

Date of Meeting	26 th April 2023
Application Number	PL/2022/00728
Site Address	Land adjoining Malford Farmhouse, main road, Christian Malford, Chippenham, SN15 4AZ
Proposal	Proposed Erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi detached dwellings and associated works.
Applicant	Spire House Developments Ltd
Town/Parish Council	Christian Malford Parish Council
Electoral Division	Cllr Howard Greenman
Type of application	Full
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee

Cllr Greenman has called the application to committee to be determined if recommended for approval by officers, so as to consider the scale of development and number of dwellings in relation to Neighbourhood Plan policy.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **APPROVED** for the reasons detailed below.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle for the development, tilted balance and 5 year housing land supply
- Scale, design and visual impact on the character of the area and streetscene
- Impact on neighbouring amenities
- Highway safety
- Biodiversity, drainage and flood risk
- The planning balance

The application generated no third party letters of objection and three objections from Christian Malford Parish Council.

3. Site description and constraints

Whilst the site is outside the adopted settlement boundary for the purposes of the Wiltshire Core Strategy and the recent Wiltshire Housing Site Allocations Plan and settlement boundary review (Feb 2020), the land is allocated for housing development in the Christian Malford Neighbourhood Development Plan 2015-2035, made in 2018.



It comprises an existing field to the east of Malford Farmhouse and its farmyard. The field is laid to grass and is bordered by mature trees and vegetation on the north, east and south boundaries. Various farm buildings lie on the west boundary and an additional spur access would be taken into the farmyard from the proposed new site access from the B4069. There is an existing watercourse running parallel to the road and forming a physical north boundary for the site. The watercourse is also designated as a priority habitat and connects to the west with the nearby River Avon (Bristol), which is a County Wildlife Site and priority habitat.

The site is within the 20m buffer for the watercourse and the northern section of the plot is shown to be at risk from surface water flooding (1 in 100 years). The site is in Flood Zone 1 of the River Avon (Bristol) catchment.

To the north of the road is The Old Parlour and Malford Farm which are currently subject to new residential development works. To the east of the site is a field, which is apparently used for camping.

4. The Proposal

The applicant is seeking full planning permission for five residential dwellings on the site, comprising three bungalows and a pair of semi detached dwellings and associated works including a new access into the site and adjacent farmyard from the B4069.



A 3 bed bungalow (with an attic level bedroom) and a semi detached pair of 3 bed dwellings are proposed at the north section of the site adjacent to the road, each with private amenity space. To the south, at the rear of the site, a linked pair of bungalows are proposed with attic level accommodation in their roofs (lit via rooflights).

11 *marked* off street parking spaces are proposed for the development, including a garage, car port spaces and bin collection points. 13 spaces are stated in the application form with 5 cycle spaces.

A new head wall with a piped culvert is included to accommodate the watercourse beneath the new access. The existing stone wall to the north of the site is also retained. The dwellings include ecological enhancement measures including bee and swift bricks. Most of the existing trees and boundary planting are shown to be retained.

Materials proposed include concrete tiles and reconstituted stone for all the bungalows, with timber cladding for the two car ports. The semi detached pair of houses would be detailed with cedar boarding to their shared front porch gable feature.

Proposed connection to the existing foul mains is proposed with SUDS for surface water disposal.

5. Local Planning Policy

The following planning policies are considered to be relevant to the determination of this application:

Christian Malford Neighbourhood Development Plan 2015-2035, made in 2018

Policy HSP1: Housing Site Allocation

Policy SSHS5: Residential Development for Map 15

Wiltshire Core Strategy (WCS) adopted Jan 2015

- CP1: Settlement Strategy
- CP2: Delivery Strategy,
- CP10: Spatial Strategy for the Chippenham Community Area
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP57: Ensuring High Quality Design and Place Shaping
- CP60: Sustainable Transport
- CP61: Transport and Development
- CP67: Flood Risk
- CP69: Protection of the River Avon SAC

Other

- Wiltshire Local Transport Plan Car Parking Strategy: PS6 Residential parking standards
- Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022

National Planning Policy Framework (NPPF)

6. Relevant Planning History:

PL/2021/08826 - Proposed erection of 4 detached dwellings (Class C) Withdrawn

7. Consultations

Christian Malford Parish Council: Objection:

Christian Malford Parish Council continue to Object to this planning application on the grounds that it still contravenes the made Christian Malford Neighbourhood Development Plan as Housing Policy HSP1 states that the potential number of dwellings for site HS5 is 4. We would support a proposal for dwellings (Class C3) comprising two single storey bungalows and a pair of semi detached dwellings in accordance with Housing Policy SSHS5 of the made Christian Malford Neighbourhood Development Plan.

