

## **CASE OFFICER'S REPORT**

**17/05957/FUL/FUL Demolition and replacement of the single family dwelling.  
Knighton Mill, Knighton Road, Broad Chalke, SP5 5DX.**

**Date of Inspection: 20/7/2017 and 13/9/17  
Date site notice posted: 20/7/2017**

**Neighbour Expiry 10<sup>th</sup> August 2017**

### **POLICIES**

**National Planning Policy Framework (NPPF) and NPPG  
Para 109: AONBs**

#### **Wiltshire Core Strategy (WCS):**

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 41: Sustainable Construction and Low Carbon Energy

Core Policy 48: Supporting Rural Life

Core policy 50: Biodiversity

Core Policy 58: Ensuring the conservation of the historic environment

Core policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 61: Transport and Development

Core Policy 67: Flood Risk

Core Policy 68: Water Resources

Core Policy 69: Protection of the River Avon SAC

Policy H30 Replacement Dwellings in the Countryside

Policy H31 and C24 Extensions in the Countryside

*These are saved policies of the adopted Wiltshire Core Strategy in Appendix D*

#### **Wiltshire Local Transport Plan – Car Parking Strategy:**

Chapter 7: Parking Standards

**The Conservation of Habitats and Species Regulations 2010,  
EC Habitats Directive when as prescribed by Regulation 3(4) of the Conservation (Natural  
Habitats, &c.) Regulations 1994 (as amended). Circular 06/2005**

**AONB Management Plan and Landscape Character Assessment 2013**

**Draft Broad Chalke Neighbourhood Plan and the Village Design Statement.**

**<http://www.broadchalke.info/worddocs/NEIGHBOURHOOD-PLAN-160927.pdf>**

**<http://www.broadchalke.info/worddocs/160713-Village-Design-Statement.pdf>**

### **ISSUES**

1. Principle for the replacement dwelling
2. Impact on heritage assets and the loss of the existing building.
3. Impact on landscape and the character of the area
4. Ecology, trees and archaeology
5. Flooding and drainage
6. Highway safety and access
7. Neighbouring amenity
8. Community Infrastructure Levy
9. Energy Efficiency

## REPRESENTATIONS :

**Environment Agency – no objection subject to conditions**

**Ecology – no objection subject to conditions**

**Drainage – Support subject to conditions**

**Archaeology – Support subject to conditions**

**Conservation – no objection in principle and subject to conditions**

**Highways – no objection**

**Landscape officer – no objection at preapp stage (see below)**

**Rights of Way – Informative required (see below).**

**AONB Partnership – concerns expressed (see below)**

**Parish Council – No objection subject to concerns expressed (see below)**

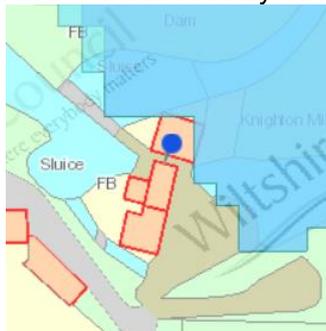
**Third Parties – 2 letters of no objection subject to concerns relating to:**

- scale and size of glass element
- disruption during construction and management of this process and making good
- control of hours of construction
- need for privacy and no overlooking in long term

**SITE HISTORY:** See full site history

## ASSESSMENT:

The site lies within the Area of Outstanding Natural Beauty in an Area of Special Archaeological Significance. The site is mostly within flood zone 1 but it clips the edge of Flood Zones 2 and 3 (see below). Whilst the buildings lie outside the settlement boundary, Broadchalke is identified in the Wiltshire Core Strategy as a large village. Public footpath BROA 28 follows the access track through the site and continues to the north west along the River Ebble. Knighton Settlement (Monument) lies to the east. Grade II listed Knighton Manor lies some 115 metres to the south east of the development and therefore, given the separation, the immediate setting of this building would not to be materially affected by the proposals.



Flood Zones 2 and 3

The applicant is seeking planning permission to demolish the existing mill and replace it with a single family dwelling. The following comprehensive documents have been submitted in support of the scheme:

- Code for Sustainable Homes pre-assessment report
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Assessment
- Landscape General Arrangement
- Historic Statement of Significance

- Kington Mill Statement of Significance
- Archaeological Desk Based Assessment
- Lighting Impact Assessment
- Ecology Assessment

## 1. Principle for the replacement dwelling

The application has been considered in the context of the adopted Wiltshire Core Strategy (WCS), NPPF and the saved policies of the Salisbury District Local Plan (SDLP). Paragraphs 11 and 12 of the NPPF confirms that applications must be determined in accordance with the development plan and that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework. (Paragraph 215 at Annex 1).

The principle for the replacement of Kington Mill is subject to consideration under saved Policy H30, which states:

*The replacement of an existing dwelling in the countryside will be permitted provided that:*

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;*
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;*
- (iii) the siting of the replacement dwelling is closely related to that of the existing;*
- (iv) current parking and access standards can be met; and*
- (v) the existing dwelling has not been abandoned.*

The existing dwelling is unlisted and is of no *specific* architectural style, having been subject to numerous recent alterations which have altered its original character. The setting for this building, however, is outstanding. It comprises river leats, ponds and mill races, with garden areas and a terrace.

Policy H30 (replacement dwellings in the countryside) is directly applicable to the proposal and sets out the criteria for detailed consideration. However, saved policies H31 and C24 for the *extensions to existing dwellings in the countryside* have been saved and would also be applicable to the scheme.

