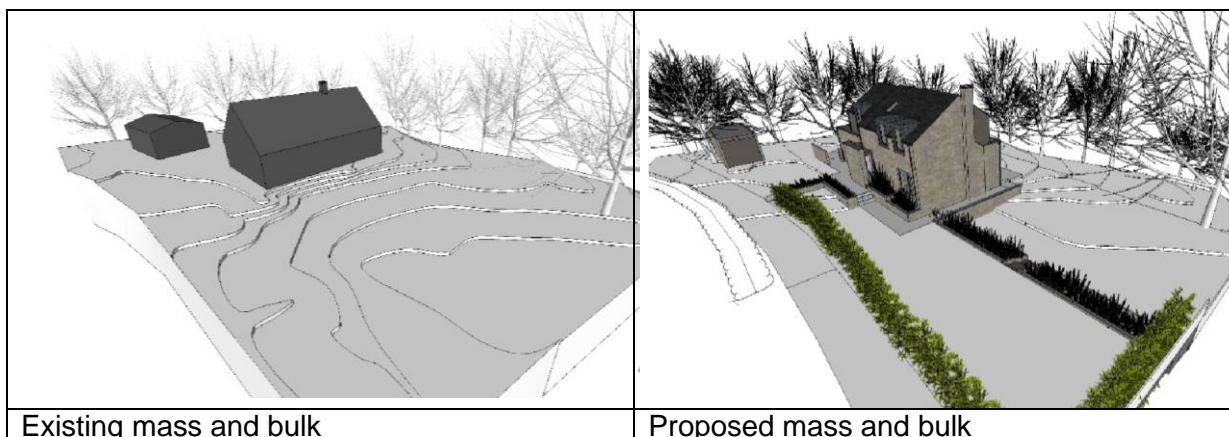
Under this application, the applicant proposes to rotate the siting of the dwelling through 90 degrees and make the outbuilding smaller than the existing garage. Whilst the following comparison plan omits the garaging, which the applicant proposes to reduce, it rotates the main building for comparison. This shows the additional height and footprint being proposed and how the additional volume is most notably created through the increased eaves levels at the first floor level. A conclusion supported by the 17% increase in footprint but 50% increase in volume.

Proposed dwelling with the existing dwelling rotated 90 degrees and outlined in red for comparison purposes:



Whilst the proposed dwelling would have a 2-storey form, it is noted that the first floor windows would be set into the eaves utilising dormers and thus creating a lower overall bulk and a reduced sense of scale and mass compared to a full 2-storey property.

The proposals make provision for a 3 bedroom property with a flexible additional ground floor room, over and above the existing 2-bedroom dwelling. The proposal also plans for the inevitable need for outside storage space by providing a store for domestic / garden paraphernalia. This is a detail that the applicant could have omitted in order to propose a reduced footprint and volume and then seek to provide storage at a later date. However, he acknowledged what a dwelling needs to function well and included this on the plans.



After extensive officer/applicant discussions and negotiations the proposed replacement has been much reduced from the original proposal which was well in excess of a 100% cubic volume increase. The application has reached a point where no further compromise can be achieved and ought to be determined on its merits.

The proposal is considered to be a well-proportioned replacement dwelling that would provide suitable space and accommodation for a 3-bedroom home. Having regard to the proposed increases in footprint (circa 17%) and height (circa 1.2m) over the existing 2-bedroom home, it is not considered that the replacement building would be materially larger. It is acknowledged that the replacement would have an overall volume increase of some 50%, however much of this extra space would be accommodated at eaves level which mitigates the visual impact of the increase. On balance, the proposal is not considered to be materially larger in terms of 'saved' policy H20.

Policy H20 also requires the decision maker to reflect upon the location of the proposed replacement house. In this particular case, the Westwood site location is not considered to be an isolated development, so there is no conflict with this element of the policy. It is located in a cluster of residential properties that form the outer margins of Upper Westwood and relates well to the existing settlement.



Whilst highway safety is a detailed matter that is addressed below it is not considered that the site is subject to serious traffic hazards and as such, this proposal would not perpetuate

any serious traffic hazard since any increased traffic generation attributable to a 3-bed house compared to the existing 2-bed house, would be very limited.

Landscape matters are a detailed matter that is addressed below; but in short, the proposals would not be considered to cause an adverse effect on the rural scene even in the context of the elevated protected status of the landscape at this location, being a designated Area of Outstanding Natural Beauty (AONB), whereby the landscape is of national significance.

