

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	27 April 2022
Application Number	PL/2021/03235
Site Address	Land at Rosehill Close, Bradenstoke, SN15 4LB
Proposal	Construction of four dwellings and associated works
Applicant	Rosehill Homes Ltd
Town/Parish Council	Lyneham and Bradenstoke Parish Council
Division	Lyneham
Grid Ref	400503 179558
Type of application	Full planning permission
Case Officer	Raymond Cole

Reason for the application being considered by Committee

The application has been called-in by the Division Member Councillor Allison Bucknell to consider the scale of development, its visual impact upon the surrounding area and its relationship to adjoining properties.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The application has been the subject of consultation and publicity, including neighbour notification and publication on the Council's website. Representations have been received from 28 people; 1 supporting and 27 objecting to the proposed development.

Lyneham and Bradenstoke Parish Council objects to the proposal.

The main issues for consideration are:

- The principle of the development in this location;
- The design and effect of the proposed development on the character and appearance of the locality;
- The impact on residential amenity;
- Highway safety and parking;

- Drainage; and
- Ecology.

3. Site Description

The site comprises 0.6 hectares of land located on the eastern edge of Bradenstoke outside of any defined settlement boundary. It is situated to the north of Rosehill Close, from which access is taken. This is a short residential cul-de-sac of three detached houses that rise gently up a slope. To the west of the site is existing residential development, while to the north and east are agricultural fields. A public right of way (footpath LYNE31) runs along the northern boundary.

The current use of the site is described in the application form as being vacant and its last use as “open land”. The site comprises Grade 3 agricultural land according to broad areas identified by Natural England. However, it is not currently being farmed and it is predominantly overgrown scrub.

4. Planning History

14/10007/FUL – Erection of 4 Dwellings. Refused – 20 January 2015. The proposed layout included the construction of a dwelling in the north-east corner of the site, whereas the current proposal excludes development in that area. The application was refused for the following reasons:

1. *The proposal is for 4No new dwellings in the countryside with no special justification. The development does not represent 'limited infill' and is thus contrary to saved policy H4 of the North Wiltshire Local Plan 2011, Core Policy 2 of the Emerging Wiltshire Core Strategy and Paragraph 55 of the National Planning Policy Framework.*
2. *The proposed housing is considered to be overdevelopment of the site with cramped plot sizes (plots 4 & 5) with the potential for overlooking between properties. The proposal is therefore considered to be contrary to Core Policy 3 of the North Wiltshire Local Plan 2011 and Core Policy 57 of the Emerging Wiltshire Core Strategy*
3. *The proposal, located remote from services, employment opportunities and being not well served by public transport, is contrary to the key aims of NPPF which seeks to reduce growth in the length and number of motorised journeys*

An appeal against this decision was dismissed on 14 August 2015. The inspector considered that the proposal would elongate the village and would unacceptably intrude development into the countryside. They concluded that the proposal would have significant adverse environmental impacts and that, taken as a whole, it would not constitute sustainable development. The Inspector considered that the proposal would not have had an adverse impact upon the living conditions of the surrounding occupiers.

14/07651/OUT – Erection of Dwelling. Withdrawn – 8 September 2014.

5. The Proposal

The application seeks full planning permission for the construction of two semi-detached three-bedroom dwellings and two detached four-bedroom dwellings, together with associated works including the construction of an access road, turning head and areas of hardstanding for car parking.

The proposed layout features an extension of the existing private road in a straight line, with the four new houses to the west, a turning head and pedestrian connection to the public footpath to the north, and land retained for habitat mitigation and enhancement to the east.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 19: Spatial Strategy for the Royal Wootton Bassett and Cricklade Community Area

Core Policy 45: Meeting Wiltshire's Housing Needs

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 60: Sustainable Transport

Core Policy 61: Transport and New Development

Core Policy 62: Development Impacts on the Transport Network

Core Policy 64: Demand Management

Core Policy 67: Flood Risk

Saved Policies from the North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside

NE14 Trees and the control of new development

NE18 Noise and pollution

Wiltshire Housing Site Allocations Plan 2020

Paragraph 4.12: Spatial Strategy

Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030 – Made October 2021 (NDP)

Policy 1: Small Scale Residential Development

Policy 2: Design

Policy 7: Safe and Sustainable Travel

National Planning Policy Framework 2021 (NPPF)

Paragraphs 2, 8, 11, 12, 14, 38, 47, 55, 60, 85, 92, 110, 111, 112, 124, 130, 167, 174, and 180.

7. Consultations

Wessex Water – No objection

Wessex Water has no objections to this application. Their records indicate that the potential for surface water infiltration in this area is good. There must be no surface water connections to the foul sewer network.

Thames Water – No objection

No comments to make as there are no Thames Water assets at this location that may be affected.