Council Highway Engineer – No objection subject to conditions

Council Urban Design Officer – No objection.

Council Drainage Engineer – No objection

Council Arboricultural Officer – No objection subject to condition

Council Ecologist – No objection subject to conditions

Wessex Water – No objection and provides information to applicant.

8. Publicity

The application was advertised by neighbour consultation, site notice and advertisement. No letters have been received.

Also received was a comment from North Wiltshire Swifts, who welcomed the recommendations for integrated swift bricks in section 9 of the Preliminary Ecological Appraisal.

9. Planning Considerations

Planning applications must be determined in accordance with the development plan 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.

9.1 Principle for the development, tilted balance and 5 year housing land supply

The application site is an allocated site within the made Neighbourhood Plan. The red line for the application includes the area for development and the adjacent blue land to the west, comprises proposed habitats for biodiversity enhancement purposes (see BNG Assessment Fig 3)



The principle for new housing development is therefore acceptable under NP Policy HSP1: Housing Site Allocation. The policy identifies the “potential” number of dwellings and states:

Policy HSP 1 – Housing site allocation			
Sites HS1-6 as identified below are allocated for residential development in the context of the specific policies for each of the sites (Policies HP1-6).			
Christian Malford NDP Ref	Site Location	Potential Number of Dwellings	Anticipated delivery timetable
HS1	End of Lye Common – North Side	6	2018-2023
HS2	Redundant farm buildings adjacent to The Old Parlour	6	2018-2023
HS3	Redundant farm buildings adjacent to Fordlands	4	2018-2023
HS4	Redundant farm buildings at Mermaid Farm	6	2023-2028
HS5	Land to the East of Malford Farmhouse	4	2023-2028

It can be noted from the Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022 that the Council cannot currently identify a five year housing land supply (currently 4.7 years supply). Therefore, under paragraph 11 of the NPPF, for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site is within the River Avon (Bristol) catchment and includes a priority habitat watercourse. Therefore, the tilted balance envisaged under para 11 of the NPPF (presumption in favour of sustainable development) would not automatically apply to this site if there are any clear reasons for refusing the development on ecological grounds related to the priority habitat, which is a protected site under para 11 Footnote 7 of the NPPF.

In policy conclusion, officers consider that in the absence of a five year housing land supply, given the Neighbourhood Plan allocation and that as no harm has been identified to the priority habitat, the titled balance would apply to the proposal and appropriate weight should be attached to the proposal in the absence of a 5 year housing land supply. The provision of 5 units on this allocated site demonstrates an efficient use of land, as noted by the design officer.

9.2 Scale and density, design and visual impact on the character of the area and streetscene

Scale and density

Section 12 of the revised NPPF also places a greater emphasis on the importance of good design and states:

126. 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.

Core Policy 57 also seeks to make efficient use of land under criteria (vi) whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates to its setting and to the wider character of the area.

NP Policy HSP1: Housing Site Allocation identifies the *potential* number of dwellings for the site as 4. The previously withdrawn application was for 4 units and this scheme is for 5 units.

However, there is a possible contradiction within the plan as the specific policy for this site, Policy HS5 goes on to say that the development should respect the character of the surrounding area and deliver **approximately** four dwellings.

Policy SSHS5

Proposals for residential development on the site as shown in Map 15 will be supported subject to the following criteria:

- The development of the site respects the character of the surrounding area in general terms and delivers approximately four dwellings.
- The development should consist of either bungalows or two-storey terraced or semi-detached houses.
- The houses should be set back at least 10 metres from the northern boundary of the site.

