

Date of Meeting	16 February 2022
Application Number	PL/2021/03253
Site Address	Lion and Fiddle, Trowbridge Road, Hilperton, Trowbridge, BA14 7QQ
Proposal	Erection of two detached dwellings, garages and associated works
Applicant	Mrs J Singer
Town/Parish Council	HILPERTON
Electoral Division	Hilperton – Ward Member Cllr Ernie Clark
Grid Ref	ST873589
Type of application	FULL PLANNING
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee: Cllr Kirk has called this application in for members of the Western Area Planning Committee to determine at the request of Cllr Clark (who lives adjacent to the application site and is an interested party) if officers are minded to recommend the application for approval, so that members can consider: the scale of the proposed development; the visual impact; the relationship to adjoining properties; the design; the environmental and highway impacts; the car parking provision including a loss of car parking spaces at the Lion and Fiddle public house; and concerns about overdevelopment of the site.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions and requiring the applicant/landowners to enter into a Section 106 (S106) legal agreement.

2. Report Summary

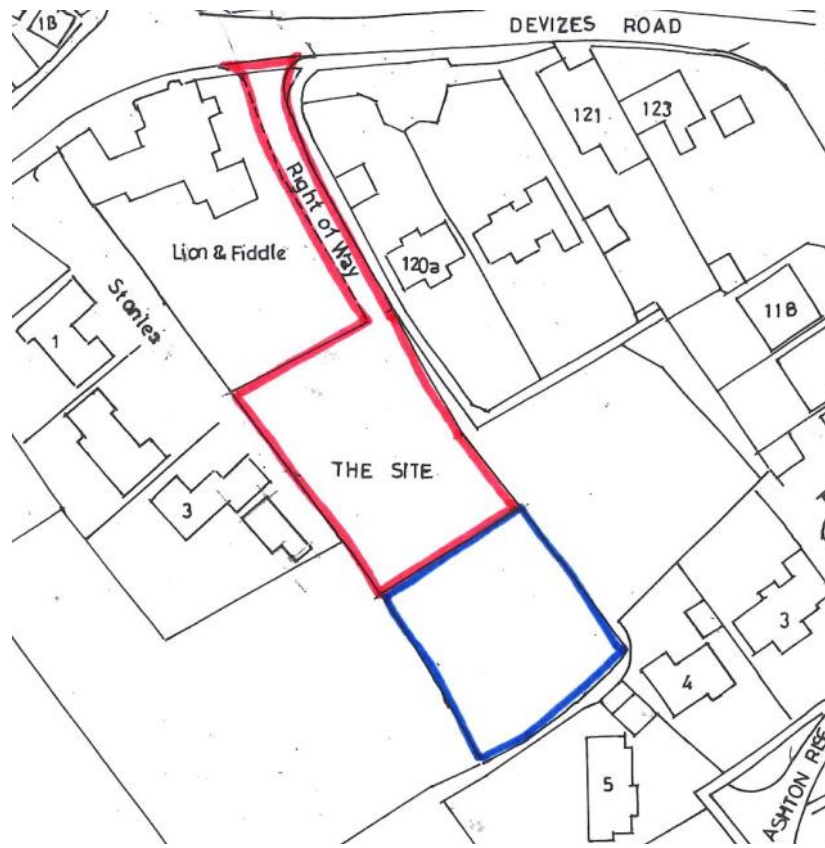
This report appraises the principle of development, the impacts the development would have on the character of the area and designated heritage assets, as well as the impacts on neighbouring amenity for both existing and future occupiers, ecology interests and highway safety.

Hilperton Parish Council objects to the application, the details of which are provided within section 8 of this report.

Nineteen public representations have also been received, which are summarised within section 9 of this report.

3. Site Description

This proposal relates to a parcel of land located to the rear of the Lion and Fiddle public house in Hilperton, as illustrated by the extracts provided on the following page as taken from the submitted location plan and proposed block plan:



Extract of Location Plan



Extract of Proposed Block Plan

The application site is predominately grass with part of the site covered in hardstanding. The site is fenced off from the existing public house car park with the fence illustrated below. The site has well-established landscape planting along the southern, eastern and western boundaries that are shared with neighbouring residential properties to the west and east. The trees to the south and along the eastern and western boundaries are protected by a Tree Preservation Order reference: W/13/00005/MIXED. Two site photographs taken by the case officer are provided below to illustrate the site and its boundary character.



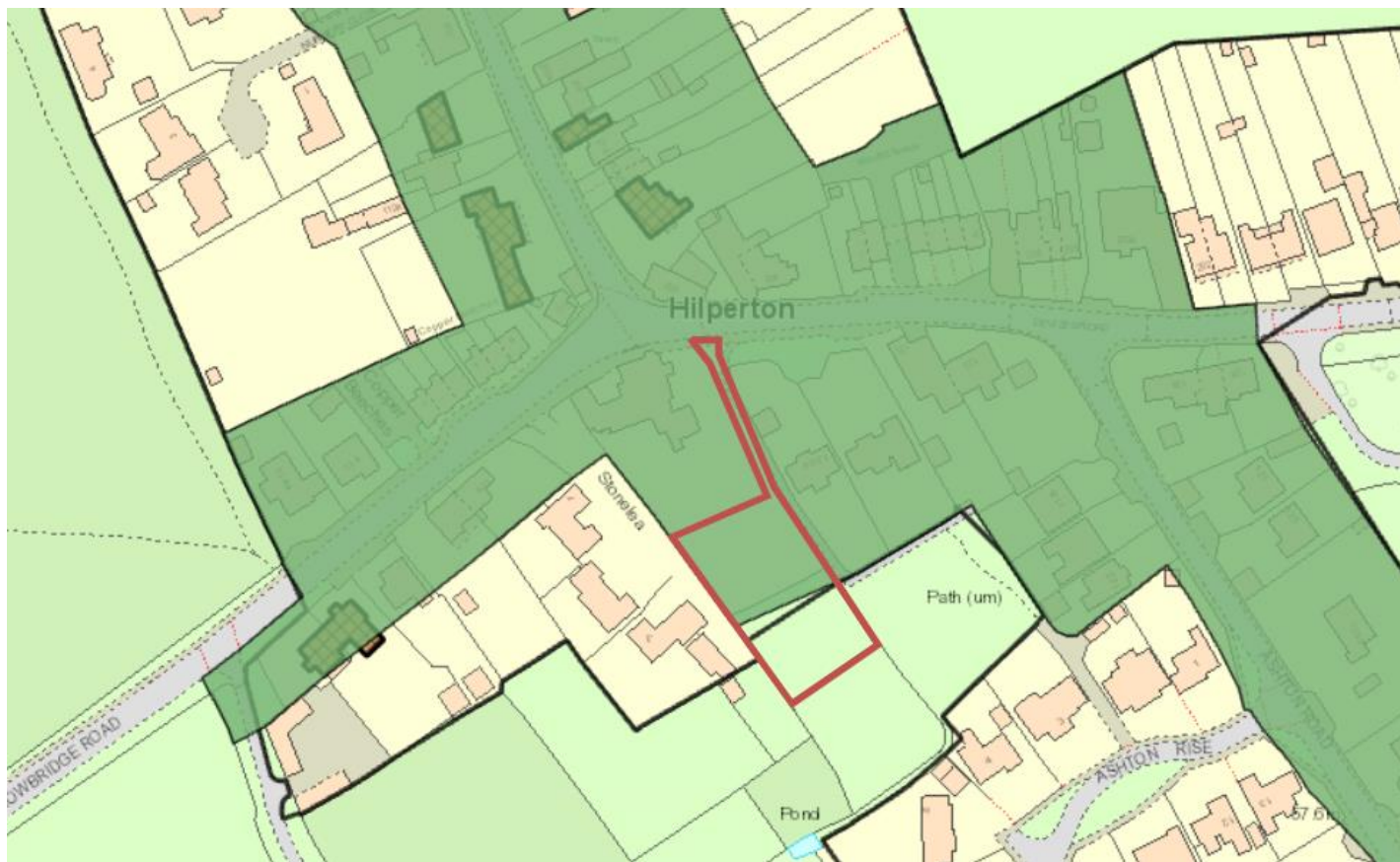
View taken from within the application site facing west, with the existing fencing visible to the right-hand side of the image



View taken from the public right of way illustrating the existing fence which separates the application site from the car park, with an area of hardstanding visible immediately beyond the existing gated entrance

As illustrated in the following insert, part of the application site is confirmed as being located within the designated Hilperton Conservation Area (which is highlighted by a washed over green shading). The insert also confirms the designated village settlement limits (defined by a black line), which reveals that part of the application site falls outside of the settlement limits for the village.

A number of Grade II listed buildings (shown as hatched properties below) are in relatively close proximity to the application site, including Willow Cottage (No. 117 Trowbridge Road) to the south-west, Woodcote (No. 112 Church Street) to the north-west, and Nos 209 and 210 Church Street to the north. To the east of the application site, a public right of way footpath (PRoW) reference HILP30 runs parallel with part of the application site.