Wiltshire Council Drainage Engineer – No objection subject to conditions

From a review of data for the area, flood risk appears negligible. Pre-commencement conditions are recommended to secure details of (i) a scheme for the disposal of surface water from the site and (ii) infiltration testing and soakaway design or an alternative method of surface water drainage.

Wiltshire Council Highways – Comment

The site is outside of the development boundary and as the proposal would increase vehicular movements in a rural setting it would increase carbon emissions. This would be contrary to the Wiltshire Core Strategy and the climate strategy for Wiltshire.

The access is wide enough to accommodate conflicting movements. From a parking and access standpoint the proposal would not warrant an objection.

The carriageway width, of 5m, for the private access to the four new dwellings is sufficient to allow service vehicles to gain access to the new development. The provision of a turning head appears to allow for larger vehicles, including waste collection vehicles, to turn enabling the kerbside pick-up of bins for the existing dwellings as well as the four proposed.

While the site is outside of the development boundary for Lyneham, the access and parking arrangements are acceptable if the principle of development is agreed.

Wiltshire Council Waste & Recycling – Comment

There is uncertainty whether the contractor's refuse collection vehicles would travel along the private road, due to its narrow width. Residents may need to carry their containers or wheel their bins to the main road, or the developer would have to arrange the collections for the residents.

An indemnity will be required for the Council to operate on private roads prior to their adoption.

Wiltshire Council Public Protection – Comment

Requested conditions regarding land contamination, hours of construction and the provision of electric vehicle charging points.

Wiltshire Council Ecologist – No objection subject to conditions

A condition is recommended to ensure that the development is carried out in accordance with the Reptile Mitigation Strategy and Biodiversity Net Gain Post-Development Habitats Map. Two further conditions are recommended to secure the submission, approval and subsequent implementation of a Construction Environment Management Plan and Landscape and Ecological Management Plan.

Wiltshire Council Arboriculture – Comment

Requested a plan to show the canopy spread and root protection areas of all trees that could be affected (subsequently submitted).

Wiltshire Council Urban Design – Comment

- Questioned the width of the private drive;
- Identified an opportunity for a swale alongside the private drive;
- A means of enclosure would be needed to prevent vehicle encroachment on the open space;
- Clarity is needed on the function and the management and maintenance of the open space;
- Provision should be made for water butts and electric vehicle charging points;
- There is a lack of information on proposed hard and soft landscaping;
- Further details of the dormer windows are required;
- More precise details of the external materials are needed; and
- Planting should be included on the strip of land adjoining the public footpath to soften this edge.

Lyneham and Bradenstoke Parish Council – Object

1. The development is not infill. The draft neighbourhood plan illustrated a high degree of opposition from residents to any development on greenfield sites and a wish to protect greenfield areas, rural historic settings and open spaces.
2. The existing water supply and sewerage is inadequate. The proposal would place additional demands on an already failing water system. Parts of the village which have not been consulted on the application would be most affected. The whole of the village should have been consulted.
3. The main road into Bradenstoke is narrow and unsuitable. Future residents would need to commute out of the village for work and leisure which would exacerbate existing highway safety issues.
4. Bradenstoke is an unsustainable location for this development. There are few public transport links, shops, leisure facilities; and there is no nursery or education provision.
5. There is a rich variety of wildlife on the site. There is no gas supply in the village, meaning that houses would need to be heated using oil, adding to the carbon load.
6. There is no need for new houses in the village.

8. Publicity

As a result of publicity, representations have been received from 28 people; 1 supporting and 27 objecting to the proposed development.

Comments made by the supporter include:

- Would enhance the nature and character of the area.
- The proposal would have no impact on the character or historic nature of the original sections of the village.
- The inclusion of office/study space in two of the houses will allow owners to capitalise on new ways of working and reduce reliance upon the car.
- The use of soakaways is proposed so surface water will not enter the public sewer system.
- The foul drainage capacity is in excess of the requirements of the existing and proposed developments.
- Recent developments have had little impact on water supply.
- The access road would be of sufficient capacity for the likely traffic from the development.
- Concern about provision of the access gate to the public right of way which would reduce security and affect privacy.
- The proposals would enhance the environment.

Comments made against the proposal include:

- Utilities in the area are under pressure and cannot accommodate new housing.
- Existing water infrastructure is not able to support the needs of the local area.
- Access in and out of the village is narrow and is unsuitable for additional traffic.
- There are no regular bus services, and it is difficult for pedestrians and cyclists to access the nearest bus route.
- There is no evidence of need for larger homes.
- Increased traffic would exacerbate existing highway and pedestrian safety concerns.
- Rosehill Close is a private road. Additional residents and vehicle movements will result in increased costs to maintain the road and shared drainage system.
- The construction phase will degrade the private road.
- The proposed gate from the adjacent footpath would increase footfall through the area and increase the risk of crime.
- The road is narrow and there are no passing places. This is likely to lead to disputes as a result of damage.
- There is a range of species in the area including slow worms, small mammals, deer, amphibians and snakes. The proposal would have a detrimental impact on these species.
- The proposal would increase the likelihood that the settlement would merge with neighbouring villages.
- There is a lack of adequate broadband connection in the area.
- The site is outside of the village boundary and there is no justification to build in this location.
- The site may have contamination as it was previously a pig farm which suffered from foot and mouth disease. Affected animal carcasses are buried on the land.
- There is no provision for social/affordable housing in the proposal.