Whilst it is acknowledged that the existing circa 1970s built dwelling has simplicity and form that is typical of that era, it is not a form of development that necessarily characterises the area or a character that needs to be protected or replicated. It does not reflect the local traditional vernacular. Whilst the proposal would have a 2-storey form with notably higher eaves; the proposed construction materials would bring about architectural and aesthetic betterment by replacing a property of re-constituted stone and a concrete tiled roof.

It is also important to consider that the planning system is not intended to stifle innovation and ought to support and encourage new good design (higher quality forms of development) as set out in the NPPF and the Wiltshire Core Strategy.

- Impact on the Green Belt:

The application site is located within the Western Wiltshire Green Belt. The guiding policy on considering proposals in such locations is the NPPF with the development plan being silent. This consideration is very important to the principle of the development in addition to local plan considerations. Paragraph 89 details that the erection of new buildings in the Green Belt is inappropriate development. Inappropriate development is by definition harmful and as such would generally be refused planning permission.

However, paragraph 89 lists some exceptions, relevant here is “*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*”. The test of whether the proposal is inappropriate in the Green Belt is very similar to the first test of Policy H20 in the local plan. As detailed above officers duly argue that the replacement dwelling would be larger, but not ‘materially larger’ when compared to the existing building. The building would remain in the same, singular residential use; and as such, it is considered that this proposal would not constitute as an ‘inappropriate’ form of development within the Green Belt.

The second test of development in the Green Belt is the potential impact on its openness. Openness is a defining characteristic of the Green Belt and it should be preserved. The proposed replacement building would be in a suitable plot and sit comfortably within this. Although the new build would be larger, the increased scale and massing would not significantly affect the openness of the Green Belt at this location. Nor would the revised siting, through rotating the building 90 degrees, significantly affect the openness of the Green Belt.

It is therefore argued that this proposal would not be inappropriate and would not cause demonstrable harm to the openness of the Green Belt and the proposed development would be in accordance with the exceptions allowed under paragraph 89 of the NPPF.

- Impact on the special landscape character of the AONB:

Whilst the Green Belt and AONB considerations are separate tests; a defining characteristic of the landscape at this point is the openness. Where a landscape has been designated as AONB it is considered to be of such quality and value as to be a nationally important landscape and should be afforded the highest level of protection and great weight should be

afforded to it in the balance of planning considerations. Therefore where any harm is identified it should be treated as being a significant impact.

A key feature of the landscape at this point is the wooded valley sides and it is imperative that this is maintained. From the officers' site inspection, and review of some older site photos and the public responses, the site area appears to have been managed prior to the submission of this application with much of the vegetation having been cleared. However the site remains surrounded by vegetation and this is subject to protection through a group and specific tree preservation orders to the north.

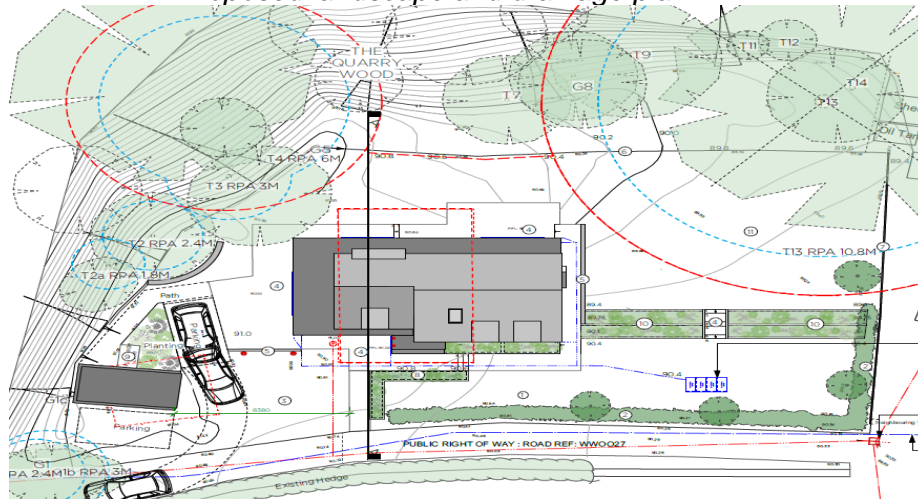
It is fully accepted that the proposals submitted under this application have the potential to affect these constraints unless it is properly planned so as to avoid impact on the overhanging canopy and underlying tree protection areas. Great care has been had over this matter through officer negotiations with the applicant discussing the siting of the dwelling and ancillary works within the residential curtilage. Negotiations have also ensured increased protection areas being afforded in particular to a Veteran Ash tree to the north east.