4. Planning History

The following planning history is of relevance to this application:

W/13/00970/FUL - Erection of 2 no. detached dwellings in the grounds of existing public house. Extensions and alterations to public house to provide additional restaurant space and an additional 4 no. letting rooms - Withdrawn

The above application sought planning permission to extend the public house and to erect two dwellings, but the above application was withdrawn by the applicant prior to a decision being made by the Council.

14/06237/FUL - Extensions and alterations to public house to create 4 new letting rooms and the construction of two dwellings within the pub grounds (constituting a resubmission of W/13/00970/FUL) - Refused on the following grounds:

1. Plot 2 would be entirely located in the open countryside outside the village policy limits defined for

Hilperton in the West Wiltshire District Plan 1st Alteration 2004. In the light of the absence of any special justification supplied by the applicant, the proposal would conflict with Policies H17 and H19 of the District Plan.

(Note: The decision for the above application was issued on the same date that the elected members of Wiltshire Council were formally invited to adopt the Core Strategy which went through a detailed a thorough public examination, which closed in December 2014.

The decision also noted that upon adopting the Core Strategy as recommended; the above cited WWDP policies would be replaced by Policies CP1, CP2 and CP48).

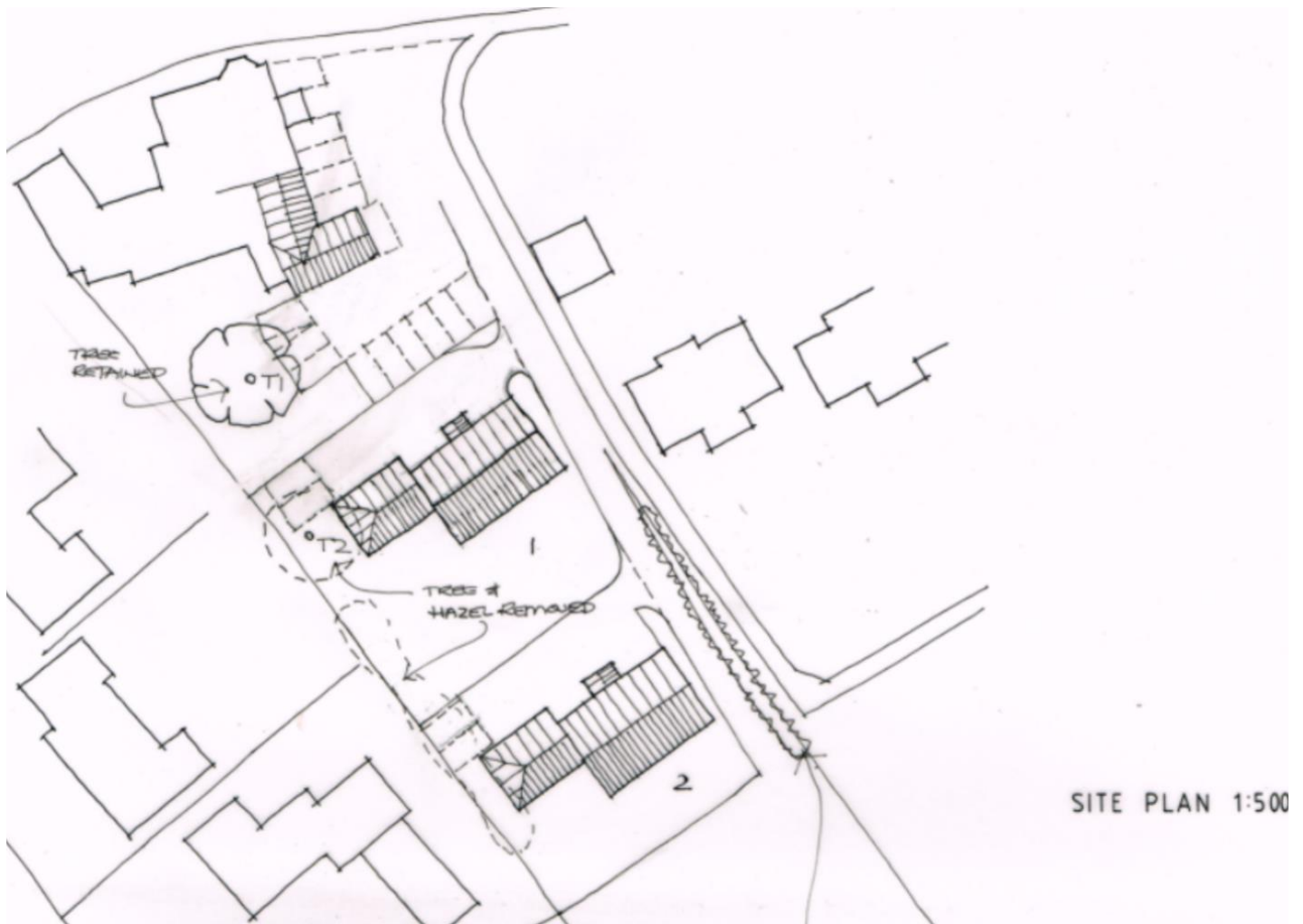
2. Plot 2 conflicts with the Delivery Strategy as outlined in Policies CP1, CP2 and CP29 of the Wiltshire Core Strategy, which seeks to plan for sustainable development throughout Wiltshire and to deliver the identified housing needs in the community areas within the defined Limits of Development. Given the advanced status of the Wiltshire Core Strategy, residential development found to be in conflict with the delivery strategy should come forward as part of a Site Allocations DPD and/or a Neighbourhood Plan, a strategy supported by both the Core Strategy Inspector and the Secretary of State in determining the appeal at Park Lane, Malmesbury (appeal reference number APP/Y3940/A/13/2200503). This ad hoc proposed incursion into open countryside beyond the Limits of Development by Plot 2 has not been brought through this process and constitutes an unsustainable form of development which would undermine the aforesaid delivery strategy. The Delivery Strategy required by Policies CP1, CP2 and CP29 is the properly planned method of establishing the most sustainable sites for meeting the housing needs of the Trowbridge Community Area and Hilperton village.

3. The application fails to fully consider the impact the development would have upon TPO's and other trees on the site. The increase in hardstanding for the car park and the two dwellings would have an unacceptable impact on trees which are shown to be retained contrary to West Wiltshire District Plan 1st Alteration 2004 Policy C32 and Wiltshire Core Strategy Policy CP57.

(Note: This decision was issued on the same date that the elected members of Wiltshire Council were formally invited to adopt the Core Strategy which went through a detailed and thorough public examination, which closed in December 2014; and upon adopting the Core Strategy, the above cited WWDP policy C32 would be replaced CP57).

4. The application is materially deficient through the lack of an ecological / protected species survey. Without a thorough survey of the site, its boundaries and the existing building which would be the subject of conversion and alterations, the Council cannot make a full and proper assessment in terms of the application and its impact to protected species and habitat. The application therefore conflicts with Emerging Core Strategy CP50 and the NPPF.

The refused application proposed extensions and alterations to the public house, plus the construction of two dwellings to the rear of the public house, as illustrated by the extract of the refused site plan provided on the following page:



SITE PLAN 1:500

5. The Proposal

This application seeks planning permission for the erection of two detached dwellings that would be for the open market with each having 4-bedrooms, with attached garages and a home office above. Each dwelling would also have an area of on-site car parking to the front of the garages for two vehicles.

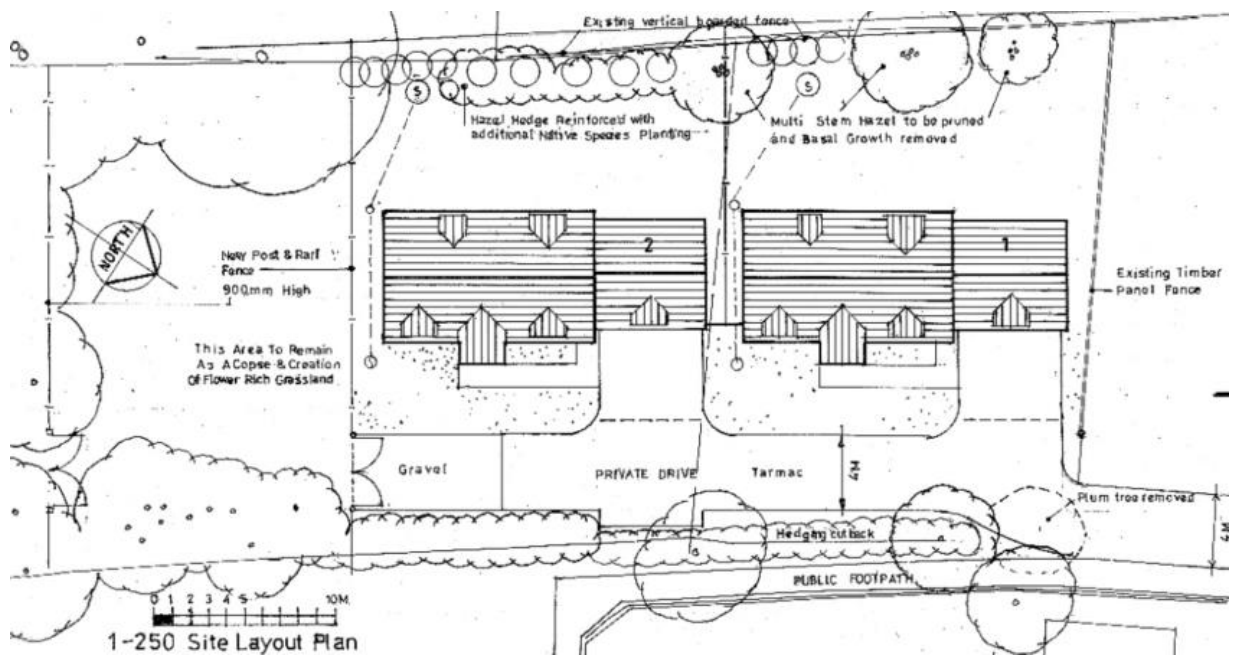
The site would be served by an existing vehicular access off Devizes Road and motorists would traverse through the existing public house car park.