- The Lyneham and Bradenstoke Neighbourhood Plan does not sanction the extension of the village, nor does it permit the development of greenfield sites unless they would be of great benefit to the community.
- The proposal does not comply with the development plan.
- The application incorrectly states that there are no trees or hedges on the site and that it cannot be seen from a public footpath.
- The proposal is not infill.
- The location is remote from services, employment opportunities and is not well served by public transport. The proposal is therefore contrary to the aims of the NPPF.
- Loss of agricultural land.
- The development will be visible from the public footpath and will affect the view enjoyed by users of this path.
- Concern that the proposal would erode the separation between Bradenstoke and Lyneham resulting in the loss of its unique character.
- Concern about potential for future development
- The whole village should have been consulted on the application.
- Unsuitable access to the village.
- The proposed houses should have more sustainable sources of energy.
- Would contribute to carbon emissions produced by the village.
- Loss of view from adjacent footpath.
- Loss of privacy for dwellings in Boundary Close.

The North Wiltshire Swift Group also commented that all new developments should provide habitat opportunities for those species such as swifts who prefer, or can adapt to, the built environment. The group recommended that a swift box be incorporated into each of the new dwellings.

9. Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Section 70(2) of the Town and Country Planning Act 1990 provides that:

In dealing with an application for planning permission, the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy Adopted January 2015, the Saved Policies of the North Wiltshire

Local Plan 2011, the Wiltshire Housing Site Allocations Plan 2020 and the Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030 Made October 2021.

Principle of the development

Core Policy 1 of the Wiltshire Core Strategy sets out the settlement strategy for the County. It identifies a hierarchy of settlements to which development will be directed with the aim of achieving sustainable development. Core Policy 2 provides a delivery strategy for housing and employment development and states that, “within the limits of development as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages”. It continues that, other than in specified circumstances (none of which apply in this case), development will not be permitted outside the limits of development as, defined on the policies map.

Core Policy 19 identifies the settlements in the Royal Wootton Bassett and Cricklade Community Area and the category in which they appear in the hierarchy. Bradenstoke is categorised as a Small Village, and it has no defined settlement boundary on the policies map.

Being outside a settlement boundary, the application site is in the open countryside. Saved Policy H4 of the North Wiltshire Local Plan 2011 tackles residential development in the open countryside and sets out the criteria against which proposals should be considered.

Policy H4 states:

“New Dwellings in the Countryside outside the Framework Boundaries, as defined on the proposals map, will be permitted provided that:

- i) It is in connection with the essential needs of agriculture or forestry or other rural based enterprise;
- ii) It is a replacement for an existing dwelling where:
 - a. The residential use has not been abandoned; and
 - b. the existing dwelling is incapable of retention in its current state, is unsightly or is out of character with its surroundings and
 - c. the replacement dwelling is of a similar size and scale to the existing dwelling within the same curtilage.”

The proposal meets neither of these two conditions. However, in a supporting statement, the agent has drawn attention to that part of Core Policy 2 which states that:

“At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.”

As set out in paragraph 4.34 of the WCS, “Infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling”.

The agent argues that “a few” can in principle cover four and, while the site does not occupy a gap, the proposal accords with the aims and intentions of the policy because it:

- “is small in scale at four dwellings;
- immediately adjoins the built-up area of the village on two sides i.e. in the adjacent dwellings on Rosehill Close and those located off Boundary [Close], and therefore relates closely to the existing built-up area;
- avoids consolidating existing loose-knit developments;
- has good pedestrian connectivity to the village core;
- does not occupy any sensitive area.”

The agent adds that the development would not protrude beyond the existing built-up eastern limit of the village and would not therefore elongate the settlement. They contrast this with the scheme that was dismissed at appeal in 2015, where the Inspector noted that the plot in the north-east corner of the site in particular would have projected well beyond the edge of the village and was thus considered to unacceptably intrude into the countryside. The current proposal seeks to address this by respecting the existing building line which has been established on the western side of Rosehill Close. As a natural extension to the existing dwellings at Rosehill Close, they consider that it would respect the existing character and form of the settlement.