In the absence of any upper or lower restriction being given, this application is for five units which broadly complies with the stated requirement of being bungalows, two storey terraced or semi-detached houses. It is also considered that 5 dwellings meets the requirement of “approximately four” and it would be difficult to argue against this form of wording in an appeal.

The description is:

Proposed Erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi detached dwellings and associated works.

It is considered that the site does not appear cramped and the dwellings are not excessively large. Each plot has been distinctively designed using suitable materials, and has a modest amenity area, with either a car port or garage provided. The Council Urban Design Officer has commented, “*I support the efficient use of the land for 5 rather than 4 dwellings, of a more modest size that reflects the local need.*”

Therefore, it is not considered that a reason for refusal could be supported on the grounds that the site is being over-developed or contrary to the aims of the Neighbourhood Plan policy for the site. The provision of 5 units on this allocated site represents an efficient use of land for local housing provision.

Design and impact on character

Core Policy 57 sets out the criteria for new development. 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 complementary to the locality. This includes enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced. It also requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

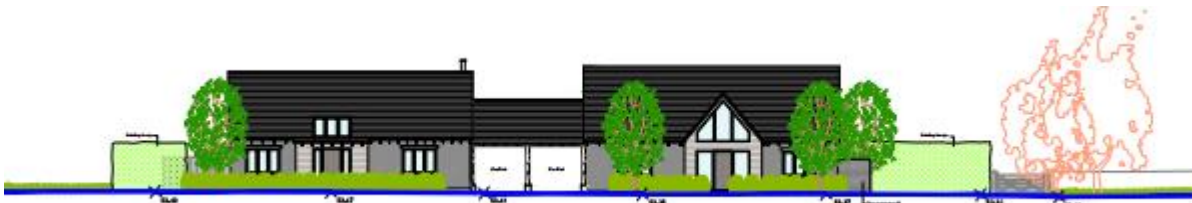
Core Policy 51 of the WCS states:

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. 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.

The site is well related to the existing urban fabric and layout of the settlement. It fronts onto the road and is well screened to the east and south by existing trees and planting. The farmhouse and farmyard buildings and the site under construction to the north at The Old Parlour all provide an established and contemporary built setting for the development.

The proposed units are also contemporary in their appearance, but modest in scale and height using a suitable palette of materials to suit the vernacular in the vicinity, including concrete tiles and reconstituted stone for all the bungalows, with timber cladding for the two car ports. The semi-detached pair of houses would be detailed with cedar boarding to their shared front porch gable feature.



The Council Urban Design Officer initially requested some changes and noted the need for conditions to secure quality and stated:

I support the efficient use of the land for 5 rather than 4 dwellings, of a more modest size that reflects the local need. Stone and roof materials to be fully specified so that quality of appearance can be assessed. Can be conditioned but I would recommend indicating natural stone (like the newbuild opposite), not recon, at least for the homes visible from the street, and any garden walling here as per the CGI image in the DAS.

Amended plans were received and the design officer had no further comments.

Landscape setting and trees

The proposed site plan demonstrates how existing trees and vegetation would be incorporated into the layout. The Council Arboricultural Officer has considered the submitted Arb Impact Assessment, Tree Protection Plan and Arb Method Statement. Sixteen trees and six tree groups were surveyed on and around the site. There are two Lime trees (T4 and T7) on site which have been given A/B1 category. Five trees have been given a B category T5 Norway Maple, T9 Birch, T13 Copper Beech, T16 and T18 both Walnut trees.



The site is described as a grassed rectangular area of land with a stream and the B4069 to the north with neighbouring gardens to the east and fields to the south and gardens of Malford House to the west. To facilitate the new access G1 and T2 will need to be removed. T2 is a multi-stemmed Ash and G1 is a group of Hawthorn. G3, G6 and trees 5, 9, 10-13 and 18 are to be removed to facilitate the construction of the new dwellings. The loss of these trees will be mitigated with new planting.

Plot 2 would encroach into the RPA of Tree 4 (Lime). For this reason, strip foundations are avoided and instead it is proposed to use micro or screw piles with any machinery required on ground protection. Definitive pile type to be specified by the site engineer when conditions have been investigated. There is also a footpath proposed within the RPA of T4. This would be constructed using a no-dig method.