Through the assessment of this application, officers requested evidence from the applicant's agent to prove a legal right of access over this land, which has been confirmed and is illustrated in the following Land Registry extract, which was attached to the transfer of sale document.

The following extract also confirms that the proprietors of the public house would benefit from 29 dedicated car parking spaces which when tested against the Council's car parking strategy and following a consultation with the Council's highways authority, is considered an appropriate provision of car parking for the public house.



An extract of the proposed site layout plan has been provided on the following page, which illustrates the proposed siting of the dwellings, the proposed wildlife area to the side of Plot 2 and the proposed private driveway:



The proposed dwellings would be completed in natural stone under clay tiled roofs with dark grey uPVC windows and doors. The walls of the proposed attached garages would be completed in larch cladding on all three elevations. The dwellings would comprise of pitch roofs, each with a two-storey projecting gable entranceway on the north-east (front) elevation containing a large area of glazing. Pitch roof dormer windows are proposed on both the front and rear elevations of the dwellings, with attached garages to the side, also under pitch roofs but of a subservient design. The proposed garages would contain a dormer window on the north-east (front) elevation but with no first-floor openings to the rear (south-west), as illustrated by the below extracts taken from the submitted proposed elevations drawing:

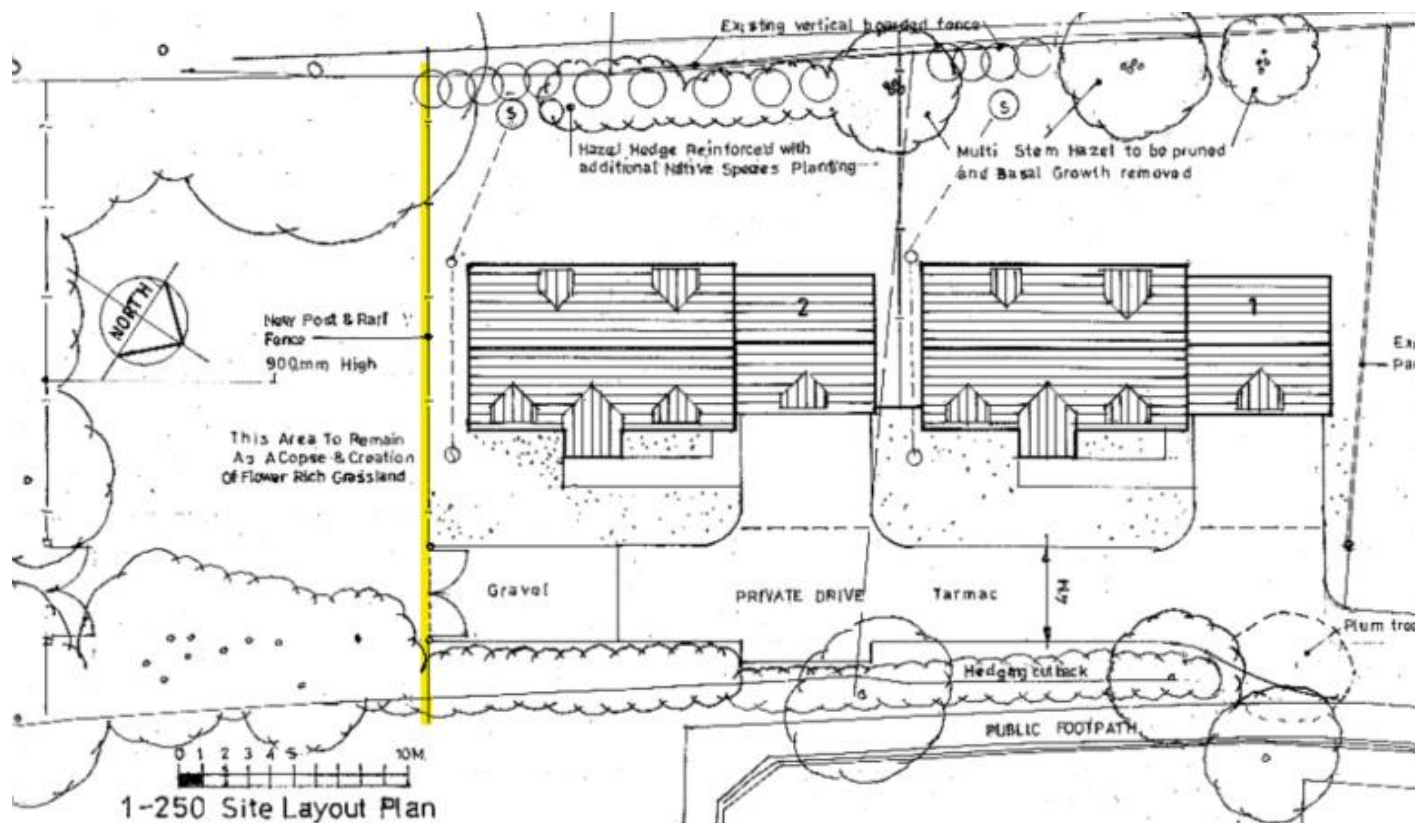


One fruit tree (a plum tree) would be removed adjacent to the HILP30 public right of way footway in order to accommodate the creation of a private driveway to serve these two dwellings. Officers have however negotiated net biodiversity gain for this application in accordance with NPPF paragraphs 174 and 180.

Biodiversity enhancement is also required on this site in order for the proposed development to comply with the requirements of the TBMS and as such the southern part of the site would be fenced off with post and rail fencing to a height of 900mm and would be retained as a wildlife flower rich grassland area.

This habitat creation would be secured by a s106 legal agreement to ensure that it remains undeveloped and to support ecology interests.

An extract of the revised site layout plan is provided below, with the yellow line depicting the line of fencing that would separate the proposed development and the wildlife grassland area:



6. Planning Policy

The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP29 - Spatial Strategy: Trowbridge Community Area; CP50 - Biodiversity and Geodiversity; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP60 - Sustainable Transport; CP61 - Transport and Development; CP64 - Demand Management; and CP67 - Flood Risk

Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD), adopted February 2020

The 'made' Hilperton Neighbourhood Development Plan 2017 - 2026
Hilperton Village Design Statement

Wiltshire Local Transport Plan and Car Parking Strategy 2011-2026

Wiltshire Community Infrastructure Levy: Planning Obligations Supplementary Planning Document;
Wiltshire's Community Infrastructure Levy - Charging Schedule; Wiltshire Infrastructure Funding Statement

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Summary of Consultation Responses

Hilperton Parish Council: Objects for the following reasons:

- a) *Overdevelopment of the site*
- b) *The loss of a number of parking spaces at the Lion and Fiddle which would either result in vehicles parking along the roadside at a busy road junction, or much of the pub garden being given up to compensate for the loss of on-site parking spaces, resulting in the loss of public amenity space at a time when outside gatherings are being encouraged*

Wiltshire Council Arboricultural Officer: No objection subject to planning conditions being imposed relating to a 'no dig' requirement for the formation of the proposed driveway and to ensure that no materials are stored near the trees and the roots. A condition requiring the submission of a Arboricultural Method Statement (AMS) is also recommended to protect the on-site / boundary trees during the construction phase of the development.

Wiltshire Council Ecology: Following the submission of ecology surveys in September and October 2021, and the completion of the associated Appropriate Assessment (AA) which has been signed off by Natural England, no objections are raised subject to conditions and the applicant entering into a s106 legal agreement to secure the habitat mitigation scheme and agreement to pay developer contributions towards mitigation pursuant to recreational pressures on the nearby woodland areas. [The applicant has confirmed that they would be willing to pay the necessary financial contributions].

