

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	27 September 2023
Application Number	PL/2022/08726
Application type	FULL
Site Address	Land off Ashton Road, Hilperton, Trowbridge
Proposal	Erection of 1No dwelling and detached garage
Applicant	Mr & Mrs C Stone
Town/Parish Council	Hilperton Parish Council
Electoral Division	HILPERTON ED - Cllr Ernie Clark
Case Officer	Gen Collins

Reason for the application being considered by Committee

This application has been called in for committee consideration by Cllr Ernie Clark citing the following concerns:

- The scale of development
- The visual impact upon the surrounding area
- The relationship to adjacent properties
- The design, bulk, height and general appearance
- Environmental/highway impacts
- The application site is located outside the village Policy Limits/Settlement Boundary and is not allocated in the adopted Hilperton Neighbourhood Plan.
- Development of this site would lead to the coalescence of Hilperton and Trowbridge as the application site is part of the narrow green boundary between the two settlements. This separation was established in the Local Plan
- Also, concerns whether just one house on this large site represents the most efficient use of the land when WC is in dire need of more housing and is unable to meet the five-year land supply requirement.
- If the application is to be permitted, the applicant should bear the cost of improving the almost non-existent street lighting along Ashton Road and at the very minimum should be required to provide street lighting to the south of the Grange where the access will be taken from Ashton Road.

1. Purpose of Report

This report assesses the relevant planning considerations for this development proposal, including the consultation responses within the context of local and national planning policy and guidance. The report identifies the various planning constraints and considers whether this represents a sustainable form of development having regard to the social, environmental and economic strands in the NPPF.

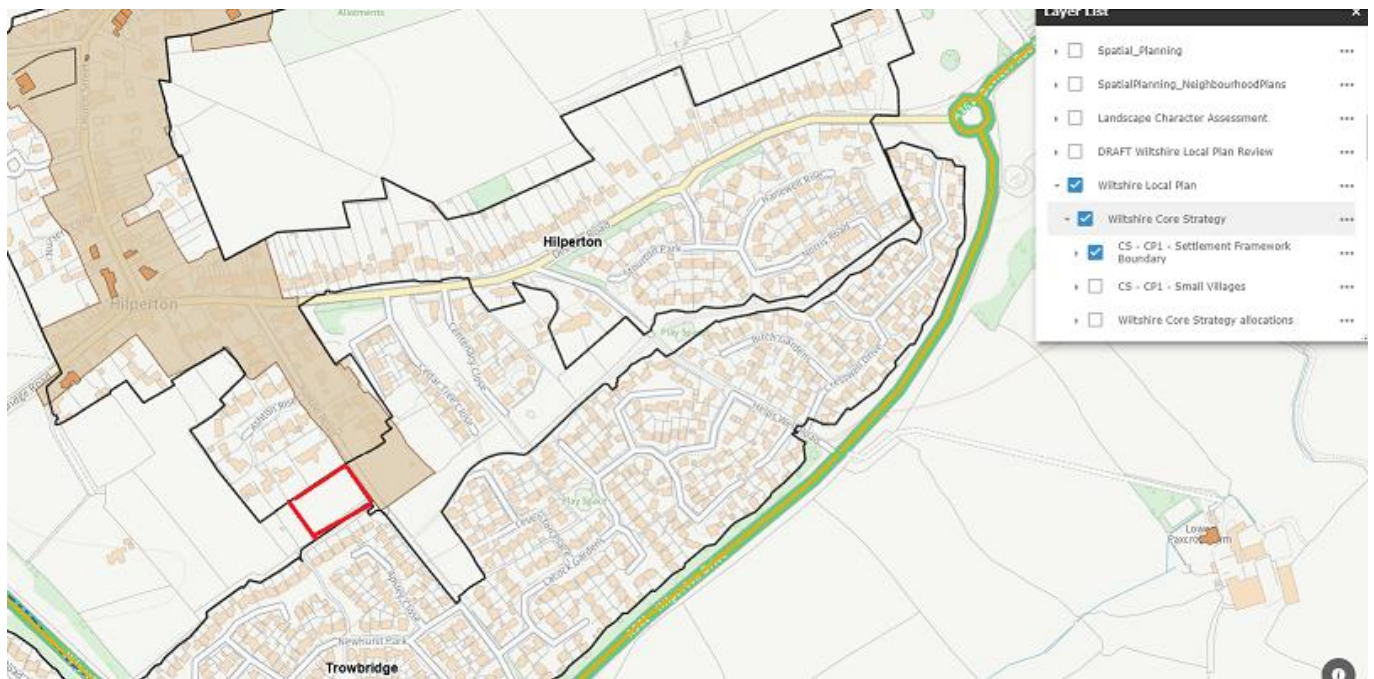
2. Report Summary

The key issues for consideration are:

- The principle of development / Wiltshire's 5-year housing land supply
- The impacts on the living conditions of neighbouring residents
- The impacts on the character of the area/setting of the Conservation Area
- Highway issues
- Ecology issues
- Drainage issues

3. Site Description

The application site forms a plot of land measuring approximately 0.3ha located adjacent to but outside the village limits of Hilperton as shown in red below. The land backs onto residential properties at Ashton Rise (within Hilperton) and Apsley Close (within Trowbridge settlement) as shown below.



The above insert includes the thick black lines representing the defined settlement limits – which reveals that there already exists coalescence - where the Cresswell Drive, Trowbridge properties back directly onto land and properties forming part of Norris Road in Hilperton (where the two 'settlements' join) in the far north-east of the map shown above.

The village conservation area is illustrated by the buff washed over extent with listed buildings being identified in a darker orange.

Access is served by an existing access off Ashton Road in the south-east corner of the site.

There are no formal public rights of way in close proximity to the site but there is a lit footpath access that borders the southern edge of the site. There are no heritage assets on site although the Hilpert Conservation Area abuts the site's eastern edge.

The site is not at risk of flooding and is mapped as flood zone 1 – land with the lowest such risk, and there is no evidence of surface or ground water flooding on the site.

The topography of the site is generally flat however as the site section below shows, the ground level of the application site is about 1.3m above road level.



It is important to note however that the properties to the immediate north-west abutting the site (Cockhatch and Beechwood) and the north-east (The Grange) are on the same ground level as the application site, raised above the road level.



Looking northwest across the application site from the site entrance showing the northern boundary of the site.



Looking west across the site to the site's western boundary with the southern boundary on the left.



Photo of application site looking south across the site to the southern boundary.



Photo of application site looking southeast across the site to the southeastern boundary with existing access in the southeast corner.



Photo of application site looking east across the site to the eastern boundary showing the existing site access and the Grange in the background.

4. Relevant Planning History

There is no recent planning history for the application site; however, representations have referred to other planning applications that are considered have limited weight in the assessment of this application because the policy context has changed significantly, and it must always be acknowledged that each application must be assessed on its own merits.

Nevertheless, the following applications are listed.

W/84/00301/OUT Erection of two dwellings - Refused.

W/85/00904/FUL Utilising existing access to serve a proposed bungalow - Refused.

99/01724/OUT One dwelling. Refused with appeal dismissed under APP/F3925/A/00/1041721.

Notwithstanding the above, Members will be aware that each application must be assessed against current policy and the national policy framework.

Whilst reporting on the above refusals, it is equally valid to record that in recent years, other housing 'windfall' developments have been approved, including a couple of sites that obtained committee endorsement with full regard given to the 5-year housing land supply deficit.

These more recent case examples are set out below and have more material weight than the above listed historic refusals, as they were assessed under the current policy context.