The Council Arboricultural Officer has no objections to this proposal in relation to trees provided an arb method statement compliance condition is included in any permission that may be given.

In conclusion, the scale, design, siting and materials for the development are considered to be acceptable and the dwellings would make efficient use of the allocated site. Important trees and landscape features would be retained and protected as part of the development, to retain a rural setting and backdrop for the development. Therefore, subject to suitable conditions to secure appropriate materials, windows, details and tree protection, the proposal is considered unlikely to harm the existing character of the area or to harm the landscape setting of the site.

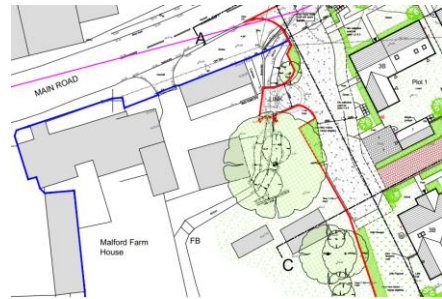
No objection is raised under CP51 and CP57 of the Wiltshire Core Strategy.

9.3 Impact on neighbouring amenities

CP57 also states that the development should 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)

The development is not considered likely to harm the existing amenities for Malford Farmhouse.



There would be one bedroom window in the side/roof elevation for Plot 1. This is sufficiently separated from the farmhouse by existing outbuildings not to unacceptably affect amenities in terms of loss of privacy or overlooking. The side elevation bedroom window of Plot 4 is separated by an even greater distance and more outbuildings. Given this interrelationship, the proposal is not considered to be harmful to the existing amenities of the existing occupiers of the farmhouse in terms of overlooking, loss of light or dominance.

Given the separation and layout arrangements, existing and new properties opposite the site are unlikely to be unacceptably affected by the development in terms of overlooking, dominance or loss of light:



Therefore, no unacceptable impacts have been identified under Core Policy 57(vii) and appropriate levels of amenity are considered to be achievable within the development.

9.4 Highway Safety

Core Policies CP57, 60 and 61 are relevant to the application. The development seeks to provide 11 off street spaces for each dwelling plus a visitor space.

Initially, the Council Highway Officer objected:

The parking is adequate, but the carry requirements of the waste bins may exceed the 30m distance. There is no information provided on the culvert required to be placed to allow access into the proposed site.

While visibility splays have been demonstrated to Manual for Streets standards, this best befits a residential street and the more robust requirements of DMRB must be applied to the B4069 which is a major part of highway infrastructure carrying thousands of vehicles past the site on a daily basis with access to the M4, Chippenham and Lyneham and Wootton Bassett. DMRB standards require a y axis length of 90 m for a major local road that serves the village.

Until such time as appropriate plans have been provided the plans are simply not detailed enough to assess and I recommend a holding objection.

Satisfactory amendments were received including a culvert and the Highways Officer has stated:

I note that opposite the expected access to the B4069 there is already a dropped kerb and therefore I would consider that the shared surface area at the bell mouth of the access is a suitable refuge for pedestrians to wait while crossing the road to the north side of Main Road in order to effect pedestrian access to the heart of the village.

I am satisfied that the visibility demonstrated can be achieved to an adequate standard and is contained within the public highway. The provision of parking as demonstrated is to minimum parking standards and although there is no formal provision of a single visitor parking space, there is sufficient room within the development for the accommodation of temporary visitor parking and sufficient room for service vehicles to enter and exit in forward gear.

Subject to the following conditions being met, I would be unable to raise a highway objection.

Therefore, and subject to the conditions being recommended, there is considered to be no unacceptable impact on highway safety or severe residual cumulative impacts on the road network. Accordingly, the proposed development would meet with the requirements of Core Policies CP57, 60 and 61 to the Wiltshire Core Strategy and section 9 to the NPPF.

9.5. Biodiversity, Ecology, Drainage and Flood Risk

The site is a grazing field adjacent to the farmyard, lined with trees and hedges to the east and south. The watercourse is also designated as a priority habitat and connects to the west with the nearby River Avon (Bristol), which is a County Wildlife Site and priority habitat.

Biodiversity and Ecology

Core Policy 50 of the WCS states:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.

All development should seek opportunities to enhance biodiversity.