Wiltshire Council Highways Department: No objection - *"the Lion and Fiddle Public House is in separate ownership to the development land, therefore the number of car parking spaces to be provided for the pub is irrelevant. Therefore, on the basis that the parking and turning is in accordance with Wiltshire Council's Parking Standards and an area is provided for refuse collection, I raise no highway objection"*.

The Land Registry documents that have been submitted by the applicant, confirm the legal right of access they have over the car park associated with the Lion and Fiddle public house to the parcel of land to the south of the car park and also illustrate the car parking arrangement for the public house that was agreed at the time of sale in 2016, which has been reflected on the submitted block plan. These documents confirm that 29 on-site car parking spaces would be available to serve the public house which would exceed the maximum parking standards for food and drink uses as detailed within the Council's adopted Car Parking Strategy.

Wiltshire Council Rights of Way: No objection subject to an informative/condition being imposed on any planning permission being granted to ensure the PRow footpath remains open and available during construction.

8. Publicity

The Hilperton Electoral Division Member: The Parish Council has concerns about the loss of parking spaces at the Lion and Fiddle public house, “*which will undoubtedly result in vehicles parking along the roadside at a busy road junction; or much of the pub garden given up to compensate for the loss of on-site parking spaces, which will result in the loss of public amenity space*”.

Nineteen representations (including multiple objections from the same residents) were received with 6 representations submitting a comment and 13 raising objections to the proposed development. The following summarised objections and concerns reflect the submitted representations:

- Flora and fauna should be preserved and enhanced
- Evidence of badger activity and foxes
- Intrude on green space
- Green space adjacent to the proposed development should be left to nature
- Access for dwellings close to boundary and erodes hedgerow
- Loss of car parking for the Lion and Fiddle
- Rearrangement of the car parking for the Lion and Fiddle
- Loss of part of garden for Lion and Fiddle
- Impact on business at Lion and Fiddle
- Public Right of Way should be protected
- New access to serve dwellings unacceptable
- Increase in car parking on nearby streets resulting in an increase in noise and nuisance for local residents
- Pedestrian safety with increased on-street car parking
- Increased traffic
- Lead to further congestion on Devizes Road and nearby roads
- Benefit of proposed housing would not outweigh adverse impact on the immediate area
- No public benefit from proposal
- Site is location outside settlement boundary for Hilperton
- New residential developments have already been taken place in Hilperton and therefore there is no need for more housing
- Proposed dwellings would either preserve or enhance the character or appearance of the conservation area
- Proposal contrary to ‘made’ Hilperton Neighbourhood Plan
- Privacy concerns
- Overlooking existing dwellings
- Increase in noise and disturbance to existing residents
- Cramped/overdevelopment
- Proposed gardens small
- PD rights should be removed to prevent additional windows in south-west elevations
- Soakaways would be close to existing landscape planting foliage bounding the properties along Stonelea that could cause flooding
- The proposed housing is not considered to respond to local need

9. Planning Considerations

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. In this case, the Wiltshire Core Strategy, including the relevant policies from the West Wiltshire District Plan that continue to be saved in the WCS, form the relevant development plan for the area.

9.1 Principle of Development: The application site is located in part, within the large village of Hilpertton. Core Policy 2 sets out the delivery strategy for the Council 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, like Hilpertton – where a limited level of up to ten homes (subject to site circumstances) is supported by the adopted Wiltshire Core Strategy (WCS).

9.1.1 It is also important to acknowledge that two recent planning appeals have confirmed that the council cannot currently demonstrate a 5-year supply of deliverable housing land when tested against Local Housing Need (LHN) for Wiltshire (which became a requirement after 20 January 2020 when the adopted WCS became 5 years old), with the north and west housing market area having about 4.29 years supply, which is considered a moderate shortfall.

9.1.2 With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. This means that the local plan policies which restrict new housing provision must be treated as being ‘out of date’, but it does not mean that they carry no weight, since the development plan remains the starting point for any decision making. However, when the tilted balance is engaged, the NPPF indicates that planning permission should be granted for new housing unless:

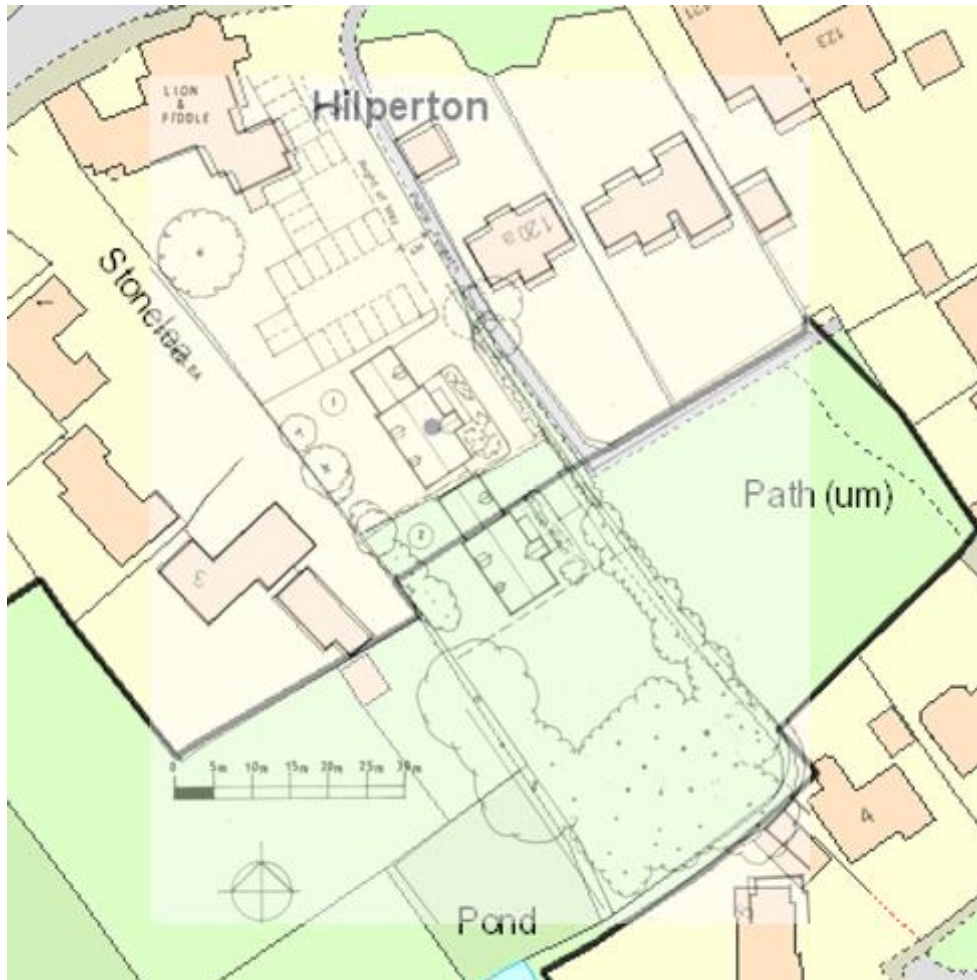
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies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

9.1.3 It is also important to acknowledge that planning judgement is required in terms of setting out to the degree of weight that should be given to any ‘out of date’ adopted local plan policy, noting that full weight cannot be afforded to such policies including CP1, CP2 and CP29 that seek to restrict new housing outside of settlement limits, whilst the Council continues to have a housing supply deficit.

9.1.4 With the housing supply deficit fully noted and having appraised the consultee and public representations, officers submit that this application proposal, when tested against NPPF paragraph 11, the modest encroachment beyond the settlement limits is acceptable and that no substantive harm to any protected area or asset of particular importance would occur; and furthermore, officers submit that in the absence of demonstrable harm, CP1, CP2 and CP29 would not provide robust grounds for a refusal decision.

9.1.5 Hilperton is designated as a 'large village', which is identified having "a *limited range of employment, services and facilities*" and this windfall development would have the potential to support existing and new services and facilities.

9.1.6 With the aid of a plan overlay and OS extract, the following insert illustrates the settlement limits for the village, and by plotting the two proposed dwellings, it is clear that one of the proposed residential plots and about 30% of the other proposed house/plot would be located within the defined Hilperton village settlement boundary.



9.1.7 As illustrated by the above insert, there are existing residential properties located to the west, south and east of the application site, with the application site forming part of the green space that separates Ashton Rise (to the south) and the Lion and Fiddle public house and the properties found along Stonelea.

9.1.8 It is important to report that the proposed wildlife area that would be located to the immediate south of Plot 2 would not form part of any residential curtilage and as such, it would have no associated domestic permitted development (PD) rights and as recommended, if members are minded to endorse the approval of this application, it would be safeguarded for biodiversity enhancement through a Section 106 legal agreement.