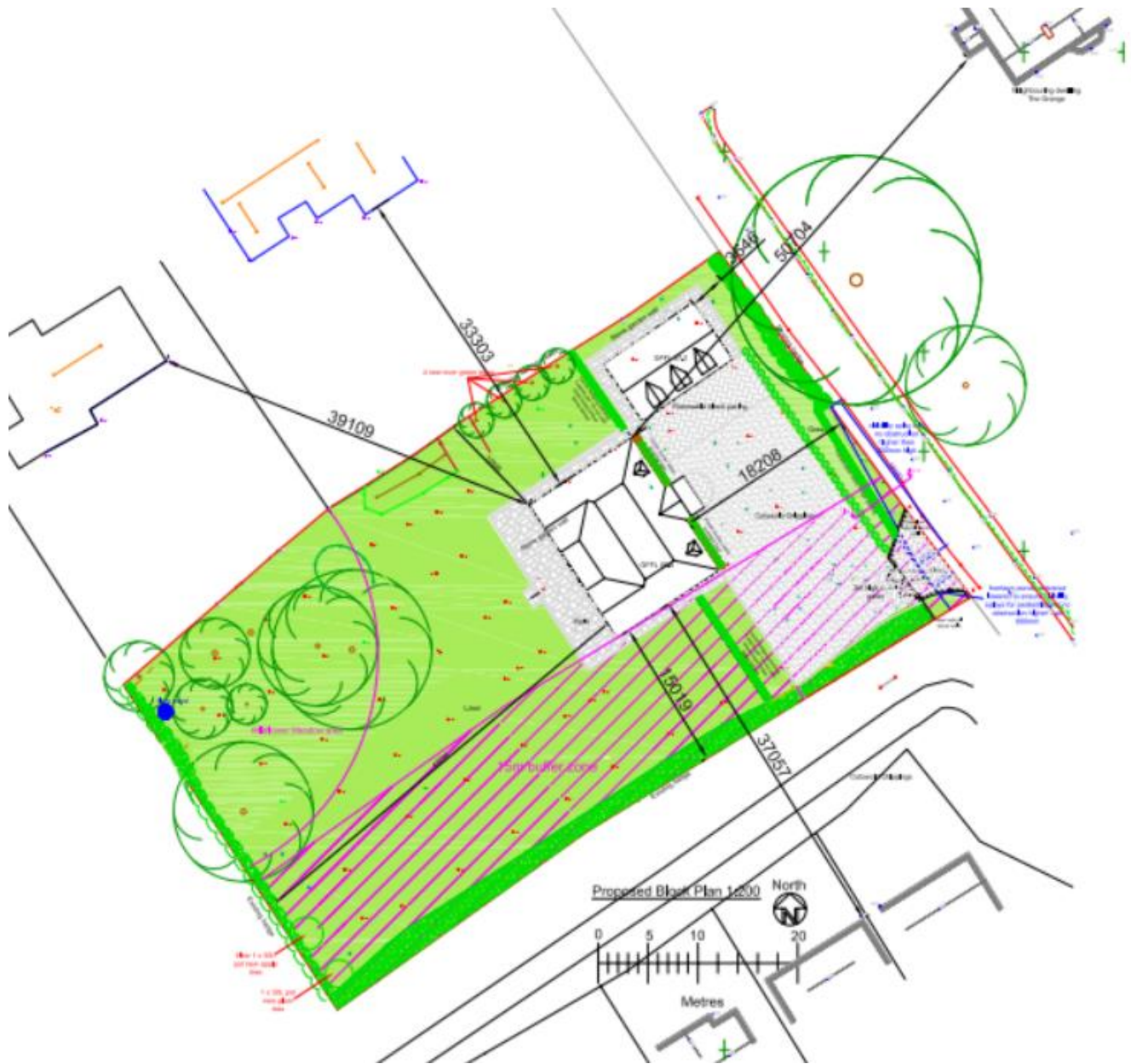
18/00985/FUL (and recent associated variation applications ref:19/11882/VAR & PL/2021/08931) – Erection of 20 dwellings on Land at The Grange, Devizes Road, Hilperton – Approved 11/12/2018

PL/2021/03253 - Erection of two detached dwellings, garages and associated works on Land to the south of Lion and Fiddle, Trowbridge Road – Endorsed at WAPC 16/02/2022 and following completion of s106 application, was Approved 02/03/2023.

PL/2022/05120 - The erection of one detached dwelling with attached double garage and associated private gardens with vehicular access off Ashton Rise, including the re-routing of an existing footpath. Land off Ashton Rise, Hilperton, Trowbridge - Endorsed at WAPC 12/04.2023 and following completion of s106, was Approved 13/07/2023

5. The Proposal

This is a full application for the erection of a 2.5 storey detached 6-bedroom family dwelling with a detached triple garage with home office above. The proposed dwelling would have a kitchen/dining room, lounge, playroom, snug, study and utility room at the ground floor level and four bedrooms with family bathroom at first floor level. There would be a further two more bedrooms with en suites at second floor. The siting of the dwelling is shown below.



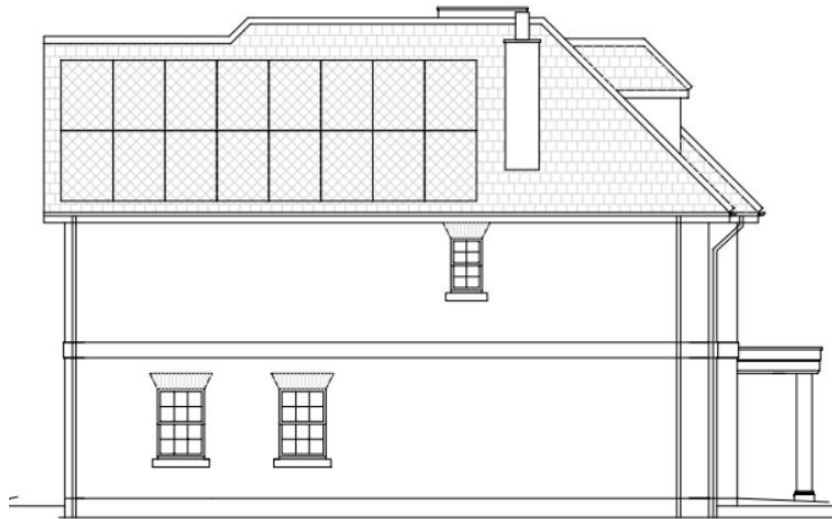
Proposed site plan

The proposed external materials would be red brick with red brick headers and Ashlar stone cills with clay pan tiles for the roof and integrated solar panels on the south-east facing roof slope. The existing boundary treatments to the site comprised of vegetation, fencing and stone wall will remain as existing with additional planting and a new stone wall on the northern boundary.

The applicant proposes additional tree planting on site which is illustrated on the above inserted site plan. The proposed triple garage with home office above would have a forecourt with space to park at least 3 additional motor vehicles. Access to the dwelling would be via an existing access secured with 2m high metal gates and a proposed driveway and turning area comprised of Cotswold Chippings.



Proposed Front (North-East) Elevation 1:100



Proposed Side (South-East) Elevation 1:100



Proposed Rear (South-West) Elevation 1:100



Proposed Side (North-West) Elevation 1:100

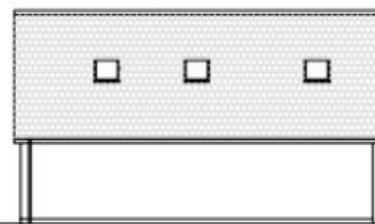
Proposed detached triple garage



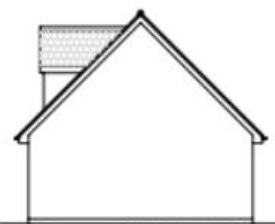
Proposed Front (South-East) Elevation 1:100



Proposed Side (South-West)



Proposed Rear (North-West) Elevation 1:100



Proposed Side (North-East)



Site Section on the east elevation showing the proposal's relationship with the Grange (some 48.7m to the east on the other side of Ashton Road) including the 25-degree rule



Site section north - south across the site showing the proposal's relationship with the house to the north and the property to the south.

6. Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include:

- Core Policy 1: Settlement Strategy;
- Core Policy 2: Delivery Strategy;
- Core Policy 29: Spatial Strategy – Trowbridge Community Area;
- Core Policy 41: Sustainable construction and low-carbon energy;
- Core Policy 50: Biodiversity and Geodiversity;
- Core Policy 51: Landscape;
- Core Policy 57: Ensuring high quality design and place shaping;
- Core Policy 58: Ensuring the Conservation of the Historic Environment;
- Core Policy 60: Sustainable Transport;
- Core Policy 61: Transport and Development;
- Core Policy 67: Flood risk

West Wiltshire District Local Plan (1st Alteration) –

U1a Foul Water Disposal

The made Hilperton Neighbourhood Plan 2017-2026 –

Policy 2 (Housing)

Policy 3 (Heritage and Design)

Policy 4 (Sustainable Transport)

Policy 5 (Infrastructure and Developer Contributions)

Other policy/guidance/legislation -

- National Planning Policy Framework 2021 (The Framework)
- Planning Practice Guidance (PPG)
- Wiltshire's Local Transport Plan 2011- 2026
- Housing Land Supply Statement April 2022 (with baseline date of April 2021)
- Waste storage and collection: guidance for developers SPD
- The Hilperton Village Design Statement
- The Trowbridge Bat Mitigation Strategy
- Wiltshire Council Bat SAC Guidance
- Habitat Regulations

7. Summary of Consultation Responses

Hilperton Parish Council: Objects as it is outside Village Policy Limits, and the land is not allocated in the Neighbourhood Plan

Wiltshire Council Highways Team: No objection subject to conditions.

Wiltshire Council Ecology Team: No objection subject to conditions. Refer to the ecology impact appraisal section later in this report.

Natural England: No objection subject to conditions.

Wiltshire Council Archaeology: No objection

Arboricultural officer: No objection subject to condition.

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site. Following the submission of amended plans, additional public notifications were carried out.

As a result of this publicity the Council has received 32 representations, 29 being objections (from 10 people), and 3 letters of support and a petition in support signed by 11 people, which can be summarised as follows:

Those objecting to the application, do so on the following grounds, summarised as follows:

- The proposed building is outside the Village Policy Limits

- Levelling-up and Regeneration Bill will be amended so that 'housing targets' will become advisory; application should be delayed until this Bill becomes law
- Breach of Wiltshire and Hilperton planning policy
- Highway safety
- Visibility cannot be achieved
- The access to Ashton Road has poor visibility and raises highway safety concerns.
- The access road for new residential development was refused in a previous planning application in 1985.
- There is insufficient space for construction vehicles to safely access the site
- Consideration needs to be given to the potential parking of construction vehicles
- Concern raised about damage to existing grass verges
- Waste collection and delivery vehicle access concerns
- The proposed dwelling is too tall, large and bulky, should remain at two storeys
- Property should be dug into ground to reduce ground level.
- Concerns about the proposed tree planting
- Significant increase in the density of properties in the area
- Conflict with users of the road which is used regularly by pedestrians and cyclists
- Loss of vegetation on site/loss of trees on site
- Trees and hedgerow should be retained
- Impact on wildlife, flora and fauna on site
- Impact on hedgerow to south and east
- Part of the bat conservation yellow zone
- Misapplication of TBMS policy
- Accuracy of plans and small sites metric query
- Covenant on land from 1987 prevents anyone building on this site
- Hilperton will lose its identity by merging into a part of Trowbridge
- Loss of privacy/overlooking/loss of light
- Severe and negative impact on the character of the neighbourhood and the conservation area
- Design is not sympathetic
- Garage and dwelling are excessive and would dominate the landscape
- Footprint of house and garage should not be moved further west or south.
- No additional development should be allowed on site
- Garage should be no higher than proposed
- Reference made to refused 1985 application (a previous refusal on highways grounds)
- Noise disturbance concerns in particular from vehicles using access
- Would prefer to see one large house than higher density with multiple houses
- Impact on conservation area, historical asset and setting
- Impact on house value
- Lack of fair and transparent process for purposes of allowing impacted residents to review up to date plans, identify how planning policy and assessments have been implemented and see how fair and transparent decisions are made with due regard for members of the public.

Those supporting the application do so on the following grounds, summarised as follows:

- The plot is located within a village environment on the outskirts of Trowbridge
- There is a mixture of house types and design
- The plot is in a quiet location with no through road

- The grange is very substantial with extensive grounds well screened from the road behind mature vegetation
- The site access is some 40m away from the entrance to the Grange
- Hilperton has a range of facilities and is within easy reach of Trowbridge
- The proposal would enhance the area and not impinge on the neighbourhood
- The plot is an individual house between existing properties and there is no good reason why the application should not be approved.
- The house is 2.5storeys not 3.
- The site is currently scrub land and the proposal will result in an enhancement of biodiversity
- The Paxcroft estate already creates a lot of light so the wildlife will not be affected by the proposal as much
- It is hard to object when considering the large development granted to Ashford Homes (Cedar Tree Close) which is not in keeping with the aesthetic of the conservation area and the loss of wild habitat was enormous by comparison.

9. Assessment

9.1 Principle of Development

Wiltshire Core Strategy 'Settlement' and 'Delivery' Strategies –

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

Core Policy 1 of the Wiltshire Core Strategy explains that there is a general presumption against development outside the defined limits of the Principal Settlements, Market Towns, Local Service Centres and Large Villages. Core Policy 2 sets out the delivery strategy and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. It supports a planned approach to development outside of the limits of development of existing settlements, stating that such development will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy.

The application site lies outside the settlement boundary of Hilperton - which is defined as a 'Large Village' under CP1/CP2 within which development of small housing sites (less than 10 dwellings) may be supported in policy terms subject to a full review of all material consideration. This site is also outside of the Trowbridge settlement which is defined as a Principal Settlement where residential development is acceptable in principle.

The application site's proximity to the defined settlements is a material consideration and as shown in earlier inserts, it is difficult to argue that it is an unsustainable location for housing. It backs onto residential development with domestic gardens to the north and west and more domestic curtilages are found beyond the access road to the east and footpath to the south.

It is accepted that the site has not been promoted through either a site allocations plan, and nor is it identified for residential development in the made Hilperton Neighbourhood Plan. In addition, the proposal does not meet any of the exceptional circumstance as set out within paragraph 4.25 of the WCS.

The made Hilperton Neighbourhood Plan (HNP) includes a housing policy (Policy 2) which supports the construction of new housing *“to meet local market and affordable housing needs”* within the defined settlement boundary of Hilperton and *“exceptionally in the countryside where it satisfies national and strategic policies and delivers:*

- a) *Self build homes;*
- b) *‘Eco-homes’ with innovative designs that incorporate renewable energy and/or sustainable construction methods;*
- c) *Retirement homes, extra care housing or other homes designed for the over 55s”*

With reference to the Neighbourhood Plan, the proposal would incorporate several aspects of sustainable design such as the use of a high thermal superstructure, use of solar photovoltaics to generate renewable electricity, have low water flow devices installed and smart energy meters, LED lights and electric vehicle charging points.

The Council’s Five-Year Housing Land Supply –

The Council’s published Housing Land Supply Statement dated May 2023 (with baseline date of April 2022) addresses the housing land supply situation for the Wiltshire Council area and concludes that the Council cannot demonstrate a 5-years supply of land for housing; the number of years deliverable supply is indicated to be 4.6 yrs.

The recent planning appeal for a 90 house development on the edge of Holt village (PL/2022/03315) was allowed. During the hearing the housing supply was accepted to be 4.59 yrs. The Inspector considered this to be a significant shortfall, concluding *“... it constitutes an appreciable deficiency when compared to what the supply should be”* (i.e. a deficiency of at least 881 houses).

Paragraph 11(d) and footnote 8 of the NPPF states that where an LPA cannot demonstrate a 5 year housing land supply of deliverable sites, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date, and that, the presumption in favour of sustainable development (often referred to as the ‘tilted balance’) must be applied and permission should be granted unless protection policies as set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (emphasis added).

For this application, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local development plan policies which restrict new housing provision must be treated as being ‘out of date’, but this does not mean that they carry no weight, since the development plan remains the starting point for all decision making.

When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA’s have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application.

In this particular case, there are no technical grounds to refuse the application and the Council’s highways officer, tree officer, archaeologist and ecologist all report no objections.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given some weight on the planning balance. However as cited above, with the recent approval of planning permission for 3 additional houses near to the site, this proposal is not considered an unsustainable location for additional housing and there would be no substantive adverse harm that would demonstrably outweigh the benefit of delivering an additional dwelling to the local housing supply.

The extent of the 5-year housing land supply shortfall and the potential for the proposal to deliver housing in the current 5-year period to help remedy the current shortfall should be taken into account in the balancing exercise. In this regard, the 4.59 housing supply is considered a significant under provision, as confirmed by the recent appeal decision in Holt, and with the absence of any adverse impacts and lack of technical reasons to refuse, the application should be supported.