The current proposal is not within the existing built area, and it would not constitute infill. The site is on the periphery of Bradenstoke and development in this location would extend the village. That was the view of the Inspector who dismissed the appeal in 2015. They found that “...*the proposed houses would not be within the built up area of the village, but would be beyond its existing clearly defined edge. They would elongate the village, extending buildings into the countryside, and would not be, as considered by the appellant, rounding off*”. On this basis, the proposed development does not accord with Core Policies 1, 2 and 19 of the Wiltshire Core Strategy 2015.

Policy 1 of the Neighbourhood Development Plan states that proposals for residential development of 10 dwellings or less within Bradenstoke will be supported subject to other policies within the development plan. As the application proposes four dwellings, it broadly complies with this policy.

The Highway Officer noted that new residential development in this location would usually attract an objection on the basis of the sustainability of the location. It is acknowledged that there are few services, facilities and employment opportunities in Bradenstoke and that future occupiers of the site would therefore be required to travel to higher-order settlements to access the facilities required in day-to-day life. Given the location of the site and the lack of public transport options in this area, in all probability these trips would take place via private vehicle. Therefore, the proposal would increase vehicular movements in a rural setting and by doing so it would increase carbon emissions, which would be contrary to the

Wiltshire Core Strategy and the Wiltshire Climate Strategy 2022-2027. This accords with the findings of the appeal Inspector who noted that there is no school or shop within Bradenstoke and the bus service which was available had limited frequency. Consequently, the Inspector considered that future occupiers would be reliant on the private car. This is a matter which weighs against granting permission in this case.

It is also important to consider the proposal against Core Policy 45 which requires new housing to be designed to address local housing need. It states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. The supporting planning statement explains that the mix of dwellings proposed would match the identified need for housing which is set out in the Lyneham and Bradenstoke Parish Housing Needs Survey (May 2019). However, this survey highlights that the size of homes most sought in this area are two and three bedroomed properties, with less than 10% of respondents requiring a four bedroomed property. The proposed development would provide two three-bedroom houses and two four-bedroom houses. Policy 1 of the Neighbourhood Development Plan, nevertheless, requires proposals to address local needs for family housing and smaller housing among the specified types. Therefore, as the proposal would generally address local housing need, it is considered to be in broad accordance with Core Policy 45. It would not be reasonable to refuse the application on this basis.

Other material considerations relevant to the principle of the development

Given the above findings in relation to Core Policies 1, 2 and 19, it is necessary to consider what, if any, material considerations would justify a decision otherwise than in accordance with the strategy of the plan. In this context there are several matters that must be taken in account. Firstly, the Council cannot currently demonstrate an NPPF compliant available and deliverable supply of land for housing for the requisite 5-year period plus buffer. The latest Housing Land Supply Statement (HLSS) identified that the number of years of supply is 4.72 years. As such the policies of the plan most relevant to the determination of the application are considered to be out of date and paragraph 11.d) of The Framework is engaged.

As set out in Supreme Court of Appeal decision *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37, even where paragraph 11.d) of The Framework is triggered through a lack of five-year housing land supply, the weight to be given to the relevant development plan policies and the NPPF remain questions of planning judgement for the decision-maker. The weighting of those will vary according to the particular circumstances of each case. This can include consideration of the extent of the shortfall of housing supply, as confirmed most recently by *Hallam Land Management v SoS DCLG* [2018] EWCA Civ 1808; the actions being taken by the local planning authority to address any shortfall, and/or the particular circumstances of the restrictive policy. In these respects, it must be noted that the shortfall is relatively limited as was confirmed by the Planning Inspectors considering the Purton Road appeal (Ref APP/Y3940/W/18/3202551; 17/08188/OUT) which was tested through the courts and found to be sound by multiple justices; and more recently the Filands Appeal Decision (Ref APP/Y3940/W/21/3278256 21/01363/OUT) where the inspector found the shortfall to be modest. It is also material to note that the Council has an action plan in place for addressing the shortfall and is taking steps to do so. Importantly this has included granting permission for development on sites

where no significant site-specific harm arises; there is reasonable access to services, facilities and employment opportunities by virtue of good connectivity by a range of modes of transport and proximity to major settlements; and the scale of development proposed is proportionate to adjacent settlements. Indeed, this plan of action has already resulted in the grant of consent on other sites in this community area and elsewhere in this Housing Market Area as set out in the latest HLSS.

A team of officers meets regularly to keep under review other potential sites. Other actions include dedicating additional resource and priority to unlocking stalled strategic allocated sites such as Rawlings Green, Chippenham with a decision to approve now issued. The Wiltshire Housing Sites Allocation Plan has also been adopted since the Purton Road appeal decision identified the shortfall in housing and this will deliver additional sites in this housing market area.

