

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	12 April 2023
Application Number	PL/2022/05120
Site Address	Land off Ashton Rise, Hilperton, Trowbridge
Proposal	The erection of a five-bedroom detached dwelling with attached double garage and associated private garden with vehicular access off Ashton Rise, including the re-routing of an existing footpath.
Applicant	Mr & Mrs Winstone
Town/ Parish Council	Hilperton Parish Council
Electoral Division	Hilperton, Cllr Ernie Clark
Grid Ref	329401, 182407
Type of Application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

This application has been called in for committee consideration by Cllr Ernie Clark should officers be minded to support the application for the proposed development citing the following concerns:

- The scale of development
- The relationship to adjacent properties
- The design, bulk, height and general appearance
- Environmental/highway impact
- The application site is located outside the village Policy Limits/Settlement Boundary and is not allocated in the adopted Hilperton Neighbourhood Plan.
- I also have concerns regarding the proposed positioning of the house on the site, the diversion of the PROW, the use of the PROW for access to the site, the suitability of the Ashton Road and Ashton Rise access, and whether just one house on this large site represents the best utilisation of land when WC is, so we are told, in such a dire need of additional housing and is unable to meet the five-year land supply requirement.

1. Purpose of Report

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

2. Report Summary

The key issues for consideration are:

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

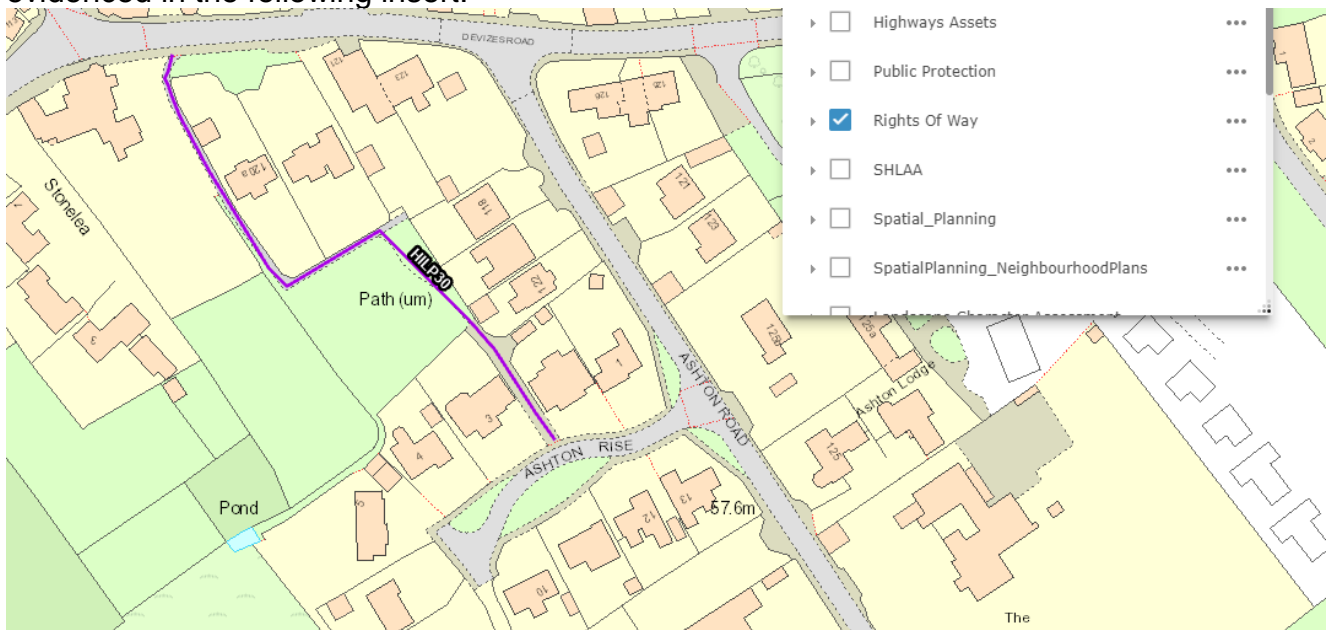
3. Site Description

The application site forms a plot of land measuring approximately 0.15ha located adjacent outside the village limits of Hilperton to the south and west (rear) of residential properties fronting Devises Road and Ashton Road respectively, and to the north of No's 3 and 4 Ashton Rise as shown below.