In response to the submission, the Council Ecologist initially commented:

An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: great crested newt, water voles and bats.

The PEA (Chalkhill Environmental Consultants, 20210) identified a pond within 210m of the Site which has known presence of GCN. There is a record of an EPSM licence for GCN permitting the destruction of a resting place approximately 250 metres to the south of the pond. The site lies in an Amber GCN Risk Zone for Wiltshire and Swindon. Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal. The site also lies within a fringe area in the Strategic

Opportunity Areas for GCN in Swindon and Wiltshire. Fringe areas contain a pond density of 1 and are located within a 1km square where great crested newt presence has been predicted or are within a 250m of a Core Area. GCN have been ruled absent from the application area despite the Site containing suitable habitat in the form of hedges, woodland, brash and tile piles. Further information is required to justify why GCN have been absent from the application area or mitigation measures, or district level licensing should be applied.

There is a ditch running along the northern boundary of the application area. Water voles have been ruled out following a survey in March 2021. The survey falls outside of the optimal survey season for water vole (Mid April-September). Further information is required to assess the impact of the development on water vole i.e further survey during the optimal survey season and a local records search.

The PEA recommended that a detailed bat survey should be carried out in order to identify any potential bat roost features and to assess the risk of bats being present on any mature trees on the site selected for major tree work or removal. The arboricultural method statement (Sharples Tree Services, 2021) identifies several trees that will be removed as part of the development. These trees should be surveyed to assess their potential to support roosting bats. In addition, the value of the site (open grassland, mature hedges, woodland) for foraging and commuting bats has not been assessed. Bat activity surveys are also required.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPAs ecology team prior to determination of the application.

A Preliminary Ecological Appraisal, a Bat Survey for the trees to be removed, an Advice Note (including a survey of the watercourse) and a biodiversity net gain metric were all subsequently submitted to support the application.

GCN - The advice note was prompted by a request from the Council's ecologist for a watercourse survey and a further assessment of the site to support Great Crested newts and for the potential presence of hibernacula and terrestrial habitat. The site had previously been assessed on 13 March 2021 and on 30 June 2022 and 1 July.

The report concludes that the water course is suboptimal habitat for Great Crested newts. There are potential reptile refugia, hibernation sites and terrestrial habitat which could be used by Great Crested newts but the absence of any standing water on the site and the suboptimal terrestrial habitat associated with the watercourse, reduces the risk of Great Crested newts being present to nil. Advice is given regarding action to be taken in the event that individual Great Crested newts are found during the course of the work and this should be conditioned.

Bats and birds - Creation of new site access will result in removal of a mature ash *Fraxinus excelsior* and a short length of shrubby native species vegetation. An assessment of the potential impact of removal of this tree on bats was therefore requested by officers. An evening assessment of bat activity in relation to this tree was carried out in the evening of 30 June 2022 and a dawn return survey was carried out in the morning of 1 July 2022. The survey concludes that bats do not appear to be roosting in the tree which was surveyed within the core maternity period when bats species frequently associated with trees might be expected to be present.

The location of the tree within a tall unmanaged native species hedge with other mature trees is likely to be part of a network of similar habitat in the surrounding area used by bats to move through the area and to hunt for food. This does increase the risk of individual bats being present from time to time, even in features which would not normally be regarded as potential bat roost features.

The report recommends that precautionary guidance should be followed during the proposed work to avoid harm to any individual bats which may be present from time to time. Precautionary guidance should be followed during the proposed work to avoid disturbance to breeding birds.

Water Vole – no evidence found. The advice note recommends that if individual water voles are encountered unexpectedly any time during the proposed work, this should stop immediately and further advice sought from the ecologists.

Biodiversity Net Gain – Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. Natural England has now prepared version 3.0 of the Biodiversity Metric that includes a small site metric Beta version. At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

Evidence of no net loss of biodiversity has been submitted in a metric and measures to deliver net gain include (as stated by the applicant):

- *We have incorporated the wildflower area in Metric 3.1 as modified grassland in good condition and also managed to get the 10 trees in too including another tree retained (rear of plots 4+5).*
- *It is possible to plant individual trees even if these are in a rural setting under the overall category of urban and the subcategory of urban tree.*
- *The hedgerow creation has been added and the habitat loss has been reduced.*
- *Hedgehog highways have been incorporated.*

The Council's ecologist concluded:

Further surveys have found no evidence of water vole or roosting bats. A precautionary method of working requiring a licenced GCN worker to be present during the relevant period of site clearance/construction should be applied.