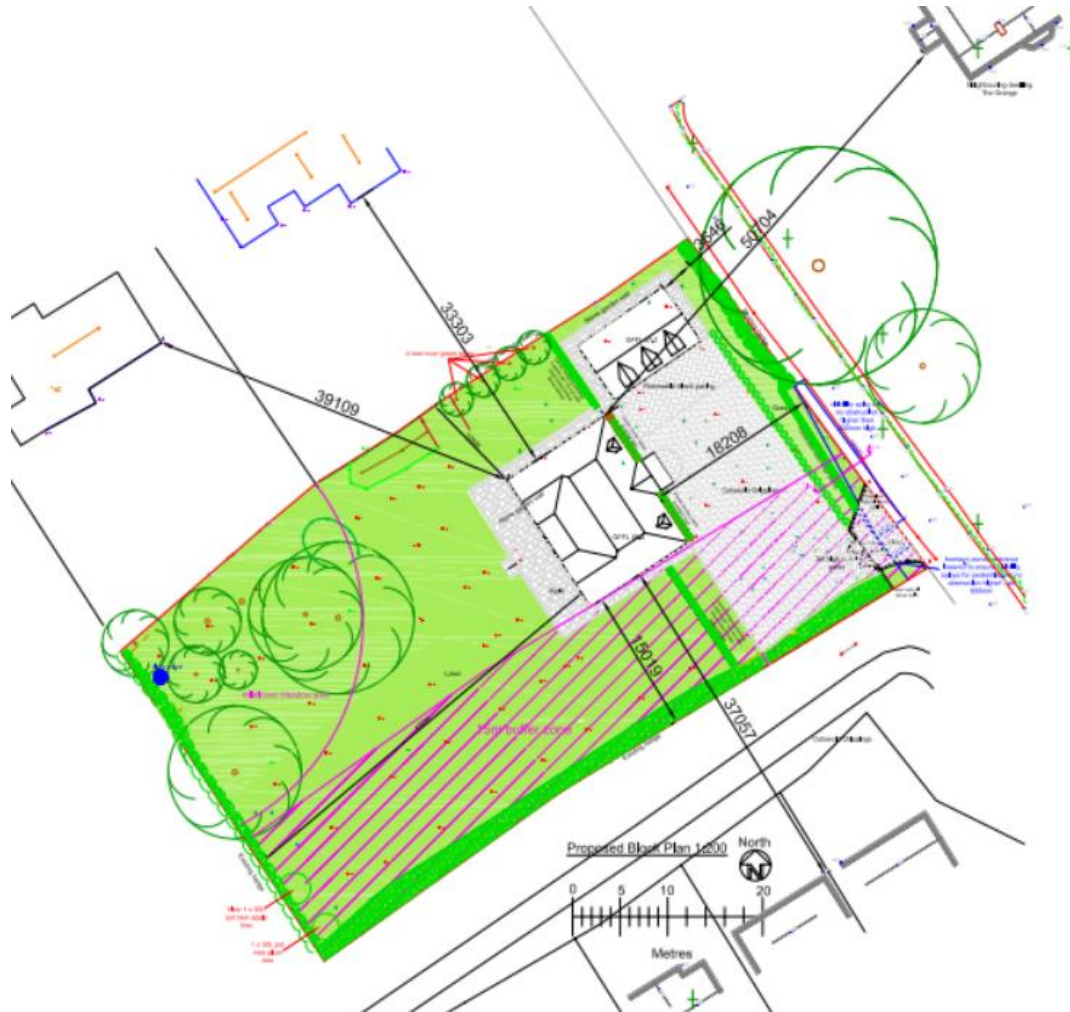
It is accepted that Paragraph 14 of the NPPF makes special provision for areas with 'made' Neighbourhood Plans. However, the Hilperton Neighbourhood Plan is more than 2 years old and given the lack of adverse impacts that would demonstrably outweigh the benefit of delivering additional housing, the Hilperton Neighbourhood Plan does not provide substantive planning policy reasons to refuse the application.

To conclude, the development would be contrary to the spatial strategy and Core Policies 1 and 2 of the Wiltshire Core Strategy; however, the site is not considered an isolated, unsustainable location and given the lack of any technical reasons to refuse the application, when tested against the NPPF, the application should be granted planning permission.

9.2 Impacts on the living conditions of neighbouring residents

Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments. It also requires regard to be given to the compatibility of adjoining buildings and uses including the consideration of privacy, overshadowing and noise and light pollution.

The rear gardens of residential properties accessed from Ashton Rise (Cockhatch and Beechwood) adjoin the site to the north. To the south, a streetlight lit footpath separates the site from the rear gardens of nos 13-17 Apsley Close; the access road is located to the east with the property known as The Grange beyond. There is extensive tall mature vegetation and trees along the southern boundary as shown in the above site photos and there are mature trees screening the grounds of The Grange – which are referenced within the public representations.



Site Context to neighbouring residents

The separation distances from the proposed dwelling to the associated rear elevations of the adjoining dwellings to the north-west are approximately 33m to 'Cockhatch' and 39m to 'Beechwood'.

The proposed north-west elevation includes a first-floor window to serve an en-suite bathroom; this could be conditioned to be obscurely glazed. It is also noted that the applicant proposes to plant trees along the site's eastern boundary which would provide additional screening once proposed new trees develop.

There are no properties that would be materially affected by the proposed south-west elevation arrangement.

The separation distances to the rear gardens of No's 13-17 Apsley Close would be approximately 36m at the closest point separated by streetlights and a footpath with a tall mature hedgerow effectively screening the back gardens beyond. There is one window proposed at first floor level on the south-east facing elevation and this would serve an en-suite; again this could be conditioned to be obscurely glazed.

Solar panels would be included on the property's south-east facing roof slope, and it is considered by virtue of the separation distance and angle and the solar panel specification, there would be no harmful glint and glare from these.

In terms of the principal northeast elevation, the proposed dwelling would be set 18m back from the eastern boundary. The separation distance from the northeast front elevation of the proposed dwelling to the west facing elevation of The Grange fronting Ashton Road, measures 48 metres.

There has been some concern raised about the proposed property being 2.5 storeys, sited on raised ground and causing setting harm to the property at The Grange as well as result in overlooking of the private garden. The height of the proposed dwelling is indicated on the plans to be 9.4m and would be set back a considerable distance from The Grange and would be partially screened by the existing well-established trees. At some 48m distant and set at an oblique angle from The Grange, the proposal would not have an adverse impact.

There may be some overlooking of a small part of the front garden area, but this would be minimal and would not give rise to intervisibility harm or a material loss of privacy to such a degree to be sufficient to form a sustainable reason to refuse the application.

In terms of the proposed detached triple garage and home office, it would have three rooflights on the north-west facing elevation, and it is considered that these would not give rise to any material harm. There would be a window facing south-west and no glazing proposed on the north-east facing elevation of the garage. Three dormer windows facing south-east are also proposed but given the separation distances and the existing tree/hedge planting, this would not result in overlooking or loss of privacy to the properties beyond at Apsley Close.

The separation distances associated with the north-western, north-eastern and south-eastern elevations of the proposed dwelling and the elevations of neighbouring properties exceed 21 metres in every case, which is considered sufficient to ensure that neighbouring privacy and amenity would not be adversely affected. This is especially so given the separation distances involved pursuant to this scheme alongside proposed tree planting and existing boundary screening would ensure that no significant overlooking to neighbouring gardens would arise. Furthermore, due to the separation distances referenced above and the proposed siting of the house within a generous sized plot, the proposal would not result in harmful levels of overshadowing or overbearing impacts on neighbouring residents.

It has been calculated that there would be some limited overshadowing to the rear garden of the neighbouring property in the early morning period - as detailed in the sun calculation diagram below (which is based on taking the highest point of the dwelling at 9.4 metres (the north facing gable), showing the extent of shadowing (illustrated by the black line) as at 8am at the beginning of April and September for example).



Sun calculation diagram for 1 April at 8am



Sun calculation diagram for 1 September at 8am

It is however necessary to appreciate that with the sun moving on its orbit, the overshadowing effects on neighbouring occupiers would be temporary, and would diminish as the day progresses with no overshadowing by late morning.