Through the determination of the appeal at Purton Road the Council's Housing Land Supply position was considered and tested. At that time, it was agreed that the five-year housing land supply figure was between 4.42 and 4.62 years. See Inspector's decision letter paragraph 21, where he considered that even at the lower end of the agreed range there is a relatively modest shortfall in housing land in the Wiltshire Council area. The Filands Appeal subsequently established that the shortfall was 4.41 years. The Council has since then published the Housing Land Supply Statement April 2022 (base date April 2021) which states that the Council can demonstrate 4.72 years of supply at the unitary level. This is higher than the range of supply considered by the Inspectors and where significant weight was attached to the conflict with the development plan policies 1, 2, 19, and moderate weight to saved policy H4.

It should be noted that the Wiltshire administrative area is one of the largest in the country in terms of geographical area. Therefore, in accordance with the spatial strategy set out in the WCS there is also a need to consider both the housing market area and community areas to fully comprehend the spatial distribution of homes in the administrative boundary. Although there is a deficit in housing provision within this housing market area, this is due to the under-provision in other community areas namely Corsham, Trowbridge and Warminster, all of which are substantial distances from the application site.

The latest HLSS, published in April 2022 (base date April 2021), shows that in the remainder of the Royal Wootton Bassett and Cricklade Community Area, 587 dwellings have been completed, with a further 189 units identified as being developable by 2026. This means that the indicative requirement has been exceeded by 391 dwellings (when the indicative requirement is 385 dwellings). There is also a surplus in Royal Wootton Bassett itself. This clearly demonstrates that the spatial strategy is delivering the requirement to meet the housing needs in a sustainable manner in this Community Area.

It is also material to note that the Council cannot demonstrate that affordable housing needs in Wiltshire and in this locality are being met.

As such the Council cannot demonstrate the available and deliverable supply of land for housing that is required by the NPPF and the tilted balance under paragraph 11.d) is engaged. The site, whilst in the open countryside, lies directly adjacent to the village of

Bradenstoke and so cannot be considered remote or isolated. The amount of development is limited at 4 dwellings, and this is considered reasonably well related to the scale of the settlement itself. Delivery of the proposed development to a shorter timeframe can be controlled by condition and will assist with boosting the supply of housing.

The overall planning balance is considered in the conclusion to this report. In summary though the proposals do conflict with the development plan in terms of the principle of development in this location.

Design and effect on the character and appearance of the locality

Core Policy 57 of the WCS requires a high standard of design in all new developments. It states that development is expected to create a strong sense of place by drawing on the local context and being complementary to the locality. This is reflected in section 12 of the NPPF which requires at paragraph 130 that development is visually attractive and sympathetic to local character including the surrounding built environment and landscape setting.

Core Policy 51 of the WCS states that development should protect, conserve and where possible enhance the landscape character and must not have a harmful impact upon it. Any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The proposed houses would be 1½ or 2 storeys in height and generally consistent in their scale and materials with the existing houses in Rosehill Close. The proposed semi-detached houses would feature gable ends, front porches and rear extensions, while the detached houses would feature half-hipped roofs and rear catslide roof extensions to minimise their bulk and massing. Re-constituted stone would be used in the walls and roof tiles of the proposed houses, and the window frames and doors would be in aluminium (powder coated grey).

In the design, appearance and choice of external materials, the proposed houses would be similar to the three existing detached houses in Rosehill Close.

It is considered that the size of the proposed dwellings and the size and shape of individual plots are also comparable with many others in the local neighbourhood.

Due to dense boundary vegetation, the development would effectively be screened from Hollow Way, to the south. However, it would be clearly visible from the public right of way to the north (LYNE31). Concern was raised during the public consultation period that the proposal would increase the likelihood that the settlement would merge with the neighbouring villages, and by doing so that it would lose its unique character. It was also highlighted that the development would be visible from the adjacent public footpath and that it would affect the view enjoyed by users of this path.

Whilst these concerns are appreciated, they are not considered to constitute a reason to refuse permission in this case. The proposed dwellings would be situated outside of the existing built area of the village, and they would reduce the gap between Bradenstoke and

Lyneham by developing a currently open site. However, the proposed dwellings would not project further east towards Lyneham than the existing dwellings at Rosehill Close and they would be well related to the existing built form in this location. When viewed from the adjacent public right of way, the proposed dwellings would be read as an extension to the existing development at Rosehill Close and against the backdrop of the dwellings at Boundary Close. As such, when viewed from public vantage points, the proposed dwellings would not appear as wholly alien or incongruous features and they would not therefore cause harm to the wider landscape or the character and appearance of the area.