Core Policy CP51 seeks to ensure that the impacts of development on the landscape are not harmful and any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. CP51 also endorses the provisions of the AONB Management Plan.

Core Policy CP57 sets out the criteria for design and place shaping. A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

In conclusion, the proposed replacement of this dwelling is acceptable in principle, subject to the detailed criteria set out in CP57, H30, H31, C24 and CP51 discussed below. The principle for the scale of the increase in size of the replacement dwelling in relation to the existing dwelling would be subject to the detailed provisions of the above policies and the design and impact of the replacement dwelling would need to be considered to be acceptable. This is considered in more detail below.

## 2. Impact on heritage assets and the loss of the existing mill building.

Core Policy 57 and 51 of the WCS set out the policy considerations for the proposed development in terms of design and the wider landscape principles, respectively. Core Policy 58 sets out criteria for preserving the historic environment, including non designated heritage assets such as Knighton Mill. Knighton Manor, to the south, is Grade II listed.

Core Policy 58 states: *Development should protect, conserve and where possible enhance the historic environment. Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57.*

Paragraph 129 of the NPPF states:

*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*

132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*

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

The Conservation officer has responded:

*As you are aware, this is an unlisted building and not within a conservation area. I was consulted at pre-application stage on the basis that this could be considered an undesigned heritage asset. As part of the pre-application documentation, the applicant submitted a Statement of Significance produced by Asset Heritage. My comments in respect of this statement were as follows:*

*"The existing mill is an unlisted building and not within a conservation area. It is clearly of some age (late 19<sup>th</sup> century) so can reasonably be construed as an undesigned heritage asset. The applicant has supplied a statement of significance which appears to be a comprehensive assessment of the mill building's interest (although not the context – to which I shall return). The report concludes that the building has some historic significance, archaeological value and evidential significance but that its interest has been limited by the removal of machinery and the later unsympathetic alterations relating to its conversion to residential. The report refers to the Historic England listing criteria and concludes that it is a late standard example and not worthy of listing. I believe this to be correct. 4.5 of the report says:*

*'Consequently I attach more heritage significance to the site and its archaeology and to its setting than to the building itself'.*

*Again, I would concur with this conclusion and didn't dispute this at the time of the pre-application enquiry. Paragraph 135 of the NPPF says:*

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

*My view (which accords with the applicant's heritage consultant) is that the building has limited 'significance' and I would therefore **not object to its replacement with a new dwelling of good design** (ie to meet core policy 57) and providing that the features which are of interest (namely the mill pond, sluices and leats) are retained and their setting enhanced (in this respect I hope that the proposals include the removal of the modern folly – see plate 15 of the heritage statement).*

*Whilst there is a garden/landscape plan, I can't see any reference to proposed works to the existing leat, mill pond and sluices (repairs are briefly referred to in the planning statement). It seems to me that the application fails to demonstrate how these features, which we have all agreed are the significant heritage elements of the site, will be better served by the proposed new development. I would ask for a further planning statement in relation to the physical management of the existing site.*

Consequently, the applicant submitted further details in the form of the revised *Statement of Significance Jan 2017*, which includes the historical context of the wider site. Fundamentally the applicant is looking to retain all of the historical landscape features and any reference to repairs will be to make good like for like, only if required, such as cleaning, repointing or making good damaged concrete for example.

The Conservation officer explained that her limited concern related to the repairs of the historic structures (leat, pond walls, sluice etc) and the possible removal of the folly (a modern structure, the removal of which potentially enhances the significance of the site). *The updated report is fine but doesn't actually answer the above questions. Whilst we are advised that there will be repairs to these structures, we still don't know what happens with the folly.* In conclusion, it is recommended that if planning permission is granted, a condition requiring a repair schedule in due course and a more detailed photographic record of what is being repaired should be applied.

In conclusion, it is not perceived that the loss of the existing mill would represent the harmful loss of an undesignated heritage asset and more heritage significance is attached to the site and its archaeology and to its setting rather than to the building itself. Therefore, subject to conditions, there would be no perceived harm to the significance of undesignated heritage assets or the setting of Knighton Manor, in accordance with the 1990 Act, the NPPF and CP58.

### **3. Impact on landscape and the character of the area**

Core Policy 57 seeks to ensure high quality design and place shaping. A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire.

Saved Policy H30 permits the replacement of an existing dwelling in the countryside provided that:

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;*
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;*
- (iii) the siting of the replacement dwelling is closely related to that of the existing;*
- (iv) current parking and access standards can be met; and*
- (v) the existing dwelling has not been abandoned.*

Saved Policy C24 states:

*In order to conserve the intrinsic character of the countryside extensions to buildings will only be permitted if they are sympathetic in scale and character with the existing building and surroundings. Additions, i.e. new development which is not necessarily physically linked to the existing building, will be similarly controlled. Extensions and additions must fall within the existing curtilage.*

Saved Policy H31 introduces similar controls on the size of extensions to existing houses in order to prevent the creation of, in effect, large new houses in the countryside. When considering applications for extensions, particular attention will be paid to the size of the proposed extension in relation to the existing dwelling, its design, and whether the proposal will leave sufficient amenity space around the dwelling. The policy states:

*H31: In the countryside extensions to existing dwellings will be permitted provided that:*  
*(i) the extension is subservient in size to the existing dwelling and house plot and does not substantially alter the character of the dwelling;*  
*(ii) the design of the extension is in keeping with that of the existing dwelling and uses complementary materials; and*  
*(iii) the extension would not create, or be capable of creating, a separate dwelling.*