9.1.9 Although full weight cannot be afforded to WCS Policy CP2, it sets out the delivery strategy for the period of 2006-2026 which aims to deliver development in the most sustainable manner through directing new housing growth to the defined settlements and through sites identified in made neighbourhood plans and site allocation plans. Officers appreciate that part of the proposed development site would be located just outside the defined settlement boundary and in such circumstances CP2 directs that:

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

9.1.10 Paragraph 4.25 of the supporting text for CP2 sets out a number of 'exception policies', which aim to respond to local circumstances and national policy and include:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

9.1.11 In addition to the above, the made Hilperton neighbourhood plan 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"*

9.1.12 Whilst this application does not fully comply with WCS CP2 and Policy 2 of the made Neighbourhood Plan, with the housing supply shortfall and there being a residual housing delivery requirement for the Trowbridge Community Area (which the following insert reveals a taken from the latest HLSS), and the absence of substantive harm being identified for this 2-house development, officers have reached the conclusion that the application is acceptable in principle and that this small windfall development proposal should be approved subject to conditions (and a s106 legal agreement).

Area	Indicative requirement 2006-2026	Completions 2006-2019	Developable commitments 2019-2026 ¹⁰	Indicative remaining requirement ¹¹
Corsham CA	1,395	1,217	377	157
Malmesbury	885	812	176	0
Malmesbury CA remainder	510	402	179	0
Malmesbury CA	1,395	1,214	355	0
Melksham and Bowerhill	2,240	1,699	895	0
Melksham CA remainder ¹⁴	130	138	52	0
Melksham CA ¹⁴	2,370	1,837	946	0
Royal Wootton Bassett	1,070	1,081	57	0
Royal Wootton Bassett and Cricklade CA remainder ¹⁵	385	428	254	0
Royal Wootton Bassett and Cricklade CA ¹⁵	1,455	1,509	311	0
Trowbridge	6,810	3,187	1,453	2,170
Trowbridge CA remainder	165	272	46	0
Trowbridge CA	6,975	3,459	1,499	2,170

9.1.13 The majority of the application site is located within the defined settlement boundary for Hilperton, where the principle of residential development is supported by CP1, CP2 and CP29 of the adopted WCS.

9.1.14 In applying the NPPF tilted balance, officers appreciate that part of the proposed house for Plot 2 would be outside the settlement limits, but it would not be any less sustainable than Plot 1 and in the absence of any demonstrable harm, officers recommend that this application should be supported.

9.2 Impact on the Character and the Appearance of the Area: The application site is located to the rear of the public house and area of hardstanding, and is bounded by well-established tree planting along the eastern, southern and western boundaries. The immediate area is characterised predominantly by residential use, comprising of two storey properties along with some bungalows/chalet style bungalows located along Ashton Rise to the south. To the north side of Devizes Road, which would provide the means of vehicular access for this application, the properties are a mix of semi-detached and terraced units. In terms of building materials, there is a mix with render and stone, along with some limited use of red brick.

9.2.1 Policy CP57 of the adopted WCS requires a "high standard of design" for all new developments. This policy requires developments to "create a strong sense of place through drawing on the local context and being complementary to the locality" with applications being accompanied by appropriate information to demonstrate how the proposal would "make a positive contribution to the character of Wiltshire" and sets out a list of fourteen criteria that proposals for new development must comply with. Within the list of 14 criteria, the following requirements are included:

i. 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

ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

iii. responding 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

vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

9.2.2 The latest iteration of the Framework has a greater focus on delivering high-quality design and sets out in 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"*. Paragraph 130 moreover sets out a series of six criteria to ensure development is of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, and creates a strong sense of place.

9.2.3 The proposed dwellings would be two storeys and would be completed in materials to reflect those used within the surrounding area, including the use of stone for the walls under a clay tiled roof. Larch cladding is proposed to be used on the attached garages for both plots, which is considered acceptable in this location, given that the properties would be viewed within the context of the existing vegetated boundaries.

9.2.4 With reference to the submitted Design and Access Statement, the dwellings would be c.7.8m high and would be *"compatible with the scale and character of surrounding buildings"*. Officers have no concerns about the proposed building materials and have concluded that the two proposed houses would assimilate with the site and surroundings. It is also argued that the existing well-established vegetation along the site boundaries would provide some robust screening of the proposed development.

9.2.5 In response to the third-party representations raising concern about overdevelopment, officers conclude that the proposed dwellings would be served by adequately sized rear gardens, which is comparable to nearby residential properties which would not constitute as inappropriate or overdevelopment of the site.

9.2.6 If the committee is minded to support this recommendation, it is considered necessary to impose planning conditions to include the submission of details for all proposed hard and soft new landscaping to ensure that the proposed means of enclosure and all other landscaping proposals are appropriate.

9.3 Impact on Nearby Designated Heritage Assets: The application site occupies a parcel of land to the rear of the Lion and Fiddle public house and is mostly within the Hilperton Conservation Area. The site is also in relatively close proximity to a number of listed buildings including the Grade II listed property known as Woodcote (No. 112 Church Street), Nos 209-210 Church Street, No. 15 Church Street and No. 110 Church Street to the north and Willow Cottage (No. 117 Trowbridge Road) to the west. As such, this proposal needs to be assessed against the relevant legislation and policies.

9.3.1 In terms of the historic environment, the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest that they possess. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 meanwhile also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

9.3.2 The Framework also requires that 'great weight' be given to the conservation of heritage assets and advises a balanced approach with the public benefits which may result from proposals being weighed against any harm caused. In particular, NPPF paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 leads on to require that any harm or loss of significance should require a clear and convincing justification.

9.3.3 Core Policy 57 of the adopted WCS not only requires a "*high standard of design*" criterion iv requires new development to be "*sympathetic to and conserve[e] historic buildings and historic landscapes*". CP58 of the adopted WCS similarly sets that the new development "*should protect, conserve and where possible enhance the historic environment*" and that designated heritage assets and their settings should be "*conserved, and where appropriate enhanced in a manner appropriate to their significance*".

9.3.4 Policy 3 of the made Hilperton Neighbourhood Plan requires new development within the conservation area to "*demonstrate how the design chosen reflects the principles of the Village Design Statement 2005, including use of local and traditional materials and architectural features where appropriate. Applications for development should demonstrate how they have paid attention to the village design statement as appropriate*".

9.3.5 The Hilperton Conservation Area was designated in 1991, and most of the historic core is characterised by rows of small brick or rubble stone cottages dating from the 18th and 19th century

with buildings generally positioned to front the road, with the cottages interspersed by larger houses set back from the road with large gardens and are constructed from either rubble stone or ashlar.

9.3.6 As detailed within the submitted Design and Access Statement for this application, the proposed dwellings have been designed to reflect and be sympathetic to the materials and design of existing dwellings. The proposed dwellings would be two storeys high and would be constructed in complementary materials that would respond positively to existing materials found locally.

9.3.7 Officers have no objection to the proposed limited use of larch cladding for the proposed garaging. Although it is considered reasonable to request specific details and samples of the building materials by planning condition to ensure that the proposed materials are confirmed, checked and discharged prior to the dwellings being constructed, in the interests of preserving the character and appearance of the conservation area.