The design and scale of the proposed dwellings is considered to be appropriate in this location. Following the comments raised by the Urban Design Officer, the design of the proposed dwellings was amended to provide dormer windows with a more traditional appearance, and it is considered that this alteration represents a significant improvement upon what was initially proposed. In accordance with the Urban Design Officer's comments, the proposed turning head was set back from the public right of way, allowing space to create an area of soft landscaping, details of which can be secured via condition. Details of boundary treatments, hard surfacing and electric vehicle charging points are also capable of being secured through the use of conditions. It is considered that the initial scheme submissions as revised from the previous proposal alongside these further design amendments have addressed the previous objections and Inspector's concerns regarding overdevelopment of the site.

In summary, it is considered that the proposed dwellings would be read against the existing built form in this location. They are considered to be acceptable in terms of their design and they would not appear as alien features in this context. The proposal therefore complies with Core Policies 51 and 57 of the WCS, Policy 2 of the NDP and paragraph 130 of the NPPF.

Impact on residential amenity

The proposed development would adjoin existing dwellings at Rosehill Close and Boundary Close. The submitted block plan indicates that the proposed dwellings would be approximately 10 metres from the boundary line with the dwellings at Boundary Close, with a back-to-back distance of approximately 47 metres. Whilst the proposed dwellings would be visible from nos. 6 to 8 Boundary Close, given this separation distance it is considered that the proposed dwellings would not give rise to a significant loss of light or an overbearing impact for the existing residents. Moreover, whilst there would be some mutual overlooking between the existing dwellings at Boundary Close and the proposed dwellings, given the separation distance described above this is not considered to be so detrimental so as to warrant the refusal of the application on this basis. This accords with the conclusions of the appeal Inspector who stated that '*the separation between the proposed houses and those around them, combined with their siting and the rise of the land, would not result in unacceptable levels of privacy for existing and future occupiers.*' A minimum distance of 21m is usually applied in such circumstances to maintain satisfactory levels of privacy.

The southern-most dwelling would be approximately 5 metres from the boundary with no. 3 Rosehill Close and a further 13 metres to the side elevation of this neighbour. Given this separation distance it is considered that the proposed dwelling would not give rise to a significant overbearing impact or loss of light that the proposal could reasonably be refused

on these grounds. A first-floor window is proposed in the side elevation of the southern-most dwelling which would face no. 3 Rosehill Close. While the floor plans indicate that the window would serve a hall and landing, rather than a habitable room, it would nonetheless be reasonable to apply a condition requiring it to be glazed with obscure glass. This would ensure that no unacceptable overlooking would occur as a result of the proposal.

Turning to the amenity achievable within the site itself, it is considered that the dwellings would not appear unduly cramped. They would enjoy an adequate level of privacy, and each would benefit from a reasonable size garden. It is considered that the future occupiers would have a good standard of amenity and therefore the proposal complies with Core Policy 57 of the WCS.

Highway safety and parking

Significant concern was raised during the public consultation period regarding the highway connections to and from the village. It was felt that these were unsuitable for increased traffic and that the proposal would exacerbate existing highway safety issues. The Highway Officer was aware of these concerns and noted that while the proposal would add to the vehicle movements along Hollow Way, the direction of travel will most likely be away from the centre of the village and towards Lyneham and the wider highway network. In this respect the Highway Officer considered that the proposal would not have a severe cumulative negative impact on the public highway as it would produce an additional 12 to 24 daily vehicle movements in a village of many households.

The Highway Officer considered that the access to the public highway from the private drive, Rosehill Close, was wide enough to accommodate conflicting movements. Therefore, from a parking and access standpoint the Highway Officer raised no objection to the proposal.

The NPPF states, at paragraph 111, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Neither applies in this instance and the Highway Officer raises no objection to the proposal. As such it would not be reasonable to refuse the application on this basis.

The minimum residential parking standard for houses with three bedrooms is 2 spaces, and for a house with four or more bedrooms it is 3 spaces. The proposed block plan shows the correct number of spaces provided at the front of each house, as well as a garage for the four-bedroom homes, and a layby for three visitors' cars on the east side of the private drive. Therefore, the proposal accords with the Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy.

In their supporting statement, the agent explains that covered cycle storage would be provided for Units 1 and 2 (the semi-detached houses), while cycle storage would be accommodated by the garages for Units 3 and 4 (the detached houses). Thus, the proposal would accord with the Wiltshire Local Transport Plan 2011-2026, Cycling Strategy.

In light of the above, it is considered that the proposed development would be satisfactory in terms of highway safety and parking provision, and it would accord with Core Policies 61 and 64 of the WCS.

Drainage

Core Policy 67 requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground unless site or environmental conditions make these measures unsuitable.

The supporting planning statement explains that surface water would be discharged via soakaways in gardens and the road verge, as is the case with the existing properties at Rosehill Close. Wessex Water, in its response to consultation on the application, indicated that the potential for surface water infiltration in the area is good.

The application confirms that foul water would be discharged via an existing chamber in Rosehill Close which is connected to Wessex Water's main on Hollow Way. Wessex Water has not raised any concerns regarding sewer capacity.