Core Policy 51 of the Core Strategy states:

*Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:*

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*
- ii. The locally distinctive character of settlements and their landscape settings*
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe*
- iv. Visually sensitive skylines, soils, geological and topographical features*
- v. Landscape features of cultural, historic and heritage value*
- vi. Important views and visual amenity*
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion*
- viii. Landscape functions including places to live, work, relax and recreate, and*
- ix. **Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.***

***Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas....***

The [AONB Management Plan](#) is a statutory document that was approved by the Secretary of State and adopted by the constituent councils. It sets out the Local Authorities' Objectives and Policies for this nationally important area. The NPPG para 004 confirms that the AONB and its Management Plan are material considerations in planning. Greater details of the landscape, buildings and settlement characteristics can be found in the [Landscape Character Assessment 2003](#), on the AONB [website](#).

The National Planning Policy Framework states (paragraph 109) that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes which include AONBs. Furthermore it should be recognised that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 14 footnote 9, due to other policies relating to AONBs elsewhere within the Framework. It also states (paragraph 115) that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in

these areas.

Provided the impact of the development on the character and appearance of the building and its immediate and local settings are acceptable, then it follows that the impact of the development on the landscape character of the AONB would also be acceptable. At the pre-app stage, the Landscape officer commented:

*“Notwithstanding the potential harm to an unlisted heritage asset **I do not think that there will be any far reaching landscape and visual effects.** At a local level Knighton Mill is highly valued by the community and is specifically identified as an iconic building that contributes to Character Area 7 in the Broad Chalke Neighbourhood Plan - Part 1 The Village Design Statement.*

## **2.7 Character Area 7: Knighton Mill.**

o **Form:** A pleasing group of three high-quality rural buildings consisting of a manor house (Knighton Manor), Water Mill, and Barn - all now in residential use.

o **Scale & Building Line:** The three main buildings are on a uniformly substantial scale - softened by surrounding outbuildings (stables, workshops and the original Smithy) and trees.

o **Materials:** Stone, brick and wood respectively - reflecting their original purpose.

o **Views:** Pleasant views over river and meadowland towards chalk ridgelines north and south.

o **Local Features:** Knighton Manor and Mill rank as two of the most significant buildings of Broad Chalke, albeit outside the village conservation area. The Manor is the largest traditional building in the village and has great character. Knighton Mill is the only surviving Mill in the parish and one of the remaining few in the Chalke Valley - and being set beside a public footpath its attractive building and water-leats can be enjoyed by all.

The issue of the loss of the mill as a non designated heritage asset and also the retention of significant local features has been considered in the heritage section above.

The Parish Council and the AONB were both consulted and their comments can be read in full on the website. Both organisations are very concerned about light pollution. The AONB states that *any external lighting for the site would need to be approved by the Local Planning Authority and comply with the [AONB's Position Statement on Light Pollution](#) and the more recent [Good Practice Note on Good External Lighting](#) and [Paper by Bob Mizon on Light Fittings](#).* However, it is also noted that the development affects an existing dwelling within the AONB, which has not had any permitted development rights removed relating to windows or lighting, and the occupiers are not presently restricted in this way. However, a lighting assessment was submitted and it states:

*The lighting design will take onboard recommendations from the ecology team and Natural England, in order to ascertain acceptable light levels surrounding the building, especially for the waterways.*

*Given the site location and E1 environmental zone, it is considered that it would be inappropriate to have any external lighting, with horizontal or upward light spill, to the façades of the development, nor to the grounds beyond the immediate vicinity of the dwelling. With the need for external lighting between the parking area and main entrance for pedestrian guidance and security purposes, the lighting design will keep this to an absolute minimum. Luminaires will be carefully selected to ensure that there is no upward light in the area and spill is controlled away from waterways. This could be in the form of a shielded ground-recessed luminaire to graze light solely onto the path such as types shown in figure 8, or low level bollards with a downward-only light distribution, such as shown in figure 9. Any external lighting required by the entrance door, is to be a downward-only light distribution, such as that shown in figure 10, with narrow distribution to ensure spill light is contained within the porch area. Any external lighting is to be controlled by low-range motion sensors so that they are only activated as and when someone requires them. The internal lighting will require very careful consideration so as to minimise the impact of spill light onto the surrounding area, particularly within the garden wing. A specialist lighting designer will be employed to develop the internal lighting in agreement with the client, specifically with this in mind.*

*The glazed area is not perceived to be a cause of considerable light spill to critical areas; as all fixed internal lighting within the glazed areas, primarily within the Northern area of the building footprint is to be downlight only to ensure minimal external light spill in accordance with ILP UK Recommendations. Internal lighting controls will be designed to ensure lighting is not left on when not needed and will be a key part of the overall lighting strategy.*

The report is considered to present a reasonable, balanced approach to this matter, particularly in relation to the landscape and protected species and the development can be conditioned in

accordance with the recommendations.