Having regard to national planning practice guidance and in light of advice from the Council's tree officer, standing advice from the Forestry Commission and the Natural England response, the proposed development ought to avoid any harmful impact to these important landscape features and thus ensure that the existing verdant setting to the plot is retained and no harm is caused to trees subject to tree preservation orders or the veteran Ash tree.

For example, the Veteran Ash Tree (tree T13 on the proposed plans) would be safeguarded by having a buffer from the development of some 13 to 14 metres which would exceed the root protection area of some 10.8m. In this context the proposal is considered to "avoid impacts" on the tree with no works within 14m of the tree at all including areas of hard landscaping.

Furthermore, the proposals have been subject to negotiation and discussion in order to improve the landscaping proposals for the site to ensure that the verdant setting is enhanced in a manner suitable for a residential curtilage – as opposed to woodland. The application site, as identified by the red line on the submitted plans is lawfully residential curtilage. The gardening works that have occurred within that area are significant, but reflective of the circumstances i.e. a new owner occupier moving into a property that was previously occupied by someone unable to manage the garden. The indicative landscaping for the site shows 4 new trees and new hedging being proposed. The indicative landscape proposals should be subject to conditions to secure precise details and its implementation.

Proposed landscape and drainage plan:



The materials palette has intentionally been chosen in order to try and help the scheme to harmonise into the wooded setting by providing timber cladding at first floor level. It is assessed that this would help the proposals to assimilate into the context. The level of timber cladding has been reduced in response to public objections on materials. The amount of timber cladding being proposed is not harmful. A high level of traditional local stone has been incorporated into the design to reflect a traditional local vernacular and elevate it above the existing materials.

3-D images of the proposal with natural rubble stone, timber cladding, grey zinc dormers and natural slate roof tiles:

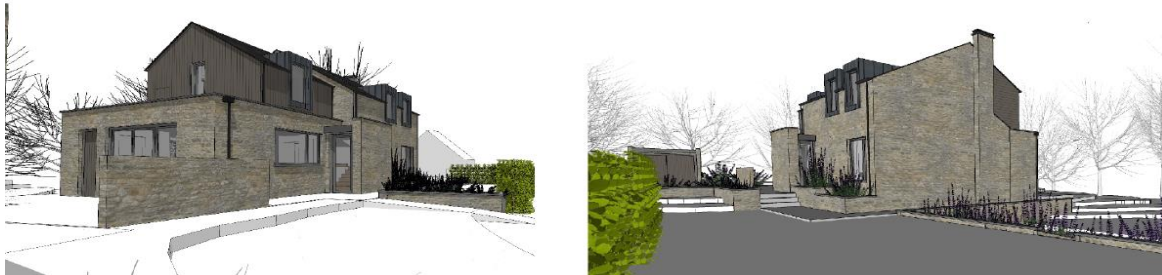


Photo below is of the existing dwelling with reconstructed stone walls and concrete roof tiles that are typical of the period:



The proposed replacement dwelling would be nominally more visible, during the winter months only, than the existing dwelling. This is because it is set within a deciduous location. In the summer months, the site and the dwelling would not be perceived much beyond the very immediate location. Even in the winter months the extent of visual receptors would be limited and offer only partial views through the trunks and branches of the protected woodland. The revised siting, with the north elevation set back from the verdant valley sides than the existing, would help mitigate the additional height and 90 degree rotation of the footprint. Overall, it is argued that in landscape terms the proposals would result in a neutral landscape impact.