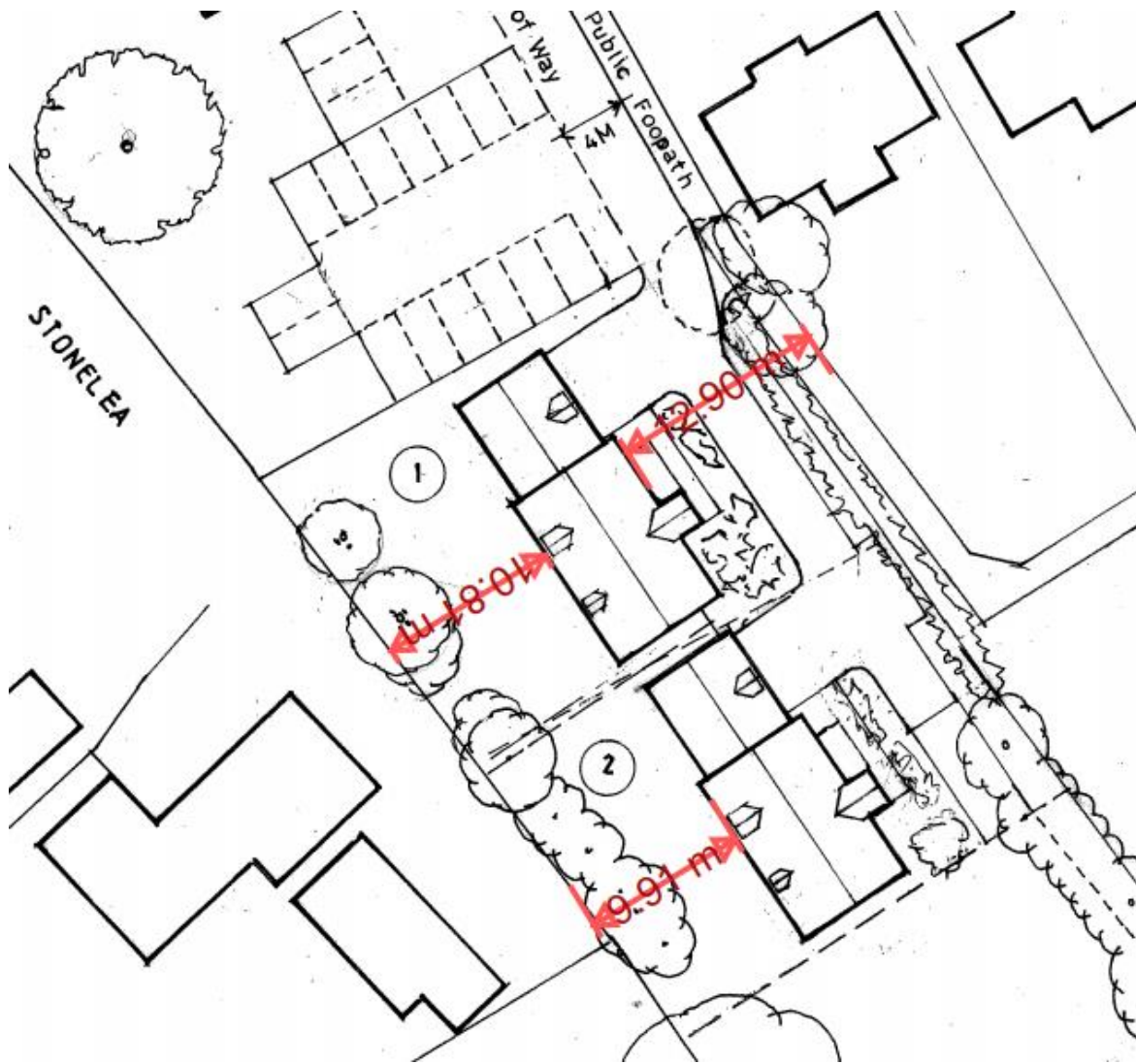
9.3.8 The proposed dwellings have been orientated on the site to reflect the orientation of the housing to the west at Stonelea, which were granted planning permission in the late 1980's, and officers are of the opinion that this proposal would cause 'no harm' to the historic significance of the conservation area.

9.3.9 The listed buildings closest to the application site are located along Church Street to the north and Trowbridge Road to the west which are orientated to face the public highway. There would be very limited intervisibility between the proposed dwellings and these listed buildings, and due to the intervening highway and existing buildings, there would be no material harm to the setting or significance of the nearby listed buildings. The proposal would therefore comply with the aforesaid legislation and planning policy.

9.4 Impact on Neighbouring Amenity and Living Conditions for Future Occupiers: Policy CP57 criteria vii requires new developments to have *"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)"*.

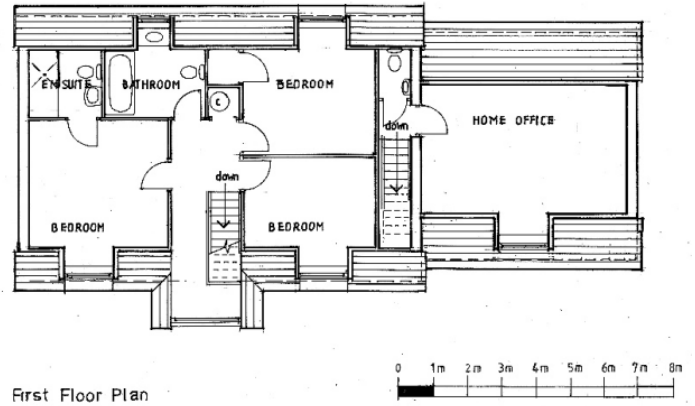
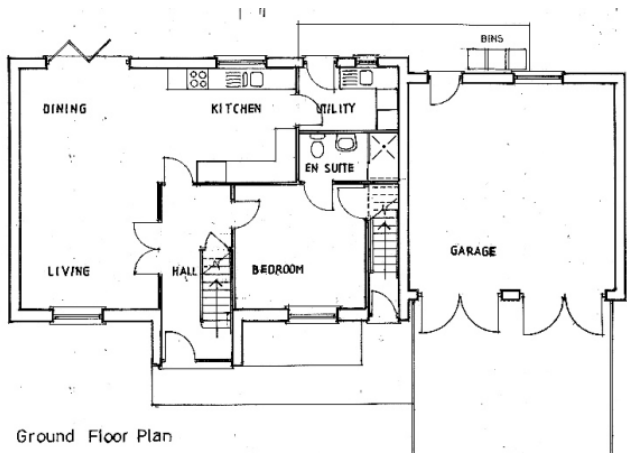
9.4.1 Criterion f) of paragraph 130 of the Framework meanwhile requires the creation of *"places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.

9.4.2 The proposed dwellings have been plotted to be sited approximately between 9.9 and 10.8 metres from the western boundary and 12.9 metres from the eastern boundary, as illustrated by the following extract of the proposed block plan:



9.4.3 The following extracts illustrate the proposed fenestration arrangement for the rear elevation of the dwellings which would face westwards towards the vegetated boundary between the application site and the properties found along Stonelea and the proposed floor plans:

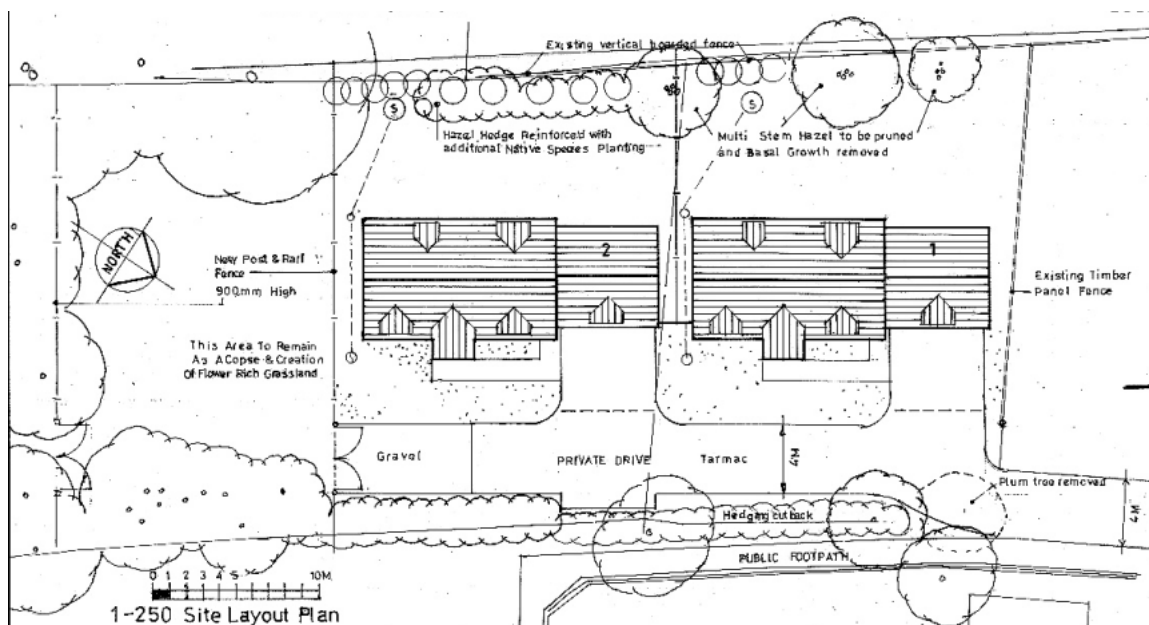




9.4.4 As a rule of thumb, new housing proposals should aim to provide a 21m separation to existing houses where habitable room windows face each other to safeguard residential amenity and privacy. Officers acknowledge that the proposed dwellings would have habitable first floor windows on the western (rear) and eastern (front) elevations as illustrated above.

9.4.5 However, the application site is bounded by well-established and mature tree planting to the west, south and east which is protected by a Tree Preservation Order (TPO) which provides substantive controls to retain what is significant screening that would ensure the two proposed dwellings would not cause material harm to the properties located to the west and east given that consent would be required from the local planning authority for any works to these TPO group of trees.

9.4.6 Furthermore, due to the orientation and relationship between the proposed dwellings and the existing properties, it is not considered that the proposed dwellings would create harmful overshadowing or overbearing impacts to nearby occupiers. Officers therefore conclude that the proposed development would not have an adverse impact on the amenity of neighbouring occupiers and would therefore comply with CP57 of the adopted WCS and paragraph 130 of the Framework.



9.4.7 Turning to the living conditions of the future occupiers of the proposed dwellings, all habitable rooms would be served by windows which would provide access to natural daylight. In addition, future occupiers of the proposed dwellings would benefit from sufficient private rear garden area.