Through appraising the above example diagrams, the effects are considered acceptable and would not warrant refusal of the application.

Concerns regarding construction traffic, noise and disturbance have been received and are acknowledged. However, such concerns would not be defensible grounds to refuse the application; it is recommended that a planning condition is imposed to secure a Construction Management Plan to establish the construction working practices, including deliveries, and working hours.

On the basis of the above, the proposed development is considered to comply with Core Policy 57 of the Wiltshire Core Strategy, and the NPPF paragraph 130 (f).

9.3 Impact on the character of the area/adjacent Conservation Area

Core Policy 51 of the Wiltshire Core Strategy states development should protect, conserve and where possible enhance landscape character.

Core Policy 57 requires a high standard of design in all new developments, and requires development to respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape.

The NPPF states at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF sets out three overarching objectives for the planning system in the interests of achieving sustainable development – an economic objective of building a strong economy; a social objective of fostering well-designed, beautiful and safe places and an environmental objective of protecting and enhancing our natural, built and historic environment.

Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

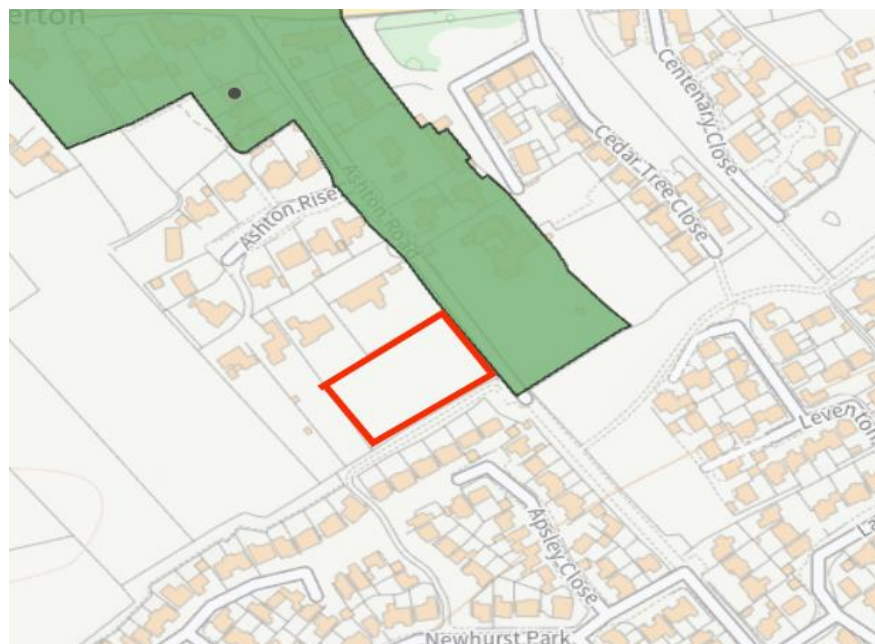
The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.*"

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

The application site forms a parcel of grassland bordered by existing fencing and hedgerows and trees. Directly to the north and east of the site is the Hilperton Conservation Area. The Ashton Rise properties as well as Cockhatch and Beechwood to the north are also outside the Conservation Area as well as the residential development of Apsley Close and the land beyond to the immediate south.

Residential development in the immediate area is characterised by detached two storey dwellings of a variety of designs and styles set within relatively large plots, although there is more uniformity, reduced plot and house size found in the more modern 1990's development at Apsley Close to the south.

The extract below shows the built form, urban grain and Hilperton Conservation Area (washed over in dark green) with the site edged red.



Public views of the site from the conservation area from the north and east would not be harmed, and the views would be limited. The proposed design of the dwelling and use of materials (comprising red brick, natural stone and clay pan tiles), and the additional tree planting and site landscaping, are all considered acceptable at this location.

There are no concerns over the proposed building materials; it is considered that the dwelling would assimilate well within the site and its surroundings. Indeed, the proposed design takes details such as the dormer windows and chimneys, and the bulk, mass and materials palette, from 'Cockhatch' to the northwest.

The photo below shows 'Cockhatch' (the nearest property to the proposed dwelling), with detached double garage.



It is considered that the proposal would integrate effectively with its immediate surroundings and respect local identity and character. It would have no adverse impact on the character of the area or harm the setting of the conservation area. In terms of the NPPF the proposal would, therefore, have a neutral impact on the conservation area.

Coalescence has been identified as a concern through the public notification process, but this would be weak grounds to base a refusal on given that the application seeks permission for one dwelling within a large plot and the fact that coalescence already exists with the Hilperton and Trowbridge settlements merging anyway to the north-east as shown in the settlement map insert below.



To conclude, the proposed dwelling would not cause harm to the significance of, or the setting of the Conservation Area, and given the aforementioned separation distances, the proposal would result in no material harm to the non-designated heritage asset, The Grange. It is considered that the proposal is acceptable in terms of its height, scale, materials and bulk, and would effectively integrate into the street scene and would not appear out of context with the properties that immediately surround it or the site itself.

9.4 Trees

The application is supported by a Tree Management Report. The Tree Management Report does not show trees to be retained and removed on the proposed layout. The proposed changes to the existing entrance consisting of lowering the level, a new low natural stone wall and gates could impact on G2 and G3. In absence of a plan showing root protection areas of these groups it must be presumed these could be affected. A tree protection plan for the trees can be secured by condition.

There are four trees highlighted for removal: -

T1 – Leyland Cypress which has been given a ‘C’ category which is considered low quality.
 T2, T4 and T7 Leyland Cypress have been given a ‘U’ category.

The low quality of these trees means that they cannot realistically be retained. The proposed Block Plan identifies new planting of four evergreen trees to replace the trees to be removed.

Six trees (T5, T6, T8, T9, T11 and T12 have been given an ‘A’ category and should be retained and protected during the construction stage.

There is a large tree located in the grounds of The Grange which is shown to be encroaching into the site. The plans show a road which separates the proposed site from The Grange and it is likely that the rooting area of this tree has already adapted in view of this road.

It is considered that existing trees to be retained can be protected and the replacement trees secured through the use of conditions. As such conditions requiring an arboricultural method statement of works, protection of retained trees and replacement trees are recommended.

Subject to these conditions being applied, the proposed development is considered to meet requirements of CP51 and CP57 (ii) as well as paragraph 131 of the NPPF.

To conclude, and on the basis of the above, the proposed development is considered to comply policies CP51, CP57 and CP58 of the WCS, provisions 126 and 130 as well as Section 16 of the NPPF and the Hilperton Neighbourhood Plan.

9.5 Highways Issues

Paragraph 110 (b) of the NPPF requires that in assessing ... specific applications for development, it should be ensured that ... safe and suitable access to the site can be achieved for all users.

Paragraph 111 of the NPPF states "*that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

Paragraph 112 (c) of the NPPF also states that ...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles and respond to local character and design standards.

CP57 (ix) of the WCS requires new development to ensure "*that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible...*" and CP57 (xiv) requires development to meet "*the requirements of CP61 (Transport and New Development)*".

CP61(ii) of the Wiltshire Core Strategy requires new development to be "*capable of being served by safe access to the highway network*" and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway "*that is safe for all road users*".

CP64 requires sufficient parking to be provided in new development in line with residential parking standards and requires a reduction in reliance on the use of the private car where possible.

The proposed development would use the existing access off Ashton Road which was historically used as an agricultural access.

Sufficient off-road parking and turning provision can be provided to comply with Council's parking standards and policies.



The existing site entrance

Concern has been raised by third parties about safety issues associated with the driveway/access. The road is unlit by streetlamps at this location and the road is closed off to vehicles and becomes pedestrianised shortly after the site access.

It is important to appreciate that an existing access exists with unrestricted vehicle access and egress rights. It is equally important to recognise that the proposed dwelling would result in an increased volume of vehicle movements, but it would not be significant and through the use of planning conditions, improvements could be secured to achieve appropriate visibility splays to safeguard other users of Ashton Road which connects with Aspley Close for pedestrians and cyclists. In short, some betterment could be delivered through this application by improving the visibility splays in this location.



The pedestrianised footway leading to Aspley Close in Trowbridge



The view along Ashton Road looking north



The view along Ashton Road from outside the Grange looking south with the application site access in the distance near the red and white road closure barriers.