<p><i>Existing footprint in dashed red line closer to north boundary.</i></p>	<p><i>View from the north looking up to the existing gable end from the public right of way.</i></p>

- Impact on landscaping and trees subject to preservation orders:

The application site is located close to trees that are subject to tree preservation orders, including a Veteran Ash specimen. The woodland though is not listed as being a semi-ancient one despite the public comments to the contrary. It is a priority deciduous woodland habitat. There is standing advice on the treatment of Veteran trees and this has been given due consideration and regard and led to revisions to the proposals. It is noteworthy to appreciate that para 118 of NPPF states that: *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”*

The proposals would broadly comply with the standing advice of Natural England and the Forestry Commission in relation to veteran trees as well as the NPPF and NPPG. This assessment has been carried out in the context of the standing advice. The Natural England and the Woodland Trust inventories have been consulted to identify that the woodland is not designated as semi-ancient woodland, but the Ash (T13) to the north east edge is a designated Veteran Tree within a non-designated woodland. The guidance is clear that woodlands of less than 2 hectares are unlikely to appear on the inventories and that ancient woodland is any area that has been wooded continuously since 1600AD. The woodland is a separate parcel of circa 1 hectare adjoining the designated Becky Addy Wood and only separated by a narrow lane. It is quite possible that it meets the definition of an Ancient Woodland in its own right, although it appears odd that it has not been recorded as part of the Beck Addy Wood designation given its relationship and that it has been designated on MAGIC (the Government’s relevant spatial mapping toolkit) as a priority habitat along with Becky Addy Wood.

The proposal does not include the loss of the Veteran tree. By way of mitigation to ensure this the veteran Ash tree has been afforded a RPA of 15 times the diameter of the Veteran Ash (13.5m) and open space has intentionally been focused to be around the Veteran Ash tree. In this case it is not considered that there is a need for any compensation in light of the lack of identifiable impact and that the proposal has deliberately avoided proposals around the tree. It is noted that the applicant’s arboricultural advice is that the Ash tree is not a Veteran Tree and is circa 120 years old (fully mature).

In terms of the adjacent deciduous woodland, it is considered to be unclear as to whether it should be afforded the protection of ancient woodland, as it is not designated as part of the Beck Addy Wood. Nonetheless it may meet the definition of ancient woodland and is a parcel of less than 1 hectare that may be excluded from the consulted inventories. For the avoidance of any doubt therefore the proposal has been assessed on the assumption that this ought to be treated as ancient woodland. The proposal would not cause any loss of ancient woodland and it is not proposed to cause any deterioration to it. The scheme has been discussed and negotiated in order to reduce the potential for impacts and ensure a reasonable buffer between the development and the woodland edge is maintained. A construction and arboriculture method statement is considered to be a reasonable means in order to mitigate for any potential impact by trying to reduce construction impacts through noise, dust and pollution, and protective fencing etc to avoid disturbance of canopies and roots. An appropriate buffer would be maintained proportionate to the scale of the development and mindful that this is a replacement dwelling. In some places the gap to the woodland edge would be less than existing, but in others more. The root protection areas of trees would be observed. Long held concerns over light spill would be avoided in the final proposals because external lighting is minimised and fenestration (and potential light pollution from windows without blinds or curtains) is comparable to the existing situation.

Furthermore the proposals have resulted, after discussion and negotiation, in no objection being reported from the Council’s tree officer who has considered impacts on all trees.

Based on the standing advice (from the Forestry Commission) and specific advice (from the Council's tree officer) it is considered that no harm to trees and landscape features would occur in this case.

The scheme of replacement landscaping is suitable for a residential curtilage in the context of the verdant wooded character created by the woodland that surrounds this plot on 2 sides.

- Design and Heritage:

The proposal presents a well proportioned and considered design that addresses the constraints and opportunities of the site. The proposals would provide a contemporary dwelling to replace a modest property that is atypical of the functional mid to late twentieth century simple house design.

The scale, massing and form of the proposed new building would be commensurate with the scale and size of the plot and would be reflective of and sympathetic to the existing density and amount of development seen on the plots within this cluster of dwellings on the fringes of Upper Westwood.

The orientation and fenestration arrangement would ensure that the dwelling would address the street scene, which the existing dwelling fails to achieve, and as such, it would create a clearer relationship with visitors and a sense of arrival and surveillance. This relationship and orientation also offers greater potential for solar gain and micro-renewable energy options.

The proposed palette of building materials are reflective of the contemporary design, the verdant character and setting, and historic quarrying activity in which the dwelling would be located. The use of traditional slate tiles with zinc details to the dormer windows would be dark and therefore recessive and would reflect traditional use of lead and slate. Also the use of traditional local stone for wall features would reflect the traditional local vernacular within Westwood and reflect (and enhance) the reconstituted stone of the existing dwelling and surrounding property. As such the materials are considered to be sympathetic to the context and an enhancement.