The AONB Partnership office has been consulted and responded. The main conclusions are summarised below (see full version on web):

*31. The proposed design would be taller than the existing mill building and the reorientation of the building, together with the split design approach, would substantially remove any obvious history of the mill.*

*32. As you will have gathered, the AONB is concerned that the innovative design of the redevelopment will be obvious within the scene. The location in the river valley means that the site is an element within the lower ground of the valley when viewed from the numerous and elevated public Rights of Way. The considered judgement of the AONB is that the submitted LVIA needs to be read very carefully and in the context of the study area rather than the whole of the Ebble valley or the whole of the AONB.*

*33. The extent to which the proposed structures will be clearly obvious within the scene, and the extent to which they will impinge adversely on the views, are matters for the decision maker. The use of clay tiles and rough cut stone is more likely to achieve integration than the polished stone that was initially proposed in the pre-application material.*

*34. The two issues of reflectiveness and light emission of the substantial glass structures do not seem to have been entirely overcome. The reflectiveness issues are mentioned in passing in the Design and Access Statement, and it is reassuring to see that a specialist lighting consultant has been involved. Nevertheless those matters do need to be fully worked up, before a decision is made, if the development is to progress without adverse impacts on the AONB where great weight should be given to the conservation of landscape and natural beauty.*

These points are noted and are considered to be capable of being addressed by appropriate conditions and the general support for the materials (clay tiles and rough cut stone) is noted. The AONB comments are considered within the context of the Council's landscape officer's comments above. The Parish Council has also considered the scheme and their comments can be seen in full on the website. In conclusion:

*Subject to the matters raised above, the Parish Council does not object to the application and regards the proposal as adventurous and comprehensive. The creation of a traditional mill form with adjoining contemporary structure is in principle acceptable as is the overall scale of development (subject to the request that the contemporary element be reduced as stated above). Subject to this main design proviso, and the inclusion of suitable conditions controlling construction detailing, construction management and timing, the Parish Council does not object to this application.*

The response is noted, and the majority of issues are capable of being controlled through appropriate conditions. However, in response to the AONB and PC concerns, the issue of the reduction in scale of the contemporary element was considered by the applicant and the architects for the scheme. The architect responded:

*As architects we have spent considerable time in the first instance designing a well-proportioned and appropriate set of building blocks that we feel fit harmoniously together. In respect of this we also feel the Glazed/Flint "pop-out" works well as a subtle narrative to "what is to come". As a result, at this stage of the design we don't feel that such a fundamental amendment is suitable. To this end we have attached some further studies and comment to support this.*

*In our submitted Design & Access Statement we produced a selection of massing models (see page 29) in an attempt to address the neighbourliness rather than the issue of perceived*

*prominence. The attached Site Plan SK.001 physically shows the differences between the width of the existing extended Mill and the tighter refined footprint of the proposed scheme. When compared in this drawing it is clear that the proposed scheme has less outward projections and, on a simplified basis, would provide less physical width and restriction to the perceived views.*

*I can understand that when viewed on a simple 2D elevation there is a perceived feeling that the 'glass box' extending beyond the solidity of the Stone building. However, given the reality of the building form, and the context of the surroundings, I feel it would be perceived very differently. On balance this is not something that if adjusted would provide a lesser impact upon public views and thus create a wider outlook.*

*To further demonstrate this we have taken some of the existing public views from the footpath to the west and compared these alongside our proposed 3D massing model which was used to produce the 3D visuals. As referenced on the Site Plan the View Comparison Sheet attached shows that from the footpath itself (View 01) and the main site entrance (View 02), you cannot see the proposed 'glass box'. Moreover, setting back the east elevation by 2.5m would make no difference to the 'actual public views as the only possible way to see the drawn elevational view would be to stand within the private driveway as displayed in View 03.*

*I feel quite strongly that this perceived overlap is limited to the private experience and has no real impact on any other public views. This can also be seen in the Long Raging LVIA report where the consultant confirms:*

*"5.89 - On completion, the re-development will be visible from a very short section of this footpath. Combining the medium/low, magnitude of change with the high sensitivity of this receptor results in a moderate/major effect on this receptor. However, as noted the change in view is limited to the section of the path immediately adjacent to the property and that the development will not result in any negative effect on the enjoyment or visual amenity from this footpath."*

*The report then goes on to conclude on a broader scale:*

*"6.9 - Due to the nature of the site, it is largely screened by vegetation both within the grounds and the surrounding area and as such the visibility of the site is limited. Due to the elevated nature of some of the footpaths however, views towards the existing and proposed roof tops are possible in a number of views. Where the new buildings are potentially visible, they are seen in the context of the adjacent neighbouring buildings and in some instances as a very small element of a much wider panoramic vista which also takes in the nearby villages."*

*We have considered the shifting of the glass block by 1 mtr backwards to the South West. There are however a couple of points to note in doing this and to that end I don't believe that it is in the interest of the design to do so, it is "not that simple" and our client having seen the revised drawings is not happy for us to pursue this.*

*Firstly, the only sensible way to do this is for the link building to remain in the same location as an anchor and so as to prevent wholesale re planning, as does the connecting flint wall due to the relationship with the stone entrance steps. This therefore means that at first floor level we lose the ability to maintain the glazed corner to the first floor bedroom which makes this corner look visually clumsy.*

*Secondly, moving the 'glass box' south means that we project the building further over the river, meaning that the cantilever is now approaching 5.5m and given the restrictions and having spent a lot of time getting the building into a very constrained "slot" we don't think that this is a sensible change*

*Finally, I have attached a proposed ground and first floor plan (SK.002) which demonstrates the physical compromise to the elegance of the plan by losing 2.5 metres from the east elevation. In doing so we feel this depreciates the open plan Kitchen/Dining/Living area, a space where we want to provide a well-proportioned and laid out space. A reduction here will make the dimensions cramped and unnecessarily constrained, and particularly so in terms of the necessary scale of the*

*rooms required to warrant the proposal.*

On balance, it is considered that the views of the Parish Council and AONB have been duly and fairly considered by the applicant and a full response has been received from the applicant to address the design issues that were raised. In the absence of any visual or demonstrable evidence to suggest that the design *as proposed* would cause harm to the immediate setting of the building or the wider landscape character of the AONB, it is not considered that a refusal on design grounds could be supported if challenged. The applicant has explained the design of the scheme and provided reasonable justification for the design of the glass element. It is acknowledged that local and distant views of the structure are likely to be limited, given the topography and existing screening of the site. The development, whilst resulting in a significant change to the existing appearance of the site, is not perceived to cause any undue harm in landscape terms.