9.4.8 The adopted WCS and Framework do not prescribe what size of residential garden should be provided in new developments, however, the Building for Life 12 (which was published in 2015) sets out an industry standard for well-designed dwellings and places and it advises on page 17 that:

"It is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling. Triangular shaped gardens rarely offer a practical, usable space. Allow residents the opportunity to access their garden without having to walk through their home." (emphasis added by officers).

9.4.9 With reference to the submitted floor plans, the footprint of the proposed dwellings measures approximately 130m², with the proposed rear gardens measuring between 183 and 210m². The two properties would also benefit from front garden space as well as some side garden ground which would exceed the Building for Life amenity provision standards. It is therefore considered that the future occupiers of the proposed dwellings would benefit from a high standard of amenity in accordance with CP57 of the adopted WCS and the Framework.

9.5 Ecology and Impact on TPO Trees: CP50 of the adopted WCS requires development proposals to *"demonstrate how they protect features of nature conservation and geological value as part of the design rationale"* and requires all proposals to *"incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development"*.

9.5.1 Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by *"establishing coherent ecological networks that are more resilient to current and future pressures"* as set out within paragraph 174d.

9.5.2 The application has been submitted with a: Bat Mitigation Strategy, produced by Malford Environmental Consulting Ltd, dated 4 October 2021; an Ecology Survey and Mitigation Strategy - Final Report, produced by Malford Environmental Consulting Ltd, dated 18 February 2021; a Biodiversity Metric 2.0 Calculation Tool for Lion and Fiddle dated October 2021; and a Great Crested Newt Reasonable Avoidance Measures report, produced by Malford Environmental Consulting Ltd, dated 4 October 2021.

9.5.3 The submitted Ecology Survey and Mitigation Strategy concludes that the habitat that would be directly affected by the proposal would be *"very small and of low value for foraging/commuting bats"* and confirmed that no significant amount of the existing hedgerows and trees or woodland area would be removed or be adversely affected by the proposed development and that these would be retained and protected as part of this application.

9.5.4 In response to received third-party representations indicating badger presence, the applicant's ecologist has confirmed that no badger sett exists within the location of the development plots, but there was some evidence of a sett approximately 40 metres south of Plot 2 within the copse area, which falls outside the red line site boundary for this application. As such, it is considered that the distance between the proposed development and evidence of a badger sett does not require any additional surveying. It is however important to mention that the copse area to the south of the Plot 2 would be enhanced and preserved as off-site mitigation for the proposed development to benefit biodiversity.

9.5.5 The proposed two dwellings would have bat and bird nesting boxes incorporated into the south-eastern and north-western gables with Plot 1 having a swift box installed and Plot 2 to have a sparrow terrace. Bat roosting boxes would also be integrated within both dwellings in order to provide additional nesting and roosting spaces for local species which can be secured by way of a planning condition.

9.5.6 The application site is located predominately within the grey recreational impact zone of the TBMS and as such, CIL contributions would be required towards mitigation measures for the increase in recreational pressures with the southern part of the application site falling within the 'yellow zone' and medium risk' zone. The Green Lane Wood is located c.1.2km (to the south-east) of the application site, and the application has been subject to an Appropriate Assessment (AA) under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Natural England were consulted.

9.5.7 The council's ecologist advises that the hedgerow on the western and eastern boundaries of Plot 2 and the adjacent grassland and woodland copse along the southern boundary connect to the wider network of foraging/commuting habitat located within the yellow medium-risk TBMS zone and further south to the red high-risk TBMS zone. As such, the absence of any mitigation could have the potential to cause disturbance to bat species using the hedgerow and grassland/woodland off-site habitats during construction and occupation through additional lighting, noise disturbance and human presence.

9.5.8 The application would result in the loss of some rough grassland habitat (measuring c.0.07ha) to accommodate Plot 2 and mitigation for this loss of habitat is necessary. Following negotiation with the applicant, the land adjacent to Plot 2 would be left undeveloped and set aside as a flower-rich grassland area as off-site mitigation for the loss of grassland on-site. This area would be fenced off from the proposed development together with the adjacent woodland copse and would need to be secured through the signing and sealing of a s106 legal agreement and managed in accordance with a Biodiversity Mitigation and Enhancement Plan (BMEP), which would be requested through a planning condition, to ensure its protection and management in perpetuity. Developer and CIL contributions would be required towards strategic recreational pressure mitigation. Section 9.7 of this report sets out the developer obligations.

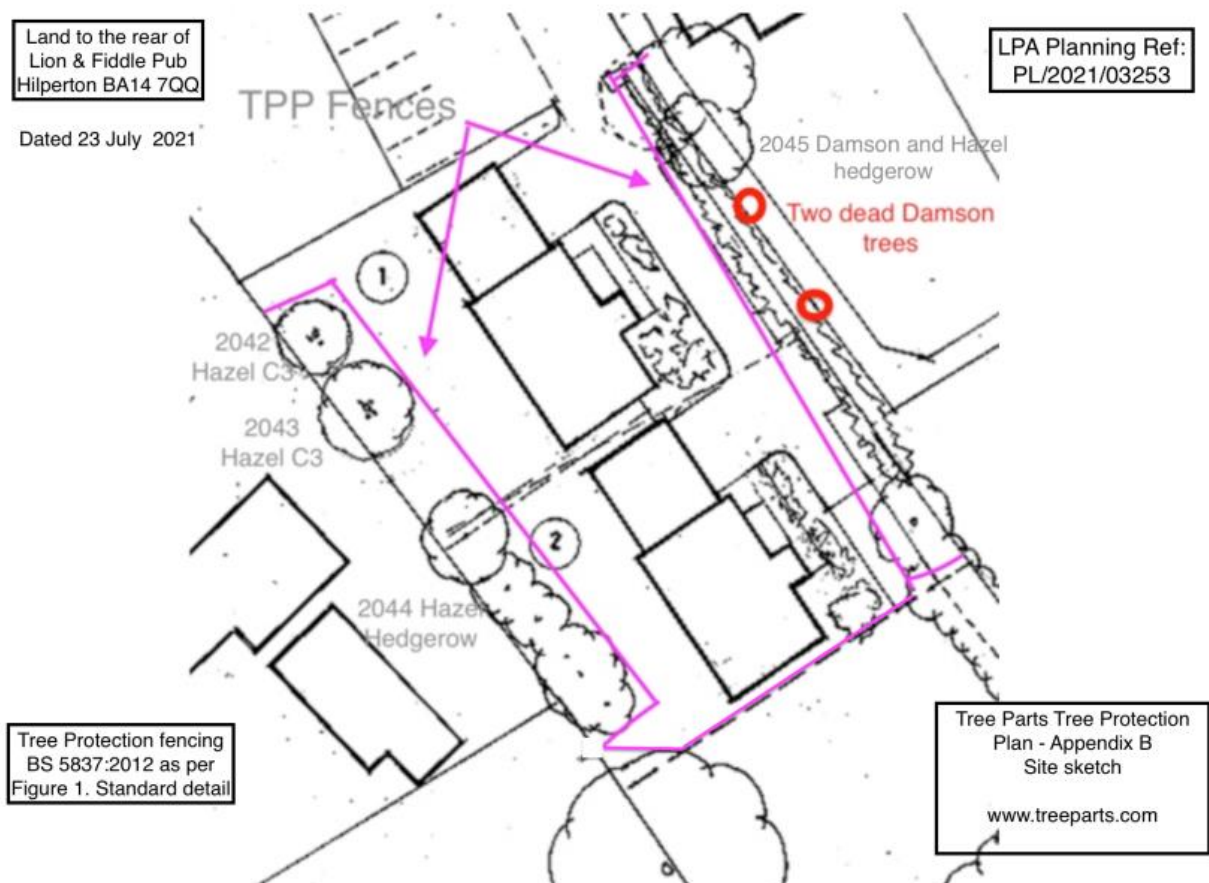
9.5.9 Subject to a s106 agreement being signed and sealed, and imposing requisite ecology safeguards as planning conditions to secure the biodiversity enhancement area to the south of Plot 2

and to restrict external lighting, no ecology-based objection is raised.

9.5.10 As previously mentioned, the application site boundaries are subject to a group TPO. The application has been submitted with a tree survey which includes a Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPL) which sets out how the TPO boundaries would be safeguarded to which the illustrated plan below refers.

9.5.11 The tree survey concludes that “no immediate tree works are required to facilitate the proposed development, other than risk assessing and dead hedgerow stems noted on the eastern boundary” as detailed by the below extract taken from page 11 of the tree survey:

Appendix B - Tree Protection Plan



9.5.12 It is recommended that a pre-commencement planning condition is imposed on any permission to secure the submission of a Arboricultural Method Statement (AMS) to establish how the TPO boundaries would be protected and to ensure the protection of the on-site trees and hedgerows during the construction works.

9.5.13 The Council’s tree officer was consulted and he has advised that the proposed development would not unduly affect any of the protected trees which bound the site, but he has recommended that a ‘no dig’ restriction is imposed for the construction of the proposed driveways leading from the

existing car park to the proposed dwellings.