The proposal is located some distance from the nearest listed building to the east. The intervening distance, landscape features and built form all combine to result in no affect on the setting of this designated heritage asset. The site would be posited outside and remote from the designated Conservation Areas of Westwood and Avoncliff. Due to the position, topography and landscape features there would be no harm to the setting of the conservation areas. It should be noted that the Council's conservation officer raises no objection.

- Impact on nature conservation and ecology:

The site is located adjacent to a priority habitat comprising deciduous woodland. However as set out above, the proposals would avoid harm to this through reasonable separation distances and precautionary workings and details of external lighting. The locality has a number of recorded protected species, including bat populations, and given the rural setting, woodland location and mining activity a number of other creatures could be present.

The application was submitted with a bat survey report dated September 2016 and was supplemented by an updated desk study and bat survey report dated October 2017. This has been followed up with a brief addendum to accompany revised architectural plans that clearly show the mitigation provisions. Further to this a further updated bat survey was submitted in June 2018. The ecology reports have been submitted by suitably qualified and experienced member of the Chartered Institute of Ecology and Environmental Management holding a bat licence.

The September 2016 report identified that bats are a notable constraint given the site context rather than the building itself. The report sets out that the building offers “*low suitability for bats*”. DNA sampling of the low number of bat droppings found within the building proved them to be from a whiskered bat (*Myotis mystacinus*). The survey noted a single *Myotis* bat entering the building and concluded that the existing dwelling acts as a summer day roost for an individual whiskered bat. As advised by the Council’s ecologist, this is considered to be of “*low conservation significance*”. Furthermore the survey identified 6 species of bat active in the vicinity and likely to have roosts in the vicinity either within buildings and/or mature trees. Although it should be noted that such buildings and trees are not part of this application site.

In light of the above, the 2016 ecology report sets out within section 6.1, details of necessary and proportionate mitigation to include provision of an alternative roost, cold working method statement, lighting strategy and garden planting. Further to this updated reports have been submitted (dated October 2017 and June 2018). This identifies 13 species of bats within 4km of the site; and, sets out records for 6 other species of mammals including badgers, hedgehogs and water shrew; numerous bird species, amphibians and reptiles; and various invertebrates, flowering plants and invasive plant species within the general vicinity. The report concludes that the site offers “*very low suitability*” for other projected species (beyond bats) and none were found in the course of the surveys. The October 2017 report made inspection of the roof space and found no evidence of bats and a site walkover found no evidence of other protected species / notable species using the site or within the immediate surroundings.

In light of both surveys a series of recommendations were set out within section 5 of the 2017 ecology report including the need for a mitigating roost provision during and post construction, supervision of the roof tile removal by an ecologist, lighting and landscaping strategy and protection of the adjacent woodland to BS standards.

The 2018 addendum updates the mitigation in acknowledgement that there is no suitable tree within the site for the construction phase roost and that the architectural design was amended. The final mitigation is set out within the architectural plans. The further 2018 survey supports the previous conclusions.

In light of the submitted information the Council’s ecologist had been advising and raising holding objections and seeking additional information. Through the various submissions information has been provided to a point where the Council’s ecologist no longer objects to the scheme. Their final advice is that:

“The building was originally assessed as offering low potential for bat roosting and based on photographs of the structure and the consultant ecologists description of the nature and condition of the building, I agree with this assessment. The bat identified in 2016 entering the property (under a tile/lead flashing at the corner of the chimney stack) and the droppings identified from inside the roof space using DNA analysis were crevice dwelling species that do not require indoor flying areas (such as a roof space) and can be accommodated in bat boxes as proposed in the mitigation section. A derogation licence from Natural England will be required in order to carry out the proposed demolition and replacement of the building and this can be applied for once planning permission has been granted.

The consultant ecologists has now provided sufficient information in relation to the species of bat using the existing structure, the low numbers present (or likely to have been present previously) and the roost classification (opportunistic roosting for individual or low numbers of bats), together with appropriate mitigation for bats both during the demolition/construction process and in the longer term. This is proportional to the scale of the development and to the species of bat identified within the site. Information in relation to the “three tests” that are

part of the licence application process together with the updated ecology report mentioned above have also been provided. The mitigation includes a lighting plan which ensures all external lighting is low level and directed downwards, away from sensitive tree canopies and woodland edges where other bats may forage or commute. The plans also show replacement of some hedgerows and other linear features around the boundaries of the property. Based on the information submitted to date I consider that it is likely that a Natural England licence would be granted for this proposal, if planning permission is granted. Although minor amendments may be required to the mitigation strategy and will be agreed by the ecologist with Natural England, these would not be likely to affect the design or layout such that a variation or amendment to the planning permission would be required.