The updated site plans shows a net gain in hedgerow units. Since the retained and created new hedgerow habitats will maintain and improve connectivity throughout the site, we consider that the overall functionality of the habitats for biodiversity will not be significantly reduced and may be increased, this is sufficient to comply with CP50 and NPPF.

Bat boxes, bird boxes, bee bricks, hedgehog gaps and swift bricks are all included on the proposed plans and elevations along with wildflower planting, new native hedge planting and new tree planting. In conclusion, the proposal is a minor housing development (under 0.5 ha in area and under 10 units) and has been shown likely to result in a slight increase in habitats. Biodiversity enhancements are proposed as part of the scheme. The survey work undertaken indicate that the likelihood of harm to protected species and protected habitats as a result of the development is low. Therefore, subject to conditions to secure the enhancements and to

adopt a precautionary approach to the development, no objection is raised under CP50 and paras 179- 181 of the NPPF which seek to conserve and enhance priority habitats and secure measurable net gains for biodiversity.

Fig 3 of the Assessment shows how land to the west of the development, within the applicant's ownership (blue land) is to be retained as habitat including neutral grassland. The report states:

The proposals have sought to maximise biodiversity net gain on site, whilst maintaining the viability of the development. When it became apparent that measures on site would not be sufficient to achieve no net loss, the client sought additional habitats enhancement and creation opportunities within the adjacent blue line, which falls under the same ownership, however due to its residential nature of the site, it is not suitable to manage large areas for biodiversity offsetting. However, sections along the southern and eastern edges of the site have been identified and agreed to be used for enhancement measures as detailed in this report.

It is considered that the drawing in Fig 3 should be included in a Grampian condition to ensure retention of this land to contribute to overall biodiversity enhancement for the development.

Drainage and Flood Risk

The site is shown on the Strategic Flood Risk Assessment to be at medium risk from groundwater flooding with water levels 0.025 and 0.5m below the surface. The northern section of the site is at risk from surface water flooding (1 in 30 years). The NPPF requires the LPA to consider the risk of flooding to new development from all sources.



However this is an allocated site in an up to date plan made in April 2018. At that time, the Christian Malford neighbourhood plan group and the Planning Inspector would have been aware of the NPPF 2012 version and para 100 which states:

*100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies **to manage flood risk from all sources**, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.*

Had this not been an allocated site, a sequential test and exceptions test would be required for the proposal, in compliance with para 161-163 of the NPPF. However, the site is allocated

in an up to date plan and it is therefore considered that the risk of flooding from all sources has already been considered as part of the neighbourhood plan process.

Whilst it would not be reasonable to subject the site to a sequential and exceptions test, the LPA is still required to consider the potential risks of flooding on the development and ensure that it does not increase the risk of flooding elsewhere under Core Policy 67 and NPPF para 167.

The Drainage report and strategy states:

As part of the development proposals, a new site access is to be formed which will require culverting a section of the existing watercourse over the high to low risk areas. The majority of the development is located within areas of very low risk. It is noted that existing high to low risk areas cannot be completely mitigated, however the introduction of an appropriately sized culverted section and a SuDS management strategy which attenuates peak 1 in 100 year volumes will offer some flood risk reduction by the interception of attributing greenfield site flows and volumes. Dwellings 1 to 4 are located outside of the flood risk area and as such future occupants are not at risk.

Based on available data, it is considered that soakaway drainage would not be feasible due to recorded groundwater levels and the impermeable nature of the surrounding soils. It is proposed that surface water run-off discharges into the existing watercourse traversing the sites northern boundary. A SUDS hierarchy is proposed for surface water management. Foul drainage would go to the existing mains drainage in accordance with para 020 of the PPG.

The Drainage Report concludes:

In addition to flooding from rivers and the sea, this SuDS statement has considered the potential consequences of flooding from all other sources, which include directly from rainfall on the ground surface, rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

An assessment has been made of the potential risk from all sources of flooding to and from the development site, with reference to available flood risk information, for existing conditions pre-development, and post-development with the various development mitigation measures incorporated.