No objections are raised from the Council's highway team subject to conditions ensuring the provision of parking and turning as well as requiring appropriate visibility splays of 0.6m from carriageway level to be

implemented and retained. A plan of the proposed visibility splays has been included as part of the application and is considered acceptable by highways.

To conclude, the proposal includes plans to improve the existing access that was historically used for larger agricultural vehicles, that would not result in unacceptable impacts to highway safety or result in severe cumulative harm, and subject to a planning condition to ensure the appropriate visibility splays, the proposed development would satisfy the requirements of policy CP60, CP61 and CP64 as well as paragraphs 110, 111 and 112 of the NPPF.

9.6 Land Stability Matters

The visibility splays required by the highways officer would require the removal of some of the earth from the bank outside the site and rebuilding the existing stone boundary wall. Details have been provided in the proposed block plan and site section demonstrating how the visibility splays will be achieved, and a planning condition has been agreed with the applicant to ensure this is implemented prior to the occupation of the development and be retained as such for the lifetime of the development.

There is no specific policy in the WCS that addresses land stability, however the NPPF states at paragraph 174(e) that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... land instability. Paragraph 183(a) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and 183(c) says adequate site investigation information, prepared by a competent person, is available to inform these assessments. Paragraph 184 of the NPPF states where a site is affected by ... land stability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

The site section has been reviewed by an independent building control certified professional who considers the proposal is accurate and acceptable. As such the proposed development satisfies the requirements of paragraph 183 of the NPPF.

9.7 Ecology Issues

Core Policy 50 of the Wiltshire Core Strategy states that development proposals must demonstrate how they protect features of nature conservation, and there is an expectation that such features shall be retained, buffered and managed favourably in order to maintain their ecological value.

The application site is located at the edge of the village of Hilperton, with residential development to the north-west and south-east. The application is accompanied by a Preliminary Ecology Appraisal (PEA) and addendum dated November 2022.

The application site comprised an area of managed semi-improved grassland surrounded by hedgerows to the east, south and west. There are scattered trees along the northern boundary.

The site is located within the Council's 'consultation zone' for Bechstein's bats associated with the Bath and Bradford-on-Avon Bat SAC due to the proximity of Green Lane Wood. The site is also located within the 'yellow' medium risk zone and the 'grey hatched' recreational zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb 2020). In view of these circumstances of the site, the proposed development requires Appropriate Assessment under the Habitat Regulations to address the effects on the bats.

The 'yellow' medium risk zone represents the areas where habitat has been shown to be of importance, or is highly likely to be of importance, for bats associated with the Bath and Bradford-on-Avon Bat SAC (Bechstein's, greater horseshoe and/or lesser horseshoe bats). Due to the location of the site within the Bechstein's bat consultation zone and within the TBMS 'yellow' medium risk zone, and in the absence of bat activity surveys, it can reasonably be assumed that bats associated with the SAC are using the site's boundary features, and so all boundary features must be retained/created and enhanced and maintained as dark areas.

The only way to prove absence of Bechstein's bats would be to undertake extensive year-round radio tracking/trapping surveys and this would be disproportionate for a one house planning application, and such surveys can also be stressful for the bats in any event. The assumption that there are bats using the site is, therefore, considered reasonable under the circumstances.

A bespoke Appropriate Assessment has been completed and the application has been considered by Natural England on several occasions. Natural England concur with the WC Ecologist's conclusion on the Appropriate Assessment – that is, that subject to mitigation, there would be no adverse effects on the integrity of the Bath and Bradford-on-Avon Bat SAC.

On mitigation, the majority of vegetation on the site would be retained and the proposed plans provide for ecological enhancement in the form of additional planting including: -

- New hedgerow
- 26m of flower border/small hedges/plants
- 4 new large Ever Green Trees
- 2 New Fruit Trees
- New pond
- Large area of wildflower meadow

This is in addition to translocating the existing hedgerow from the eastern boundary to accommodate the visibility splays and retaining 8 mature trees and 122m of existing hedging.

The applicant has also submitted the block plan showing the distances between the property and the hedgerow features (the 'buffer areas'). These buffer areas to the south would be retained as dark and undisturbed corridors. Through the course of officer/agent negotiations, a revised layout has been submitted providing a 15m buffer alongside the dense leylandii hedge on the southern boundary. This was submitted to address Natural England's initial concerns regarding providing sufficient functional habitat across the site for SAC bats. Additional planting of fruit trees, wildflower planting and a pond has been added to the proposal; no objection has been raised to this by the Council's ecologists and Natural England to this.

The site adjoins several residential dwellings to the north, east and south. A small parcel of unmanaged grassland is located to the west. There are no buildings on this site and the site does not have any suitability for roosting bats. The site does offer some limited foraging habitat for bats and provides moderate-quality commuting habitat. In terms of hedgerow connectivity, the eastern hedgerow (c. 70m) does not provide connectivity to the wider network of bat habitat, while the southern conifer hedgerow links Ashton Road with optimal habitat to the west of the site.



Figure showing likely route for Bechstein's bats commuting from Green Lane Wood (purple arrows) and extent of eastern boundary hedgerow (red arrows) in relation to the application site (red arrow).

No evidence of badgers has been recorded at the site and there is limited potential for protected species other than bats.

A planning condition to secure the proposed ecological mitigation enhancement measures is recommended as are conditions requiring integrated features such as bat and bird boxes on the site and a condition regarding the details of the successful translocation of the existing native hedge on the eastern boundary.

Given the importance of the *leylandii* hedgerow and associated 15m buffer (minimum) along the southern boundary, it must be retained and secured for the lifetime of the development. It is considered that this can effectively be done through an appropriately worded condition.

Furthermore, to mitigate the impact on the bat habitat the proposed dwelling is required to contribute £777.62 (index linked from 2018), to be paid before commencement towards habitat mitigation detailed in Appendix 1 of the TBMS. This has been agreed with Natural England and accepted as appropriate in previously approved sites in the locality. The requirement to pay this can be secured through a s.106 agreement.

Finally, the 'grey hatched' recreational zone of the TBMS is an area within the zone of influence within which new residential development is likely to result in increased recreational use of the woodland bat sites. New residential development proposals within this zone are expected to contribute towards the delivery of mitigation to address strategic recreational pressure. Such mitigation is to be paid for through Community Infrastructure Levy (CIL). Developers are not expected to pay directly for strategic

recreational mitigation. Funding will instead be calculated annually from the number of housing completions and taken from the CIL receipts at the following rate: for residential development, £641.48 per dwelling.

To conclude, the ecology implications for this application have been thoroughly considered and assessed, and whilst local concerns continue, the Council's ecologists and Natural England are all satisfied the application can be approved subject to restrictive planning conditions and a s.106 planning obligation.

Concerns raised by the local Councillor and local residents about additional lighting and the approach to applying the small sites metric and compliance with the Trowbridge Bat Mitigation Strategy are all considered below.

Lighting –

Given the established residential nature of this locality there is existing skyglow. This is especially so from the properties to the north-west, off Ashton Road and the properties accessed off Ashton Rise.

Moreover, photographs have been submitted showing external lighting at The Grange at night on the eastern side of the site, below.





Whilst there are no streetlights at this end on Ashton Road, there are along the footpath on the southern boundary and the existing residential development to the south.

Whilst there is this street lighting along the southern side of the Leylandii hedgerow, it has been confirmed by WC's Streetlighting Team that these are LED lights that are dimmed overnight (by 50-75%). The tall Leylandii hedge along the southern boundary would provide significant protection/shelter and minimise light spill from the streetlights to the south of the footpath and cycle track and, as such, the corridor along the southern boundary will likely be used by SAC bats.

Taken together, the existing established skyglow already forces any bats crossing the site to use the western area of the site via the established thick southern boundary hedgerow. This has been identified by the bat specialist at Natural England. It is in the dark western area of the site where additional mitigation planting in the form of bat friendly fruit trees as well as a small pond is proposed to be located, which would be beneficial to bats and biodiversity. Given the importance of the 15m buffer being retained and this western garden location remaining dark and free of built form and artificial light, it is recommended that permitted development rights are removed for any future extensions and outbuildings here by condition so that any potential impacts can be assessed c/o further planning applications.