In summary, the following information has been submitted and judged sufficient and appropriate:

- Evidence of sufficient survey effort for bats such that use of the site by bats is effectively understood;*
- Appropriate mitigation proposals for the loss of opportunistic roosting by individual or small numbers of bats to be provided in the replacement structure;*
- Provision of bat roosting opportunities during the demolition and construction periods;*
- A lighting plan for the site that will ensure no additional light spill onto the canopy of adjacent trees or the woodland edge;*
- Re-planting of boundary hedgerows and erection of other linear boundary features such as fences.*

I consider that the above measures are sufficient to ensure that bat populations within the site and within the wider local area are not adversely impacted by the proposal.

Furthermore, the scale of the development does not increase the number of houses within the site or alter the use of the site from a single residential dwelling with garden. I therefore do not consider that there will be any significant adverse impact on the Bath & Bradford on Avon Bats SAC as a result of this proposal being implemented and I am happy to lift the holding objection maintained previously by my ecology colleague Emma Fisher, since all outstanding issues have now been adequately addressed”.

In this context the applicant has proposed a suitable mitigation strategy which sets out that the development needs a European Protected Species Licence from Natural England to go forward. In order to obtain this it is necessary to consider the 3 derogation tests and whether such a licence is likely to be forthcoming.

It is not considered that the economic, social and environmental benefit of providing employment through the redevelopment and providing a modern habitable dwelling to current energy performance standards provides imperative reasons of overriding public interest in this case where the proposals affect a low conservation status and may be mitigated.

It is considered that there is no satisfactory alternative to the proposal. Other alternatives may include redeveloping the existing building, but this is likely to result in a similar impact and level of disturbance and may have greater financial implications over and above the wholesale replacement (which is exempt from VAT). Within this proposal all reasonable steps have been taken to minimise and mitigate the impact and this can be secured through conditions on either the planning or the licence.

Based on the information provided, the proposals would, through the mitigation scheme be likely to ensure that a favourable conservation status of the bat species would be maintained.

The proposal details, as set out on the submitted architectural plans, includes for new and replacement roosting features to mitigate for the low conservation status features that would be lost through the demolition and site redevelopment. It is considered that the detail of this can be secured through condition.

In light of the expert advice received and in the context of discussion and negotiations to try and limit external lighting and moreover light spill to the wooded edges of the site it is considered that the proposals would cause no harm to ecological interests at the site. The fenestration arrangements are broadly comparable to the existing with less lighting to the west and more to the north. External lighting has been indicated on the plans and is limited to down lighters at the entrance and on the front wall by the car parking space. This is acceptable. The details of lighting can be controlled by condition.

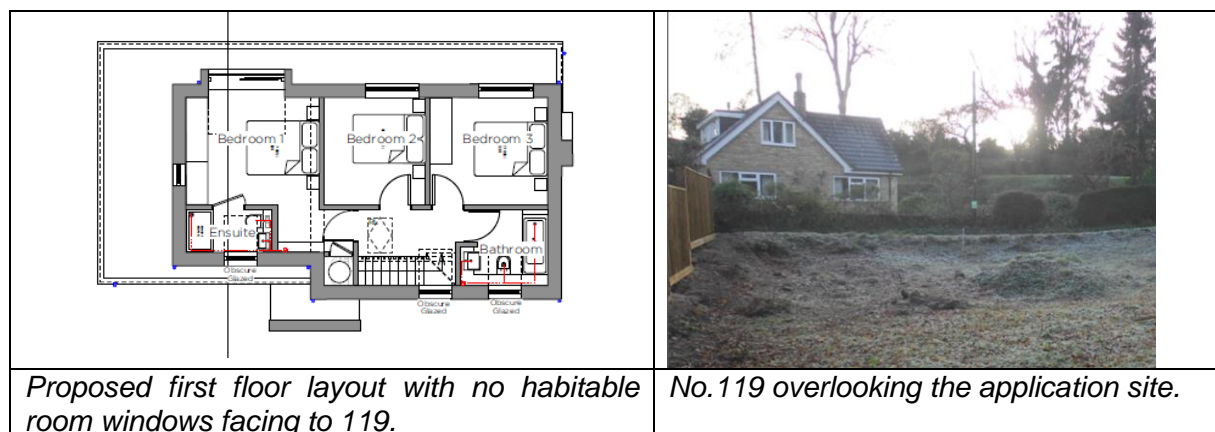
The proposals, through the scheme of landscaping offer opportunity for modest enhancement over the existing, similar to what may have existed prior to the site clearance – which was beyond the control of planning. Final details can be secured by condition.