Para 55 of the NPPF gives some additional weight to the proposal. For isolated new dwellings, it states:

- *the exceptional quality or innovative nature of the design of the dwelling.*

*Such a design should:*

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

The design of the proposal is considered to be innovative and exciting (*adventurous and comprehensive – PC*) and the unique characteristics of the site lend themselves to having a dramatic and interesting design of dwelling to compliment it. But this application is not proposing a *new* dwelling. It concerns a *replacement* dwelling. Nevertheless, the *principle* of having isolated and innovative styles of dwellings in the countryside is not disputed by the NPPF and a reason for refusal on this basis could not be supported in the officer's view.

Therefore, in summary, the proposal is considered unlikely to cause undue harm to the landscape of the AONB. There are no heritage impact objections, or objections from the Council's landscape officer. Subject to conditions, the impact on the character and appearance of the AONB and the scale of the proposed development would be acceptable. The proposal would therefore comply with Core Policy 51, 57 and saved Policies H30, H31, C24 and the guidance in the National Planning Policy Framework and NPPG.

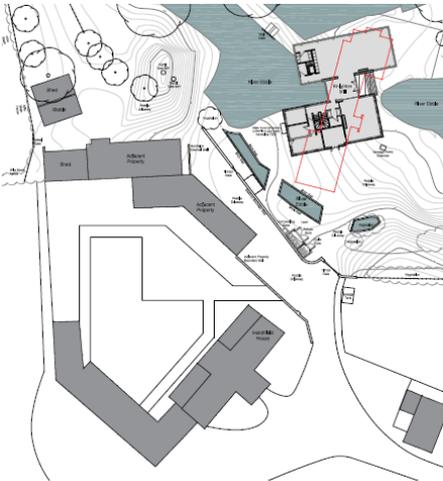
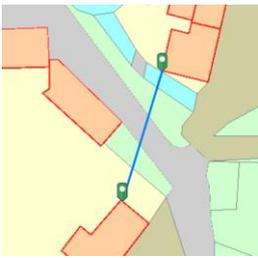
#### **4. Impact on neighbouring amenity**

Core Policy 57 states:

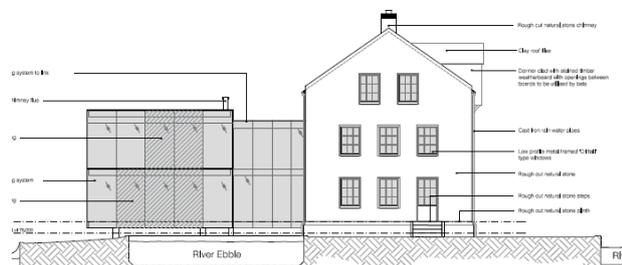
*A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:*

*vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)*

The nearest neighbour is Hatchfield House. The corners of the properties are currently separated by 24.7 metres and there is approx. 16.8 metres between the corner of Knighton Mill and the boundary wall with Hatchfield House. The potential distance between the proposed west elevation of the replacement dwelling and the swimming pool boundary wall is about 47 meters:



As the first drawing above shows that the footprint of the replacement dwelling would be rotated westwards and would be sited slightly further away from Hatchfield House and its grounds. The west elevation of the replacement dwelling would face towards the annexe and outbuildings to the west. The new glazed element of the structure would be screened from Hatchfield House by the stone section of the mill building.



The occupiers of Hatchfield House would be more aware of the south elevation of the replacement dwelling on the approach to their property along the access, as it is taller than the existing mill and orientated towards the approach. However, the new south elevation would be orientated away from Hatchfield House and its gardens, looking south along the access towards the agricultural buildings at the road junction and would not appear to result in any *direct* overlooking.



Estimated lines of view from proposed south elevation .....and west elevation

There could be some *oblique* overlooking from the upper floor south and west facing windows towards Hatchfield House and its gardens, but this would be screened in part by the existing annexe and outbuildings to the west. However, given the physical separation between the properties and the orientation, the potential for oblique overlooking is not considered to be a sufficient reason for refusal on amenity grounds.

The occupiers of Hatchfield House have said, *Finally we are concerned that the height of the new house will affect our privacy in our garden / swimming pool area. Currently we are not overlooked by the existing house. This is a comment rather than objection but we would like our concern for long term privacy noted.*

The swimming pool is enclosed by a walled garden, and the existing mill house and a couple of its rooflights are currently visible from the enclosure, over the roof of the adjacent buildings. It is likely that the upper floor windows of the proposed west elevation will be visible from the poolside. However, the separation is over 40 metres away and at this distance, a reason for refusal on the grounds of overlooking would be unreasonable. However, given this distance and the acute angles between the ground level and, further screening placed along the boundary wall within the pool enclosure is likely to be successful in securing more privacy if required.