With respect to the amount of proposed internal lighting and potential light spill affecting the eastern hedgerow from the proposed 11 windows on the front of the house, this has also been considered by Natural England. The ancient eastern hedgerow along the Ashton Road going north is a relatively short stretch of hedgerow (at circa 70m) and it does not form part of an important continuous commuting corridor for bats (See Figure above showing extent of eastern hedgerow in relation to the application site) . Bechstein bats are likely to use the closest route from Green Lane Wood (the location of a core roost) across the site and via the southern hedgerow, and there is minimal glazing proposed on the south-eastern elevation (See Figure above –purple dashed arrow showing likely route from Green Lane Wood to the south).

To ensure any additional sky glow from the proposed dwelling remains within acceptable limits, a planning condition preventing additional external lighting within the site without prior approval from the LPA is recommended. Any such future proposal would require a separate application and permission.

The use of the Small Sites Metric –

The Small Sites Metric is not mandatory in policy or legislation terms and is unlikely to be a requirement until at least April 2024. There is no existing policy requirement, in either the NPPF or under CP50 of the WCS, to provide 10% biodiversity net gain at the present time. The current requirement for minor applications rests on ensuring that there is no loss of functionality for the species using/likely to be using the site.

Third party concern has been raised that the metric would be out of date as it was submitted in Nov 2022 and expired in April 2023. Although not required by policy, the applicant did submit a small sites metric dated April 2022 which supported the application which was validated on 17/11/2022. Members should note that if the Council did require a small sites metric, then the version and date of the metric, as submitted, is acceptable and is not considered to be out of date.

The current advice from Natural England to LPAs is that if an updated version of the metric is published during determination of an application / the lifetime of a project and the applicant has already submitted a metric, the respective version of the metric should continue to be used if any subsequent revisions to the metric are required to inform the determination / consideration of the application.

Approach to the Trowbridge Bat Mitigation Strategy (TBMS) –

The TBMS was primarily written to consider the requirements of new housing being delivered under the WHSAP (Wiltshire Housing Site Allocations Plan) with the overall premise being to set aside large swathes of dark core habitat for the three SAC bat species and ultimately to ensure the proposals do not result in an adverse effect of the integrity of the Bath and Bradford-on-Avon Bat SAC.

The TBMS discusses ‘windfall’ development and so for all small sites such as this one, the sites must be assessed for their impacts on the SAC, and a Habitat Regulations Assessment must be concluded favourably to ensure no adverse effect of the integrity of the SAC.

The ecology team have built up a good knowledge of the movements of the SAC bats, and with more and more survey data being submitted through applications, they are increasing this knowledge all the time.

In terms of bat surveys, for minor developments such as this one, depending on the location, the ecology team do not always request them. The reason being is that it would be very difficult to prove absence of Bechstein’s bats. The ecology team know this species uses adjacent habitats and any surveys using static or handheld detectors are very likely to pick up/record *Myotis* species (note: Bechstein’s bats belong to the *Myotis* genus, but the *Myotis* genus also includes several other species which are difficult to distinguish using calls/sonograms).

The most reliable way to confirm identity of Bechstein’s bats is through hand identification and it would be unreasonable/disproportionate to request radio tracking/trapping surveys for an application such as this one, and in addition such bat surveys would be stressful for the bats. It is therefore assumed that some Bechstein’s individuals and potentially horseshoe species (the other two qualifying SAC bat species) are using the site for (as a minimum) commuting between Green Lane Wood and habitats further north. This is how the proposal has been approached and assessed under the Habitat Regulations Assessment (and furthermore into Appropriate Assessment).

This approach has been agreed with Natural England through the course of the application.

The TBMS confirms at paragraph 43 (p.13), that it is to be considered alongside the Bats SAC Guidance and policy and it is not the only component of the development management process. It is intended as providing simple guidance and is quite clear at section.3.2.5 paragraph 37 (p.11) that it is intended to complement the Bat SAC Guidance, not supersede it, or the policy requirements contained therein.

Accordingly, whilst the TBMS is a material consideration, it must be understood that it was never intended to apply to sites such as this one, and as a consequence, carries less weight as a material consideration in this particular planning assessment, compared to the Habitat Regulations, the Bat SAC Guidance and adopted WCS policy CP50 against which the proposal is considered to be in conformity with, with the full agreement and support of WC's ecologists and Natural England's bat specialists.

Ecology conclusions –

It is concluded that the application proposal would not lead to harmful or significant ecological effects, and the Appropriate Assessment has been agreed by Natural England.

The application has been subject to extensive discussions with the applicant's agent, the Council's ecology team and with Natural England, and through these discussions, it has been agreed that the southern boundary hedgerow would be retained and a dark corridor would be formed alongside that hedgerow (with a 15m buffer and planning conditions preventing external lighting and removing PD), and so the functionality across the site for bats would be maintained. It is for these reasons that the Appropriate Assessment concludes that there would be no adverse effect on the integrity of the Bath and Bradford-on-Avon Bat SAC.

On the basis of the above, the proposed development would have no adverse impact on local ecology and nature conservation and the development complies with national and local policy as well as the Habitat Regulations.

9.8 Drainage Issues

Policy CP67 of the WCS requires that all new development will include measures to reduce the rate of rainwater runoff and improve rainwater infiltration to soil and ground (sustainable urban drainage)

Surface water drainage is proposed to be dealt with by soakaways on site and will ensure that all run off will be retained within the site curtilage and will not run off onto the highway. No information has been submitted with regards foul water drainage which can be addressed by planning conditions requiring full details of the surface water and foul water drainage connections.

9.9 Loss of agricultural land

The application site comprises approximately 0.3 hectares of agricultural land which is categorised as grade 3 land. Grade 3 agricultural land is identified as being 'Medium – Good Quality Agricultural Land'. However, the site has no connectivity to adjacent farmland and the loss of such a small area of land which does not form part of an agricultural holding, would not justify as a reason for refusal.

9.10 Other Issues

Concerns have been raised by third parties with regard to the accuracy of submitted plans; however, following checks, the plans and submitted details are considered accurate and sufficient in detail to accurately show what is being proposed. The application is supported by sufficient evidence and supporting material to enable the Council to reach a decision.

Additional concerns have been raised regarding a private covenant that was entered into by a previous property vendor and two named individuals on the land dating from 1987 which precludes the building of a dwelling on this site. This appears to relate to a previous application for a development that was not implemented. The covenant does not appear to bind the Council in any way and the Council does not appear to be a co-signatory to the covenant. The private covenant could be expunged through separate civil agreements and the existence of the covenant does not prevent the Council from assessing/approving a planning application – which must be based on planning considerations only. The covenant is a separate legal property matter and not a matter that should be afforded weight in the planning assessment of the case.

Additional concerns have been made regarding the Levelling Up Bill with some concerned third parties stating that the development should be delayed until the Bill is passed. It is unknown how long it will take to progress the Bill to be enacted by Parliament and we do not know the final form the Regulations therein would contain. Holding up the determination of any planning application that is ready for decision would be unreasonable, and would expose the Council to non-determination appeals with high possibility of costs being awarded.

Additional concerns have been raised by a local resident about the planning system/process being slanted in favour of applicants. The applicant has raised a counter concern about the planning system being geared far too in favour of those who oppose applications. In response, all planning applications are processed on their merits without any bias and planning officers comply with their professional codes of conduct.

10. Developer Obligations

The developer is obligated to enter into a s106 legal agreement to secure the delivery of the on-site biodiversity mitigation for the reasons provided by the Council's ecologist and as set out within section 9.5 of this report. In accordance with the adopted Trowbridge Bat Mitigation Strategy, the developer is obligated to contribute the sum of £777.62 which would go towards funding the Council led Habitat Mitigation Scheme for residual in-combination effects. This sum would be paid prior to the commencement of development.

Prior to any on-site commencement, the applicant would be required to complete the necessary CIL liability forms and pay the requisite CIL contributions to the council, with 25% of the total sum going to the parish council – which has a 'made' Neighbourhood Plan in place.