It is considered that the scheme would provide a neutral ecology impact rising to modest enhancement from the implementation of satisfactory landscaping details. As such the proposals would lead to no harm, either individually or in combination with other developments, to the local bat population and would maintain its conservation status. The proposals would accord with CP50 of the development plan.

- Impact on neighbouring amenity:

The proposal would not cause significant overlooking of neighbouring properties, nor would they be unacceptably overlooked. Furthermore although the proposed dwelling would occupy a different position, be of a different scale and mass than the existing property, due to the building layout and separation distances involved, it would not cause any domineering or overbearing impact to neighbours.

The reorientation of the property and introduction of 3 first floor windows facing south has generated a degree of perceived overlooking to the garden of No.119. However, each of the first floor windows would be circa 10m from the boundary and in any event they would be obscure glazed and serve non-habitable rooms. As illustrated below, officers consider such a proposal to be less harmful than the existing overlooking from No.119 to the application site.



The ground floor window to the west elevation of No.119a is also noted, but this would be unaffected by the proposed works with no windows facing that direction and a separation distance of in excess of some 14 metres being maintained.

The proposed new house has been positioned so that it would be sufficient distance from the woodland edge and other trees in order to avoid any long term conflict between light being received within the dwelling and the management of those landscape features. Furthermore the verdant context is evident for future occupiers in determining if this is an environment they would wish to live.

- Impact on highway safety:

This is a proposal for the creation of a 3-bedroom property to replace an existing 2-bed house. The proposal also includes a flexible room at ground floor that could be used as an additional single bedroom, or study, or small formal dining room, or snug. However this appears as a 3-bedroom property. In this context the proposal requires 2 car parking spaces.

Highway officers have raised concern over the size and manoeuvrability of the garage; however the applicant has confirmed that this is intended more as a store than for car parking and it is noted that the proposal provides 2 car parking spaces within the site, which satisfies the highways officer.

The proposal would retain the use of the existing access onto the private road. This is a shared right of access and the road is a designated right of way also. It then has a well established access to the public highway to the east on the lane that winds down the valley side between Westwood and Avoncliff. In the context of this all being existing officers report no concerns in the context of this being a replacement dwelling.

The highway officer raises no objection and the rights of way officer has offered no comment.

- Provision of adequate water supplies, sewerage and surface water disposal:

As this is a proposal for a replacement dwelling the above considerations are not of great concern. There is an existing water supply and sewerage provision and the applicant proposals to retain these. A condition to secure connection to the sewers is however considered prudent.

The drainage plans detail a soakaway that would be sited outside of any tree protection areas and would not interfere with existing buildings and would be compatible with proposed landscaping. It is noted that the site does not have any elevated flood risks from any sources and the impermeable area will only be modestly greater. The level of information provided is acceptable in this context. A condition to require the implementation is considered necessary.

- Other material considerations:

In response to land stability and contamination issues, a geotechnical report was submitted and no significant concerns have been raised in regards to contamination and the risk are considered to be low. The proposal has been detailed to indicate a mix of foundation solutions in the context of the ground conditions and depths to bedrock. Land stability is not considered, in light of the submissions (which reveal no mapping of quarrying or mining at the site), to be a significant concern here and the matter can be left to Building Regulation legislation to construct a new build safely and securely.

It is noted that the replacement dwelling would have enhanced energy efficiency credentials over the existing dwelling which would be beneficial.

It is duly noted that objection and supportive letters have been received following the public notification processes. All the responses have been received and the contradictory nature of the comments highlights the potential for subjectivity in the assessment of the proposals. All the material considerations raised have been assessed and are duly considered as set out above.

Land ownership is not a material planning matter and the applicant has intentionally omitted an area of land (from the application site) that has been subject to ownership contention between the applicant and 3rd parties.