Therefore, a condition would be placed on any permission to ensure that no new windows, dormers or rooflights are added to the west elevation of the development in future. Furthermore, the existing important tree and shrub cover on the west boundary is shown to be retained and reinforced on the landscape plan:



In conclusion, given the physical separation (more than 25 metres) between the buildings and the orientation of the properties in relation to each other, the impact on neighbouring amenities would be acceptable on balance, as neighbouring occupiers would not be harmed by the replacement dwelling in terms of loss of light, *undue* overlooking or dominance.



Other properties are considered to be sufficiently distant not to be materially affected in amenity terms by the proposals. Therefore, subject to the conditions described above being attached to the proposed development, appropriate levels of amenity are achievable within the development itself and no objection is raised under Policy CP57.

## **5. Highway safety and public right of way**

Core Policy 57 and 61 are relevant. The highways officer has noted that the site is accessed along an existing private driveway which is not proposed to be altered as part of this application. The existing access is also not proposed to be altered. The property is currently accessed by a public footpath (BROA28). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along this path, any householder would need to have a demonstrable private right of vehicular access. The rights of way officer has recommended an informative to this effect. Other comments were included suggesting conditions to protect the path from damage and to ensure pedestrians can safely use the path during development.

The highways officer responded:

*The proposal is for the demolition of the existing dwelling and to replace with a new dwelling. The site is accessed along an existing private driveway which is not proposed to be altered as part of this application. The existing access is also not proposed to be altered. The site benefits from adequate parking. Therefore I wish to raise no highway objection.*

## **6. Ecology, Drainage/Flood Risk and Archaeology**

### **Ecology:**

Core Policy 50 states:

*Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.*

The NPPF para 118 states:

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;

The NPPG also sets out guidance and the ODPM circular 06/2005 still applies and is listed under current policy and guidance on the planning portal.

The Ecological Assessment identifies the following potential impacts arising from the development on protected species:

**Habitats:**

No direct impacts expected on River Ebbles or mill stream. Pollution potential during construction phase, could result in temporary significant impact at County level during development. Loss of trees or habitat could result in permanent significant negative impact at local level.

**Protected Species:**

**Bats** - During demolition, without mitigation, could kill/injure/disturb bats and destroy roosts, causing permanent adverse effect on Soprano and Pipistrelle bats at local level. Insensitive lighting could disturb these bats and have permanent adverse effect at site level. However, **para 7.9.3 concludes that subject to mitigation measures being implemented, it is considered that there will be no detrimental effect on the favourable conservation status of the bat species concerned. The residual impact is a probable significant positive effect on pipistrelle bats at the local level (para 7.3.11).**

**Water Voles** - Design of renewable energy resources could affect water voles. Pollution to watercourse could affect the animals and the vegetation they feed upon. Could result in permanent adverse effect at County Level on water voles.

**Nesting Birds** – Buildings, scrub and hedgerow to be removed may support nesting birds. May be disturbed between 1<sup>st</sup> March to 1<sup>st</sup> Sept inclusive. Could result in temporary (one season) significant negative effect on nesting birds at site level and loss of habitat would be a permanent negative effect at site level.

**Section 7 – Mitigation and conditions:**

**Pollution prevention during construction** requires a Construction and Environmental Management Plan including appropriate safeguards.

**Trees** – Arboricultural Method Statement required, to include tree survey, protection zones, barriers and tree protection plan in accordance with BS5837.

Trees and hedgerows to be removed outside March to September inclusive.

**Bats** – Demolition to be between April and early August. Bat mitigation details set out para 7.2.4 to 7.2.12. Natural England license is required.

**Water Voles** – pollution prevention measures will benefit water voles. Proposed heat exchange system requires further assessment and a second survey required between July and September. Buffer zone around confirmed burrows and habitat. No dig method for services

**Nesting Birds** – 4 Bird boxes to be fixed to retained trees. No demolition or tree/hedge removal between March to September inclusive.

**The ecologist responded:**

*The application is accompanied by an Ecology Assessment (Davidson-Watts Ecology Ltd, 2<sup>nd</sup> June 2017) which I have reviewed alongside the details of the application. I am satisfied with the approach to ecological survey undertaken and that the results of the surveys, assessment and conclusions are robust and appropriate. As such I raise no ecological objection to the development proposal providing that the planning conditions set out below are included within the planning permission, should you be minded to approve the application.*

In conclusion, a number of potential risks to protected species and their habitats have been identified in the Ecological Assessment. However, subject to appropriate mitigation, the proposal is likely to result in some probable significant positive effects on Pipistrelle bats at the local level, and there could be some benefit to water voles through pollution prevention measures. Landscape measures are likely to benefit water vole populations as well as local invertebrate populations. Roosting and nesting opportunities for bats and birds could be enhanced by suitable mitigation measures.

### **Drainage/Flood Risk:**

The NPPG states: If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with. Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.