In regard to providing an acceptable standard of protection against flooding for new development, no flooding of properties should occur as a result of the 'design flood' corresponding to a 1 in 100 year fluvial flood event, taking climate change into account.

A sustainable drainage strategy, involving the implementation of SUDS, is proposed for managing the disposal of surface water runoff from the proposed development on the site utilizing geo-cellular storage and permeable paving thus meeting best practice.

The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner with a reduction to the sites pre-development surface water flows, while reducing flood risk to the site itself and elsewhere, taking climate change into account.

An outline foul water drainage strategy has been developed incorporating an offsite gravity connection to Wessex waters sewer network.

The overall conclusions drawn from this drainage strategy and SuDS statement are;

- i. The Development is situated wholly within the Flood Risk Zone 1 area;
- ii. The Development and its occupants are not at an increased risk of flooding;
- iii. The Development does not increase the risk of flooding elsewhere;
- iv. The Development will be appropriately safe for its lifetime
- v. The Development can be drained in a sustainable manner utilising SUDS techniques;
- vi. The Development will satisfactorily manage and maintain a 1 in 100 Year storm event with allowance for climate change within the site
- vii. Consideration has been given for the improvement of water quality.

The findings of this report identify the opportunity to implement an appropriate SUDS strategy.

Initially, the drainage officer considered that:

Insufficient information has been provided to ensure that the site will not flood. It is proposed to discharge surface water drainage at $Q = 2\text{l/s}$ which is higher than $Q_{bar} = 1.3\text{l/s}$. System design shows that there is a surcharge at 1 in 1 event, as this is a new system, the drainage should be appropriately sized. It is proposed to culvert the watercourse at two locations, this will require Land Drainage Consent. Also an analysis must be conducted what will happen if the culverts will block. The developer must show that they still have discharge when the outfall is drowned out.

A Technical Note and updated Drainage Strategy were submitted and the drainage officer concluded:

I am happy with the latest submission. I would like to impose a condition that the application is in line with this document. Also would like informative about the need for Land Drainage Consent.

In conclusion, the LPA is satisfied that the site is allocated in an up to date neighbourhood plan in compliance with the requirements of the NPPF 2012 which was in place at that time. The submitted details are satisfactory and includes an *assessment of the potential risk from all sources of flooding to and from the development site, with reference to available flood risk information, for existing conditions pre-development, and post-development with the various development mitigation measures incorporated.* In conclusion, the flood risk to the new properties and the risk of increasing flood risk elsewhere is low, subject to the development being implemented in accordance with the recommendations in the Drainage Strategy.

10. Conclusion and Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development

proposals that accord with an up-to-date development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks consent for 5 dwellings on an allocated Neighbourhood Plan site. The design officer has raised no objection to the scheme subject to conditions and officers consider that the proposed development represents an efficient use of land. The Wiltshire Core Strategy and the NPPF set out the policy considerations for the application and the LPA cannot currently demonstrate a 5 year housing land supply. Given that no harm has been identified to priority habitats, the tilted balance under para 11 of the NPPF would apply and weighs significantly in favour of the development.

The provision of biodiversity enhancement measures and the retention of many existing trees along with hedgerow enhancement as part of the scheme can also be afforded some weight.

The dwellings have been carefully designed to suit the streetscene, taking into account the topography and constraints for the site including the watercourse and trees. The highways officer is satisfied with the access and parking provisions for the development. These matters can be afforded modest weight in the planning balance.

The site is within an area that is subject to ground and surface water flood risk, but the site has been allocated in an up to date neighbourhood plan and a satisfactory strategy has been submitted to mitigate risk. This aspect of the application weighs moderately against the development, as it would be preferably for the allocated site to be in an area of low flood risk from all sources.

In the absence of identified harm to priority habitats and from sources of flood risk, the tilted balance would be engaged under para 11 of the NPPF. The presumption in favour of sustainable development and the provision of five additional dwellings on an allocated neighbourhood plan site carries significant weight in the determination and therefore, officers consider that the planning balance weighs in favour of the development.

11. RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Proposed Location Plan ref 2791 001 Rev A dated Feb 2021

Proposed Site Plan with ecological enhancements (including blue land) ref 2791 120 Rev H dated Feb 2021

Proposed Site Plan with ecological enhancements (including blue land) ref 2791 121 Rev H dated Feb 2021

Proposed Landscaping Plan 2791 500 Rev A dated March 2023
Proposed Floor Plans and Elevations Plot 1 ref 2791 125 Rev B dated Feb 2021

Proposed Floor Plans and Elevations Plots 2 & 3 ref 2791 126 Rev B dated Feb 2021
Proposed Floor Plans and Elevations Plot 4 ref 2791 127 Rev B dated Feb 2021
Proposed Floor Plans and Elevations Plot 5 ref 2791 128 Rev B dated Feb 2021
Proposed Double Car Port and Single Garage ref 2791 130 dated Feb 2021
Proposed Streetscenes ref 2791 135 Rev E dated Feb 2021
Proposed Site Sections ref 2791 136 Rev E dated Feb 2021
Proposed Habitat Map, dated 13/1/23, Figure 3 of Biodiversity Net Gain Assessment dated Jan 2023
Drainage Strategy Layout Plan ref 21-004-002 Rev F dated June 2021

Additional Drainage Technical Note by Adama Consulting dated 8th March 2022 including Updated Drainage Strategy
Drainage Strategy and SUDS Statement ref Acl565/21004/DS by Adama Consulting dated 21st June 2021 (Drainage Strategy layout plan superseded by Rev F above)
PRELIMINARY ECOLOGICAL APPRAISAL ref Q795 dated March 2021 by Chalkhill Environmental Consultants
Biodiversity Net Gain Assessment dated Jan 2023
Ecology Advice Notes (Water Voles and Great Crested Newts) and Bat Survey ref Q795 by Chalkhill Environmental Consultants
Arboricultural Method Statement by Sharples Tree Services dated August 2021

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

3. No development shall commence on site above slab level until the exact 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 be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development takes place above slab level commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. 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 to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: To comply with the requirements of the Neighbourhood Plan and in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

5. The development shall be implemented in accordance with the recommendations in the following documents:
 - i) Drainage Strategy and SUDS Statement ref Acl565/21004/DS by Adama Consulting dated 21st June 2022 as updated by the Additional Drainage Technical Note by Adama Consulting dated 8th March 2022 including Updated Drainage Strategy
 - ii) Drainage Strategy Layout Plan ref 21-004-002 Rev F dated June 2021

The dwellings hereby approved shall not be occupied until the measures contained in the Strategy for foul and surface water drainage have been fully implemented.

The applicant shall provide written details of the necessary Land Drainage Consents before the dwellings are occupied.

Reason: To ensure that the development can be adequately drained and to reduce the risk of flooding to the development itself and elsewhere.

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

7. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of neighbouring amenities.

8. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway.

Reason: To ensure that the highway is not inundated with private surface water.

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

- i) Biodiversity Net Gain Assessment (Ethos Environmental Planning, January 2023)
- ii) Ecology Advice Notes (Water Voles and Great Crested Newts) and Bat Survey ref Q795 by Chalkhill Environmental Consultants

The mitigation and enhancement measures recommended in the document and shown on the site and elevation plans hereby approved shall be implemented before the dwellings are occupied and maintained for the lifetime of the development.

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

10. Prior to the commencement of the construction of the dwellings above slab level, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The details in the LEMP shall include all the land shown on the Proposed Habitat Map, dated 13/1/23, Figure 3 of Biodiversity Net Gain Assessment dated Jan 2023. This land shall be retained for the lifetime of the development for the purposes shown on the plan and to achieve the biodiversity enhancement objectives set out in the Assessment.

The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained for and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

11. Prior to any 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.

12. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Sharples Tree Services dated August 2021 and shall be supervised by an arboricultural consultant.

Reason: To prevent trees on site from being damaged during construction works.

Informatives:

The applicant(s) is advised that all relevant land drainage consents are required prior to occupation of the development.

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after

young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in the PEA (Chalkhill Environmental Consultants, 2021) If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

CIL: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

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