All development has the potential for levels of disturbance and nuisance impacts during the construction phases. This is a sensitive location and the scale of development is relatively modest and is comparable to a house refurbishment and extension – to which objectors have suggested, would be preferable. A proportionate construction management plan is considered appropriate in this particular case in the context of the local highways and adjacent woodland.

The removal of PD rights has been suggested by members of the public. In the context of what limited rights exist within an AONB, and that such removal should be exceptional, this is not considered to be necessary. A replacement dwelling would begin a new chapter in any planning history and any subsequent development, whether subject to express planning control or permitted development would need to be considered within that context.

The existing dwelling is not an affordable dwelling within the meaning of planning. It is an open market home comprising of 2 bedrooms. The proposed replacement would be an open market 3-bedroom dwelling. It is noted that the latest Strategic Housing Market Assessment identifies a need for a range of dwellings, with the greatest need being for 3 and 4 bedroom properties; which this proposal would help to deliver. The proposal complies therefore with CP45 and housing need.

The proposal offers an additional ground floor room that partially mitigates for the loss of a ground floor property that would well suit the needs of the less able bodied. As commonly occurs, bungalow accommodation can be lost through first floor conversion works that is often beyond the control of planning. Therefore whilst arguably regrettable, it is not a negative against the scheme of any significance. It is noted that public comments have been made to suggest a roof conversion would be preferential to the current proposals, however this too would result in a 2-storey home.

10. Conclusion (The Planning Balance)

In conclusion, officers submit that the principle of this development and the impact in terms of the Green Belt and AONB is acceptable. The scale, siting, orientation and design of the replacement dwelling have been negotiated by the case officer and it would have no demonstrable impact on the landscape or heritage considerations. In terms of the natural environment, the proposal is likely to have a broadly neutral impact and great lengths have been taken in the interest of ensuring the protection of trees and bats as part of this proposal. In terms of neighbour amenity the scheme would not be harmful. The impact on highways and parking would be neutral.

Officers have made all reasonable efforts to ensure that the public and Parish Council objections have been taken into consideration and factored into the design, so far as reasonably possible. The resultant scheme is a compromise on the part of the applicant and has always been a substantial compromise over their original submission that officers found to be unacceptable. Negotiations have reached a point where the scheme needs to be assessed on its merits and this revised scheme is considered to be in accordance with the

development plan and all other material considerations such as the NPPF; and, is consequently reported for approval 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:

Dwg 627-S-02 dated 28/11/17; Dwg 627-S-01 dated 28/11/17; Dwg 627-P-01 D dated 27/03/18; Dwg 627-P-02 C dated 20/03/18; Dwg 627-P-03 C dated 21/03/18; Dwg 627-P-04 D dated 27/03/18; Dwg 627-P-05 B dated 21/03/18; Dwg 627-P-06 B dated 21/03/18; Dwg 627-P-07 B dated 21/03/18; 627-P-08 E dated 27/03/18; Dwg 627-P-09 E dated 21/03/18; Dwg 627-P-10 B dated 21/03/18

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

3. No development 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 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 shall commence on site until a final 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 and adjacent to 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;
- 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); and
- At least 4 trees, 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: 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.

5. 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.

6. All works shall be carried out in strict accordance with the hereby approved Arboricultural Report (ref 7268/2) by Wessex Tree Consultancy and dated March 2018 and the associated Tree Protection Plan (Dwg TPP.02) Wessex Tree Consultancy and dated March 2018.

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the protection of trees in the interests of visual amenity and biodiversity.

7. 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 final scheme of hard and soft landscaping. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the public right of way, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

9. The access shall remain ungated.

REASON: In the interests of highway safety.

10. The development hereby permitted shall not be occupied until the hereby approved surface water drainage (as illustrated on plan drawing 627 P 08 E by Hetreed Ross Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

11. The development hereby permitted shall not be occupied until the hereby approved sewage disposal works (as illustrated on plan drawing 627 P 08 E by Hetreed Ross

Architects and dated 27/03/18) have been completed in accordance with the submitted and approved details.

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

12. 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 construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- 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.

13. The proposed development shall be undertaken in accordance with the recommendations set out in Section 5 of the "Updated Bat Survey" by Seasons Ecology, dated June 2018 (reference SEB1547_04); and the hereby approved plans which detail the replacement and additional roosting habitat and external lighting.

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).

PLANNING INFORMATIVES:

1. 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.

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.