When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area. The applicant is proposing to connect the new dwelling to a treatment plant. The NPPG states:

*Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) [a package sewage treatment plant](#) can be considered. This could either be adopted in due course by the sewerage company or owned and operated under a [new appointment or variation](#). The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the [Environment Agency](#).*

The drainage officer has commented:

*Application form states foul drainage disposal will be via a package treatment plant and using existing connections – EA response gives an informative regarding the possible need for a formal effluent consent for the treatment plant – also if a new discharge connection to ordinary water course then further consent on flow rate and outfall will be required from LLFA – drainage team supports the informative and requires additional one to cover potential need for separate LDC application to and approval of LLFA*

*Application form states storm water drainage disposal will be via sustainable drainage system with outfall to existing watercourse. It also confirms site is in FZ 2/3 and within 20m of a water course – Again the EA has informatives and requested conditions which are supported by the drainage team and requires an informative covering the need for LDC for the discharge to water course*

*A FRA was submitted with the application but at the time of undertaking this response the planning portal would not allow access to view the 2 parts of the FRA shown to be on the portal*

**Conditions:** As EA

**Informatives:** May need separate consents from LLFA for discharges

A Flood Risk assessment has been submitted for the application. The Environment Agency stated:

*We have **no objection** to the proposed development subject to the inclusion of (the following) **conditions** and informatives in any permission granted.*

**Archaeology:** The application has been considered and the following comments are made:

*I have now received a copy of the desk based assessment (DBA) for the site. I concur with the conclusions of the DBA, that there is some archaeological potential for the site but that the proposed*

development does not appear to have a significant impact outside the footprint of the existing building.

The National Planning and Policy Framework (NPPF) contains the following Policy:

*“128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

*In this case, I consider that the archaeological assessment meets the requirement of this paragraph. I do not consider that field evaluation is necessary.*

*The NPPF also says: 141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*

*It is therefore recommended that a programme of archaeological works in the form of an archaeological watching brief is carried out as part of any development. The applicant should be aware that, if archaeological remains are encountered, this may have an effect on their programme of works. If human remains are encountered during the works, they cannot be removed without the appropriate permissions.*

## **7. Energy Conservation**

Core Policy 41 identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities. New development will be encouraged to incorporate design measures to reduce energy demand. Development should be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer.

Code For Sustainable Homes, pre-assessment report, EB7 Ltd, 13/4/17 states that:

**Overall Score:** The proposed property should achieve **75.25** credits which equates to a **‘Code Level 4’** Rating.

The proposal would therefore comply with CP41.

## **8. Community Infrastructure Levy**

Residential developments which are built by ‘self builders’ are exempt from CIL. A completed ‘additional information form’ is now required to accompany all planning applications and has been received for this application. In this form the applicant must declare if he/she is claiming an exemption from CIL, including for self-build. In self-build cases the applicant must then complete a second form, and later down the line (after development is completed) a third form. The forms are available to download from the planning portal. For further information, the Council’s website address is as follows:

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

An informative would be placed on any permission to advise the developer regarding CIL.

**RECOMMENDATION: Approve**

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.

The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule.

Code For Sustainable Homes, pre-assessment report, EB7 Ltd, 13/4/17  
Design and Access Statement by Spratley Studios, May 2017  
Statement of Significance by Asset Heritage Consulting, AHC REF: 9407, Jan 2016  
Statement of Significance by Asset Heritage Consulting, AHC REF: ND9407, Jan 2016  
(revised January 2017)  
Archaeological Desk Based Assessment by CGMS Heritage, May 2017  
Flood Risk Assessment by Glanville, Issue 2: 20 June 2017 Ref: CV8161027/DB/DW/004  
Planning Statement by JPPC dated June 2017  
Lighting Impact Assessment, by Quinn Ross Consultants Ltd, DOCUMENT REF: P1327-LIA, F3 - June 2016  
Ecology Assessment, Davidson Watts Ecology Ltd, dated 2 June 2017  
Landscape and Visual Impact Appraisal, by ARC, April 2017, Ref: A150-AS-01REV A

Proposed Sections 15.578.PL.0117 March 2016  
Existing Location Plan 15.578.PL.0100A October 2016  
Proposed Site Plan 15.578.PL.0110A October 2016  
Proposed Second Floor Plan 15.578.PL.0113A October 2016  
Proposed Ground Floor Plan 15.578.PL.0111A October 2016  
Proposed First Floor Plan 15.578.PL.0112A October 2016  
Proposed Elevations 15.578.PL.0115A October 2016  
Proposed Inner Elevations 15.578.PL.0116A October 2016  
Landscape General Arrangement, 515-P-00-101-P01 dated 17/06/02

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

WB3 Notwithstanding the details shown on the submitted plans and forms, no development shall commence above ground level until details of the materials for the walls and roof of the development hereby approved 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 proposed application contains insufficient information and the matter raised above is required to be agreed with the Local Planning Authority before development on the building 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.

Internal and external lighting for the development shall be implemented in accordance with the recommendations in:

- i) the Lighting Impact Assessment by Quinn Ross Consultants Ltd, DOCUMENT REF: P1327-LIA, F3 - June 2016 (see Informative) and
- ii) Para 7.2.11 of the Ecology Assessment Davidson Watts Ecology Ltd, dated 2 June 2017

REASON: In the interests of the amenities of the AONB, to safeguard protected species and to minimise unnecessary light spillage above and outside the development site.

The development will be carried out in strict accordance with the Mitigation Recommendations Section 7 contained in the Ecology Assessment, Davidson Watts Ecology Ltd, dated 2 June 2017.

All mitigation measures identified in Section 7 will be in place before first occupation of the development or in accordance with the timetable set out in the Ecology Assessment.