11. Conclusion (Planning Balance)

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is located outside the settlement limits of Hilperton, and does not accord with the spatial strategy within the development plan. However, at this time the Council cannot demonstrate a 5-year housing land supply; it can only demonstrate a 4.6 year supply. The deficit is an important material consideration. Whilst the Council is taking steps to address the shortfall, NPPF paragraph 11 is engaged,

which means that adopted WCS core policies CP1 and CP2 (and CP29) cannot be afforded full weight on the planning balance.

The proposed development would provide one market dwelling, which in housing supply terms, would make a small contribution towards addressing the housing shortfall. Nevertheless it is a contribution at a location that would not be isolated due to the very close proximity of the site from the settlement boundaries of Trowbridge and Hilperton. In spatial terms, the site is very well connected with the nearby existing residential properties and transport routes – which merits moderate weight on the planning balance.

There would be some short-term benefits afforded at the construction phase of the proposed dwelling through direct and indirect job creation and the future owners/occupiers of the property would pay council tax. In addition, the development would contribute towards CIL infrastructure funding in the area to go towards supporting or improving existing local infrastructure – which cumulatively, also merits moderate weight on the planning balance.

In terms of neutral impacts, the proposed development would not cause harm to neighbouring residential properties or the amenities of the new owners/occupiers, and the visual impacts of the proposed dwelling can be adequately mitigated by conditions.

Sufficient off-road parking can be provided, and the development would be served by a safe access to the road network.

Subject to conditions it is considered suitable drainage connections can be secured.

The development would result in no adverse impact to local biodiversity, protected species or protected habitats.

To finally conclude, due to the Council being unable to demonstrate a 5-year housing land supply the tilted balance flowing from paragraph 11d) ii of the Framework is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. In this case the development has been assessed against policies of the Council's local plan and the Framework and it is considered the impacts of the development would not significantly and demonstrably outweigh the benefits of allowing an additional dwelling at this location. Indeed, no adverse impacts have been identified. As such the development is recommended for approval subject to the required S106 planning obligation.

RECOMMENDATION: That Committee gives delegated authority to the Head of Development Management to issue the decision to grant planning permission, following –

- a) receipt of written confirmation from Natural England that it is satisfied with the Council's ecology team conclusion that the development would not result in significant or harmful ecological effects; and**
- b) the completion of a s106 legal agreement covering the matters set out within section 10 of this report;**

and subject to the following planning 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 and supporting details:

Location & Existing Block Plan Drawing AH2022/67 Sheet 6 Dated 12th Sept 2023
Proposed Block Plan Drawing AH2022/67 Sheet 3 Dated 12th Sept 2023
Proposed Ground & First Floor Plans & Elevations Drawing AH2022/67 Sheet 1 Dated 29th July 2023
Proposed Elevations & Floor Plans Drawing AH2022/67 Sheet 2 Dated 7th Feb 2023
Proposed Sections Drawing AH2022/67 Sheet 4 Dated 7th Feb 2023
Visibility Splay Drawing AH2022/67 Sheet 5 Dated 5th Sept 2023
Preliminary Ecological Assessment 10 Nov
Preliminary Ecological Assessment – Addendum ref: EEL538A230215SP
Tree Management Report

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

3. The development will be carried out in strict accordance with the following documents:

Preliminary Ecological Assessment (PEA) (Ellendale Environmental, 3rd November 2022);
EEL538 Ashton Road, Hilperton (Addendum) (Ellendale Environmental, no date);
Proposed New Dwelling & Garage for Mr C Stone at Land Rear of 124B Ashton Road, Hilperton.
Drwg. AH2022/67 sheet 3 of 4. (A Harlow & Son, 12th September 2023)).

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

4. 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) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
and
- g) measures for the protection of the natural environment
- h) 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: 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.

5. No construction lighting will be used throughout the development and no development (including demolition, ground works) shall take place outside daylight hours.

REASON: The introduction of artificial light/noise disturbance is likely to mean such species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

6. Before commencement of development, details of new hedgerow, new trees (including fruit trees), design of wildlife pond, and creation and management of wildflower grassland shall be submitted and approved by the Local Planning Authority. The pond/wildflower grassland and trees/hedgerows will be created/planted in accordance with the approved details in the first planting season following first occupation and maintained and replaced as necessary for the first five years and thereafter retained. The condition will be fully discharged once photographic evidence of all created ecological features have been provided to the LPA for approval.

REASON: To ensure the protection of important wildlife habitat features.

7. No development shall commence above ground slab level until a plan is provided to and agreed in writing by the LPA showing the details integrated features for birds and bats within the 2 buildings proposed within the application boundary. This plan shall show how the features have been incorporated into the green infrastructure that the development will provide.

The integral features for bats and birds should identify, as a minimum:

- a) the bird and bats species likely to benefit from the proposed integral features;
- b) the type of integral features to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location/elevation on each building where features are to be installed;

The integral features plan for birds and bats plan shall be implemented in accordance with the approved details and all features retained in that manner thereafter.

REASON: In line with BS 4021: Integral nest boxes: Selection and installation for new developments specification and to comply with CP50 and NPPF (2021).

9. No development above ground floor slab level shall commence on site until the manufacturer's details 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 thereafter be carried out in accordance with the approved details.

REASON: 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 and adjacent Conservation Area.

10. No development shall commence on site above ground floor slab level until full details of the boundary treatment materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner and to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. All the additional planting as set out within the approved landscape plan shown on proposed block plan ref Drawing AH2022/67 Sheet 3 Dated 12th Sept 2023 shall be carried out in the first planting and seeding season following the first occupation of the building 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, 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.

12. No development shall commence on site above ground slab level until details of the translocation of the hedgerow on the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the development is undertaken in an acceptable manner.

13. No development hereby approved shall commence above ground floor slab level until a detailed scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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

14. No development hereby approved shall commence above ground floor slab level until a detailed scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 and including all necessary permits, consents and permissions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A or E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the biodiversity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for outbuildings.

16. Before the dwellinghouse hereby approved is first occupied, the first-floor windows that serve the en suites on the northeastern side and southeastern side elevations shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

17. No part of the development shall be first occupied until the visibility splays shown on the approved plan ref Drawing AH2022/67 Visibility Splay Sheet Dated 5th Sept 2023 has been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

18. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021' (ILP, 2021), and Guidance Note GN08-18 'Bats and artificial lighting in the UK', produced by the Bat Conservation Trust and Institution of Lighting Professionals. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

19. No part of the development hereby permitted shall be first occupied until the visibility splays and turning area for the proposed dwelling have been provided and completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

20. Prior to the commencement of works, including demolition, ground works/ excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

21. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing. The plan should show all trees to be retained along with the root protection areas shown.
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2012;
- A schedule of tree works conforming to British Standard 3998:2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of the access along with details of how the new stone wall and gates will be constructed along with any details of any no-dig specification;
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

22 For the avoidance of doubt the leylandii hedge forming the southern boundary of the development hereby permitted shall be retained at all times at a minimum height of 3metres from **normal** ground level of the site. In the event that this leylandii hedge should become diseased or die then it should be replaced within the first available planting season with a new hedgerow specification to be agreed and approved in writing by the Local Planning Authority.

REASON in the interests of the biodiversity and protected species on site

23 For the avoidance of doubt, the 15m buffer shown on the approved block plan from the southern boundary shall be retained as an ecological buffer and be absent from development for the lifetime of the development hereby permitted unless otherwise agreed in writing by the LPA.

REASON: In the interests of the biodiversity and protected species on site.

Informatives to Applicant:

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

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

Dorset & Wiltshire Fire and Rescue Service advise the following - A core objective of the Dorset & Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties. Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed. The following information may be of interest to you:

- Sprinklers work from a standard main, although a 32mm connection is required
- Are inexpensive to install, particularly in a new building
- Do not activate by accident causing unwanted damage
- Only operate through individually activated heads, not the whole system
- Are not unsightly as they fit flush to the ceiling behind a flat cover
- Cause less water damage in a fire than normal fire fighting operations
- Significantly reduce fire and smoke damage
- If you would like more information on these systems please contact this Authority.

The applicant should note that it is a criminal offence to obstruct a public right of way under section 130 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way HILP30 whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council.

If a temporary closure is required during the works this must be applied for 3 months before any work is carried out. The applicant should contact the Countryside Access Officer or email rightsofway@wiltshire.gov.uk.