Further details of the proposed drainage scheme are capable of being secured via conditions. The Council's Drainage Engineer concurs with this approach, and they noted that flood risk mapping data for the area indicates that flood risk is negligible.

Thus, it is considered that the requirements of Core Policy 67 of the WCS and paragraph 167 of the NPPF have been met.

Ecology

The application was accompanied by a Preliminary Ecological Appraisal report. A Phase 2 report was subsequently submitted following surveys for reptiles and badgers. More recently, a reptile mitigation strategy, a plan showing the proposed new habitats and a biodiversity spreadsheet were submitted. The Council's Senior Ecologist has reviewed all of the documents and raises no objection to the proposal subject to conditions.

A condition is recommended to ensure that the development is carried out in accordance with the Reptile Mitigation Strategy and Biodiversity Net Gain Post-Development Habitats Map. Two further conditions are recommended to secure the submission, approval and subsequent implementation of a Construction Environment Management Plan and Landscape and Ecological Management Plan.

Subject to the use of these conditions, the proposal is considered to accord with Core Policy 50 of the WCS and paragraph 174(d) of the NPPF.

Other matters

Concern was raised during the public consultation period regarding potential land contamination. It was highlighted that the site was previously used as a pig farm which suffered from foot and mouth disease. It was stated that animal carcasses which had been

affected by this disease are buried on the land. The Public Protection Officer requested a condition requiring an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses which will help to negate the risk associated with land contamination. However historical biological contamination is not covered by Contaminated Land legislation. The Public Protection team confirmed that they would not object to the proposal on that ground, and they noted the long period of time which has elapsed since the foot and mouth disease was prevalent in the UK.

Concern was raised about the impact that the proposal would have upon existing infrastructure in the area. It was highlighted that existing water infrastructure is not able to support the needs of the local area and that the broadband connection is inadequate too. Thames Water has raised no objection to the proposal and as noted by the appeal Inspector, there is no evidence that the existing services would be compromised by the additional dwellings proposed. As such limited weight can be attached to this issue.

A comment highlighted that the proposal does not include provision for social or affordable housing. The development is not of a scale which would trigger an affordable housing contribution or the provision of an affordable unit on the site itself. Therefore, it would not be reasonable to refuse the application on this basis.

Concern was raised regarding the potential for future development on the site. Whilst this concern is appreciated there is no precedent in planning terms and each application must be assessed on its own merit. It does not follow that what is found to be acceptable on one site will also be acceptable on another.

A comment stated that the proposed dwellings should have more sustainable sources of energy. Whilst the provision of solar panels and other green energy sources are encouraged, these features and broader matters regarding sustainable construction are being addressed through building regulations. In this case the application includes other environmentally friendly features such as electric vehicle charging points.

Concern was raised about how the application was publicised by the Council and it was felt that the whole village of Bradenstoke should have been consulted on the application. The Council sent notification letters to the neighbours surrounding the site and this approach fulfils the Council's duty to consult as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Bradenstoke contains a large number of homes, and it would be unnecessary and disproportionate for the Council to send notification letters to all for what is a 'minor development' on the edge of the village.

Concern was raised that additional occupants on Rosehill Close and their associated vehicle movements would result in increased costs to maintain the road and shared drainage system. The financial implications of maintenance would be a private legal matter between the individuals involved and it would not be reasonable to refuse the application on this basis.

Concern was raised regarding the impact of the construction phase of the development. However, the disturbance caused by the construction phase of the development could be controlled and mitigated through the submission and approval of a construction management plan, secured through the use of a condition. It should be noted that any damage caused to

third party property as a result of the proposal would be a private legal matter between the individuals involved.

It was suggested that the proposed gate to the public footpath would increase footfall through the area, and thereby increase the risk of crime. There is no evidence that additional pedestrians walking along Rosehill Close would increase the risk of crime and it would not be reasonable to refuse the application on this basis. Indeed, Policy 7 of the Neighbourhood Development Plan requires the design of new development to encourage walking and cycling and take every available opportunity to improve and enhance the existing network through the provision of new footpaths and cycleways and connections to the existing network.

10. Conclusion (Planning Balance)

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, thus engaging the 'tilted balance' set out at paragraph 11d) of the NPPF. This means granting permission unless:

- i. the application of policies in the 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 the Framework taken as a whole.

The site, whilst in the open countryside, lies directly adjacent to the village of Bradenstoke, so cannot be considered to be remote or isolated. The amount of development is limited to 4 dwellings and is considered to be reasonably well related to the scale of the settlement.