REASON: To ensure adequate protection, mitigation and compensation for protected species, particularly bats, water vole and nesting birds and to ensure no loss of biodiversity in accordance with Core Policy 50 of the Wiltshire Core Strategy

Permanent bat roosts and access points, including any amendments approved under a relevant European Protected Species Licence from Natural England, shall be provided in a suitable condition for use by bats for the lifetime of the development in accordance with the recommendations in Figure 6 (Bat Mitigation Design) and Section 7.2 Mitigation Recommendations of the Ecology Assessment (Davidson Watts Ecology Ltd, dated 2 June 2017). These roosts and access points will be available for bat use before the first occupation of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

The development shall be implemented in accordance with the Landscape General Arrangement, 515-P-00-101-P01 dated 17/06/02 and all trees and existing boundary vegetation shown on the plan to be retained shall be retained.

REASON: In the interests of neighbouring amenities, the amenities of the AONB and to safeguard protected species

**WC13** No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. The method statement shall be in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, and shall demonstrate how the trees to be retained within the application site shall be protected during the works. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- Identification of tree protection zones
- A schedule of any tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure,

REASON: The Arboricultural Method Statement is required for mitigation of protected species and their habitats, in para 7.1.7 of the Ecology Assessment by Davidson Watts Ecology Ltd, dated 2 June 2017. The Local Planning Authority must 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.

All soft landscaping comprised in the approved details of landscaping (Landscape General Arrangement, 515-P-00-101-P01 dated 17/06/02.) 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.

WH11 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide full details of attenuation measures to be implemented to prevent pollution of the River Ebbel and mill stream and shall encompass full details of all the measures specified in section 7.1.6 of the Ecology Assessment (Davidson-Watts Ecology Ltd, 2<sup>nd</sup> June 2017). The development shall be undertaken in strict accordance with the approved CEMP. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones' such as water vole burrows
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features and in accordance with the timings for demolition and tree/landscape works set out in Section 7 Mitigation Recommendations of the Ecology Assessment.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- j) Safeguards to be implemented during the construction phase to minimise the risks of pollution to the watercourses from the development including
  - the use of plant and machinery
  - wheel washing and vehicle wash-down
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
  - plant and vehicle emission controls
  - dust management and monitoring and
  - noise and vibration

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: In the interests of neighbouring amenities during the construction phase, River Ebbel County Wildlife Site (CWS), existing trees to be retained and to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats, as recommended in Section 7 of the submitted Ecology Assessment.

There shall be no installation of any heat exchange system within the application site, until (in accordance with sections 5.1.1 and 5.3.9 of the Ecology Assessment by Davidson-Watts Ecology Ltd, 2<sup>nd</sup> June 2017) further water vole surveys have been undertaken to inform the design, and to ensure that there is no adverse impact upon water voles and/or the River Ebbel County Wildlife Site (CWS). The results of the further water vole surveys together with full design details and appropriate mitigation measures shall be submitted to the local planning authority for approval prior to the commencement of any works on site associated with the installation of a heat exchange system.

The proposed installation shall be undertaken in strict accordance with the approved design and mitigation measures.

REASON: To ensure adequate protection and mitigation for the River Ebbles County Wildlife Site (CWS) and associated protected and notable species, particularly water vole.

The development shall be implemented in accordance with the Code For Sustainable Homes, pre-assessment report, EB7 Ltd, 13/4/17.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (Glanville, issue 2, dated 20 June 2017) and the following mitigation measure detailed therein:

- Finished floor levels shall be set no lower than 78.60 metres above Ordnance Datum (AOD).

REASON: To reduce the risk of flooding to the proposed development and future occupants.

WL26 No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

**WE3** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations (including additional windows, rooflights or dormer windows) to the replacement dwelling hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, in the interests of neighbouring amenities and the visual amenity of the development.

Notwithstanding the Statement of Significance submitted with the application, a repair schedule including a detailed photographic record shall be submitted before:

- i) any repair works take place to the historic structures including the leat, pond walls and sluices)
- ii) any removal of the folly commences on site.

The development shall be implemented in accordance with the schedule to be agreed.

Reason: To ensure that the significance undesignated heritage assets is not harmed by the development and associated repairs.

### **Informatives**

1. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way in the vicinity of the site. Public footpath (BROA28) is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along this path, any householder would need to have a demonstrable private right of vehicular access.

2. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
3. With reference to external lighting, please refer to the AONB Position Statement on Light Pollution at [www.ccwwdaonb.org.uk](http://www.ccwwdaonb.org.uk), Good Practice Note on Good External Lighting and Paper by Bob Mizon on Light Fittings, and Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", and
4. 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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).
5. In view of the potential flood risks in this locality, the Environment Agency advises that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:- <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
6. In addition to any other permission(s) that you may have already obtained, e.g. planning permission, you may need an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) if you want to carry out work:
  - in, under, over or near a main **river** (including where the river is in a culvert)
  - on or near a flood defence on a main river
  - in the flood plain of a main river
  - on or near a sea defence

For further information and to check whether a permit is required please visit:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting Officer, [daniel.griffin@environment-agency.gov.uk](mailto:daniel.griffin@environment-agency.gov.uk) / [yvonne.wiacek@environment-agency.gov.uk](mailto:yvonne.wiacek@environment-agency.gov.uk)

7. It is proposed to connect to the existing package treatment plant. The applicant should be aware that the treatment plant may require an Environmental Permit from the Environment Agency. Further guidance is available here - <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

8. Any archaeological work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.
9. The property is currently accessed by a public footpath (BROA28). This is not recorded as a public vehicular highway. The only recorded public rights along it are on foot. In order to drive a vehicle along this path, any householder would need to have a demonstrable private right of vehicular access.
10. The applicant is advised that separate consents from the LLFA may be required for flow rate and outfall for a new discharge connection to the ordinary water course.