9.5.14 Details relating to a means of root protection fencing during construction and root protection area fencing would also be required as part of the pre-commencement condition, including details of where materials would be stored on-site to ensure that they would not compromise the existing hedgerows and trees. Subject to securing an AMS, no objections are raised by the Council's tree officer.

9.6 Highways Safety and Impact on the Public Right of Way: The proposal seeks to utilise the existing established vehicular access which serves the public house and car park, which is under separate ownership. The applicant has provided evidence to confirm that they have a vehicular right of access over this car park. The following insert reveals the documented right of access from Devizes Road to the site.



9.6.1 The evidence that has been submitted clearly illustrates that the proposed dwellings would be accessed and served by a route that was secured legally at the time of the application site being purchased and that the proposed dwellings would be served by a legal right of vehicular access.

Revised drawings to confirm the width of this legal right of access were provided in order to accurately and clearly depict the route and width of this access.

9.6.2 Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be *“located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives”*. CP61 also requires in criterion ii that proposals would be *“capable of being served by safe access to the highway network”*. In addition, CP64 requires adherence to residential parking standards. In addition to the abovementioned policies, paragraph 111 of the Framework states that developments *“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”*.

9.6.3 It is noted from reviewing the submitted representations that concerns have been raised relating to the position of the access to serve the proposed dwellings and its proximity to the public right of way. It is important to mention that this is an existing right of access which the applicant has a right to utilise through the car park. Whilst it is appreciated that the construction of two dwellings would increase the frequency this right of access is used, there is no highway-based objection to the proposal.

9.6.4 Following correspondence with the applicant's agent, it is understood that the car parking space allocation and provision, in addition to the legal right of access, was agreed between parties and secured at the time of sale in 2016. The right of access and car parking arrangement that is shown on the submitted block plan reflects the agreed access route and the public house's car parking provision.

9.6.5 In terms of the Council's car parking strategy, this proposal would not materially affect the on-site car parking provision for the public house. It has been calculated that when applying the Council's maximum parking standards (as set out in Appendix C of the adopted Car Parking Strategy) for the public house as a food and drink establishment, there would be an over provision of approximately 4 car parking spaces when tested against the public floor area of the Lion and Fiddle, with 29 spaces being available.

9.6.6 Whilst the highways engineer has raised some concern about the proximity of three of the proposed car parking spaces being located close to the bell mouth of the access, even if these three spaces were excluded there would still be an over provision for the food and drink business. Officers are satisfied that the public house would be served by a suitable number of on-site car parking provision.

9.6.7 Officers raise no objection to the proposal based on vehicular movement or trip generation and due regard must be given to the pre-existing use of the car park and access arrangements raising no highway conflict.

9.6.8 The proposed development would not result in a significant loss of on-site car parking for the

public house, as the proposed dwellings would be located within a parcel of land to the rear of the pub's car park, which is already separated by existing fencing and a gated entrance from the existing car park, as illustrated by the extracts provided below as taken from Google Earth (accessed at: [Google Earth](#)) and the case officer's site photographs.



Extract taken from Google Earth showing the Lion and Fiddle public house to the north of the image with the associated car parking to the south and a red line depicting the existing fencing which separates the application site from the pub's car park



Existing fencing with gate that separates the application site from the Lion and Fiddle's car park

9.6.9 It is important to appreciate that the rearrangement of car parking bays associated with the public house falls outside the control of the local planning authority unless engineering operations require planning permission. The re-organising of the parking bays on the existing hardstanding falls outside planning control. The determination of this application also cannot be influenced by any hazardous parking related to the pub house patrons. Whilst the local concerns raised about car parking have been duly noted, this application must be assessed on its own merits and as stated, there are no substantive highway-based reasons to refuse this application.

9.6.10 The proposed dwellings would be served by an existing vehicular access to which the applicant has a legal vehicular right of access over. In order to satisfy the council's minimum residential parking standards for the dwellings, at least three on-site car parking spaces must be provided for a 4+ bed dwellings as illustrated in the below table. Garages would only 'count' as an allocated car parking space where they meet the minimum internal size requirement of 6m x 3m.

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

9.6.11 In this instance both dwellings would benefit from two car parking spaces external to the proposed garages and additional car parking within the proposed garages, as these would have an internal size of c.6 metres by 6 metres. It is however considered reasonable and necessary to remove PD rights to prevent the proposed garages from being converted into habitable use, to ensure the retention of adequate on-site car parking provision for the dwellings.

9.6.12 It is also important to stress that paragraph 111 of the Framework decrees that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy CP64 of the adopted WCS sets out to manage the demand for parking and sets residential parking standards based on minimum parking standards, and in this case, the development proposal would satisfy both national and local planning policy.

9.7 CIL: The developer is obligated to enter into a s106 legal agreement to secure the delivery of the off-site biodiversity mitigation and enhancement which shall be retained and maintained in perpetuity in accordance with a BMEP which will be secured by planning condition.

9.7.1 The developer is also obligated to contribute the sum of £777.62 for Plot 2 which will go towards funding the council led Habitat Mitigation Scheme for residual in-combination effects. This sum shall be paid prior to the commencement of development.

9.7.2 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 who have a made Neighbourhood Plan in place.

10. Conclusion (The Planning Balance): The proposed development is supported by officers when tested against NPPF paragraph 11 and the application of the tilted balance which is engaged given the Council's inability to demonstrate a 5-year housing land supply. In the absence of any substantive harm or technical reason to refuse the application, officers recommend that the application be approved subject to securing a s106 and imposing planning conditions.

RECOMMENDATION: That planning permission be delegated and deferred to the Head of Development Management granted, following the sealing of a s106 legal agreement covering the matters set out within section 9.7 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:

Drawing Nos: 2745-04, Location Plan, as received on 23 March 2021; 2745-01C, Proposed Block Plan, as received on 15 September 2021; 2745-05E, Proposed Elevations, Floor Plans and Site Layout, as received on 13 December 2021

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

3. No 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 site clearance and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
 - A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2013;
 - A schedule of tree works conforming to British Standard 3998:2010;
 - Details of general arboricultural matters such as the area for storage of materials and concrete mixing

- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works;
- Method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the porous surface for the no-dig driveway
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

4. No site clearance or development shall commence on site until a Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted to and approved in writing by the Local Planning Authority. The BMEP shall cover the off-site area of (1) flower-rich grassland to be created and, (2) the existing woodland copse. It shall include a marked-up plan showing the area, and cover long-term objectives and targets, management responsibilities and maintenance schedules for each of the ecological features, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The BMEP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The BMEP 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 and created by the development for the lifetime of the scheme.

NOTE: A Section 106 agreement would be required to secure the biodiversity enhancement area and ensure that this buffer zone/mitigation area to the south of the development hereby approved, which is located within the 'yellow risk' zone of the TBMS and outside the red line boundary of the application site, is safeguarded and managed in accordance with any approved Biodiversity Mitigation and Enhancement Plan over the lifetime of the residential development.

5. No development shall commence above ground floor slab level until specific details and samples of the materials to be used for the external walls and roofs (including specific details of the stone and larch cladding to be used, including details of any paint or stain finish to be applied to the cladding) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

6. No development shall commence above ground slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of all existing trees and hedging to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;

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

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

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

9. The development hereby approved shall be carried out in strict accordance with all of the recommendations for mitigation and compensation set out in the Ecology Strategy & Mitigation Strategy (produced by Malford Environmental Consulting Ltd, dated 18 February, 2021) and the Great Crested Newt Reasonable Avoidance Measures (produced by Malford Environmental Consulting Ltd, dated 4 October 2021).

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

10. The development hereby approved shall be carried out in strict accordance with all of the recommendations for mitigation and compensation set out in the Bat Mitigation Strategy (produced by Malford Environmental Consulting Ltd, dated 4 October 2021). This shall include all biodiversity protection and management of the on-site hedgerows, and all enhancements as detailed on the mitigation strategy plan shown on page five of the aforementioned report.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

11. 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.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted as part of any discharge of conditions application to demonstrate that the requirements of Section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

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.

NOTE: This condition can only be discharged when a post-development lighting survey conducted in accordance with Section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

12. No lighting shall be used throughout the construction phase of the development hereby approved and no development (including any demolition or 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.

13. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on drawing no. 2745-05 Rev E. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and to ensure that the dwellings are served by adequate access and car parking

14. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken which obstruct or adversely affect the public right of way whilst development takes place.

REASON: To ensure the public right of way remains available and convenient for public use

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 that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

INFORMATIVES TO APPLICANT:

1. 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. 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: [Community Infrastructure Levy - Wiltshire Council](#)

2. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
3. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
4. Any new connections to Wessex Water's infrastructure would require their prior consent and therefore the applicant is advised to contact the respective water undertaker directly regarding this matter and proposal