The benefit of the proposal is considered to be the provision of additional homes that would help to address local needs for family housing and for smaller housing in accordance with Policy 1 of the NDP and Core Policy 45 of the WCS. Early delivery of the site to support increased supply can be controlled through condition. However, the proposal would deliver a relatively small number of homes in the context of the housing land supply shortfall and the stated objective of the NPPF to significantly boost the supply of housing. The Council's housing land supply shortfall is relatively modest, and the lack of supply is not persistent. Consequently, moderate weight is afforded to this benefit.

There would be some economic benefit through construction jobs in the short-term and potential support for local shops, services and facilities in the long-term. There is no guarantee that the construction jobs would be locally sourced. It is likely that some of the jobs would be sourced locally but this depends very much on market forces at the time and what skill levels are available locally. The construction of four dwellings is a relatively small development and therefore, will not generate a substantial number of construction jobs over a long period of time. Limited weight is given to this benefit.

The harm that arises is due to conflict with the spatial strategy of the WCS and with the policies set out in the NPPF. The expansion of Bradenstoke, where existing services are limited, would conflict with the development strategy of the plan. It would perpetuate the

need for future residents to travel by motor vehicles to access shops, schools, employment and other essential services. Therefore, additional residential development in this location would not contribute to a sustainable pattern of development. This attracts significant negative weight.

There would be some harm to the character, appearance and visual amenity of the locality arising from the loss of an undeveloped site in the open countryside to built development. However, this would be limited due to the context in which the development would be visible against the background of existing housing on adjoining land.

The proposal has been designed to be sympathetic to the surrounding built environment and landscape setting, avoiding conflict with paragraph 130c of the NPPF. There is limited conflict with paragraph 174b of the NPPF relating to the intrinsic character and beauty of the countryside.

The proposal would make use of an existing access to the public highway with no adverse impact on highway safety. There would be no adverse impact on existing trees, while landscape and biodiversity enhancements can be secured through the use of planning conditions. The proposal would not cause harm to the amenities enjoyed by the occupiers of neighbouring residential properties. Such matters weigh neither in favour nor against the proposal as they would be required to be addressed in any scheme. Nonetheless, they can assist the decision-maker in reaching a conclusion where cases are more finely balanced.

It is considered that the adverse impacts of granting planning permission (i.e., conflict with the spatial strategy) in this case would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and the development plan taken as a whole. Accordingly, the application is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of one year 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 No. 3712-01 Rev. F – Location Plan

Drawing No. 3712-02 Rev. H – Block Plan & Street Elevations

Drawing No. 3712-03 Rev. A – Semi Detached Houses Units 1 and 2 Plans & Elevations

Drawing No. 3712-04 Rev. B – Detached Houses Units 3 & 4 Plans, Elevs & Section

Drawing No. 3712-05 Rev. J – Proposed Site Plan

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

3. No development shall commence on site until a scheme for the discharge of surface water from the site, including any sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

5. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of each dwelling and permanently retained thereafter.

REASON: To comply with Core Policy 55: Air Quality of the Wiltshire Core Strategy (Adopted January 2015) which requires measures to be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

6. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement to be followed by a written verification report that confirms the works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. The development hereby permitted shall be carried out in strict accordance with the following documents:

- Reptile Mitigation Strategy, by Darwin Ecology, dated April 2022
- Biodiversity Net Gain Post-Development Habitats Map, by Darwin Ecology, dated 29/03/22

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

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

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

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

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

9 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. 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 and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

10 No development shall commence on site (including any works of demolition) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details as appropriate, including the following:

- i. the anticipated number, frequency, and types of vehicles used during the demolition and construction;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant, materials and waste;
- iv. the storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding;
- vi. wheel washing facilities;
- vii. measures to control the emission of noise, vibration, dust and dirt during the demolition and construction phases of the development;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix. hours of materials/construction related deliveries;
- x. the location and use of generators and temporary site accommodation; and
- xi. details of public engagement both prior to and during construction works.

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, and in the interests of highway safety. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

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

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

12. There shall be no burning of materials undertaken on site at any time.

REASON: To prevent pollution and to protect the amenities of the occupiers of neighbouring residential properties.

13. No development shall commence on site 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 any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

14. 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.

15. Before the development hereby permitted is first occupied the window at first floor level in the side elevation of Unit 1 shall be fixed shut and obscure glazed and shall be retained as such thereafter.

REASON: In the interests of residential amenity and privacy.

INFORMATIVE

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.

INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE

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

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

INFORMATIVE

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.

INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

Background Documents Used in the Preparation of this Report:

Application submission (PL/2021/03235)

Wiltshire Core Strategy 2015

Wiltshire Housing Site Allocations Plan 2020

Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030

National Planning Policy Framework 2021
Housing Land Supply Statement April 2022
Wiltshire Local Transport Plan 2011-2026 - Car Parking Strategy
Wiltshire Council Local Transport Plan 2011-2026 - Cycling Strategy
Planning appeal decision APP/Y3940/W/15/3004345