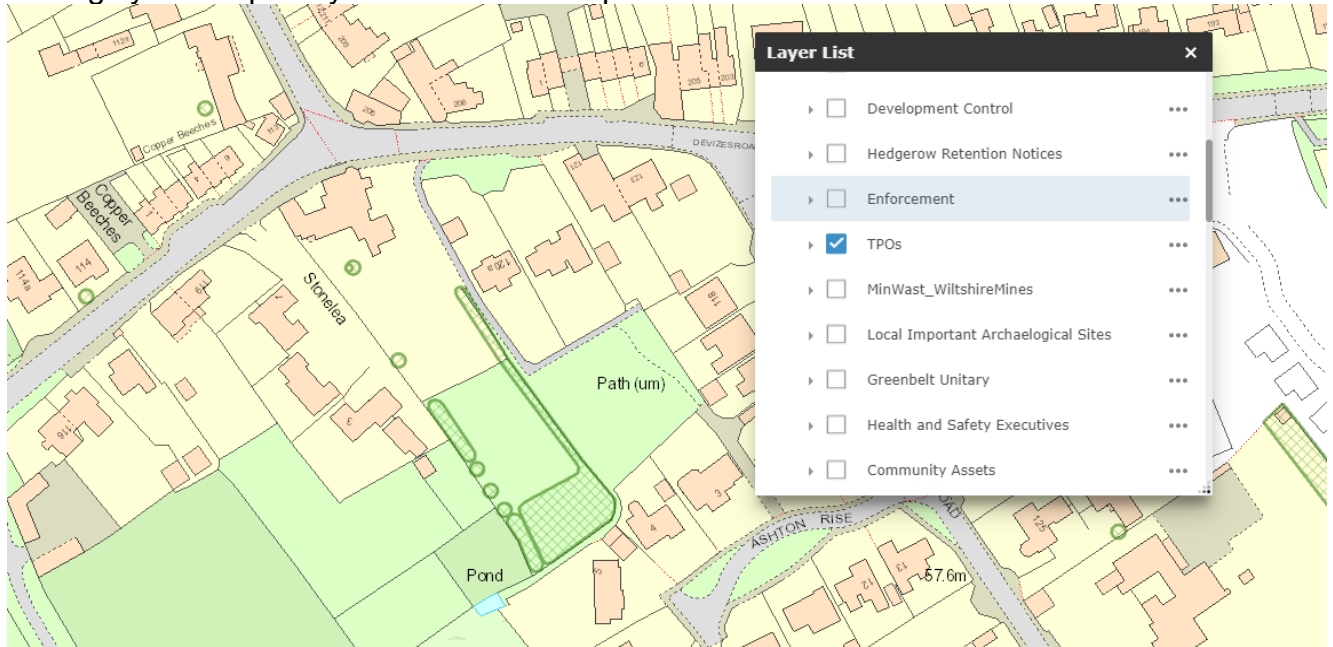


The application site is shown above by the red outline parameters and includes the vehicular means of access via Ashton Rise with the settlement limits identified by the black line. The village conservation area is illustrated by the buff washed over colouring and the listed buildings are identified by the dark orange footing outlines.

HILP30 PRoW footpath dissects the northern part of the site and routes southwards as evidenced in the following insert:



The land to the immediate west (and to the south of the Lion and Fiddle) benefits from planning permission to erect 2 dwellings under application PL/2021/03253 (which was endorsed by the WAPC at the 16 February 2022 meeting). As part of that approved application part of the site the hatched green parcel, including the TPO treed boundary, is safeguarded by a s106 legal agreement and is to be a managed copse along with a flower rich grassland. With that approval, and once implemented, the application site requiring committee determination would be largely enveloped by residential development.



The application site's western boundary, beyond which is the committee endorsed application site for 2 dwellings (under PL/2021/03253).



The application site's northern and eastern boundaries



Photo of application site looking south towards the Ashton Rise properties

4. Relevant Planning History

W/09/00379/FUL – Erection of a single dwelling, including formation of vehicular access – Refused, for the following reasons -

1. Policy H19 of the West Wiltshire District Plan - First Alteration 2004 states that new dwellings in the countryside will not be permitted unless justified in connection with the essential needs of agriculture or forestry. Planning Policy Statement 7 - Sustainable Development in Rural Areas requires exceptional circumstances to allow residential development in the countryside. The proposed dwelling forms a large and visually dominating feature in this open area, which results in the loss of an important transitional site between the open countryside and the village and the Hilperton Conservation Area. It is not felt that the Code 5 nature of the house justifies the departure from development plan policy. The proposal is therefore contrary to government guidance and development plan policy.
2. Policies C17 and C18 of the West Wiltshire District Plan - First Alteration 2004 seek to preserve or enhance the character or appearance of the Conservation Area and its setting. Policy C31A requires new development on sensitive sites to pay particular attention to townscape, existing patterns of movement, the quality of the architecture of the surrounding buildings, and historic layout and spatial characteristic of the area. The proposal by reason of its location, size, form, design, scale, orientation on the plot, lack of landscaping, and loss of an open area, forms visually incongruous proposal which is detrimental to the setting of the Conservation Area and the character of the area. The proposal is, therefore, contrary to development plan policy.

W/90/00574/FUL – One bungalow and six chalet style houses with separate detached garage and new access road – Refused on overdevelopment of the site, harmful to amenities and local residents. The application was also considered premature and undesirable at a time when land was reserved for the Hilperton diversion road.

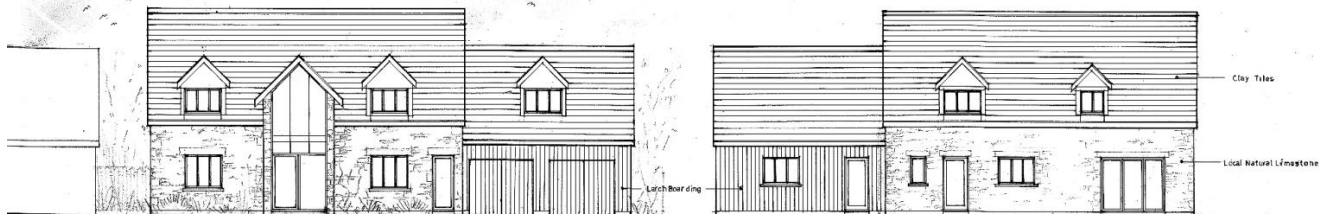
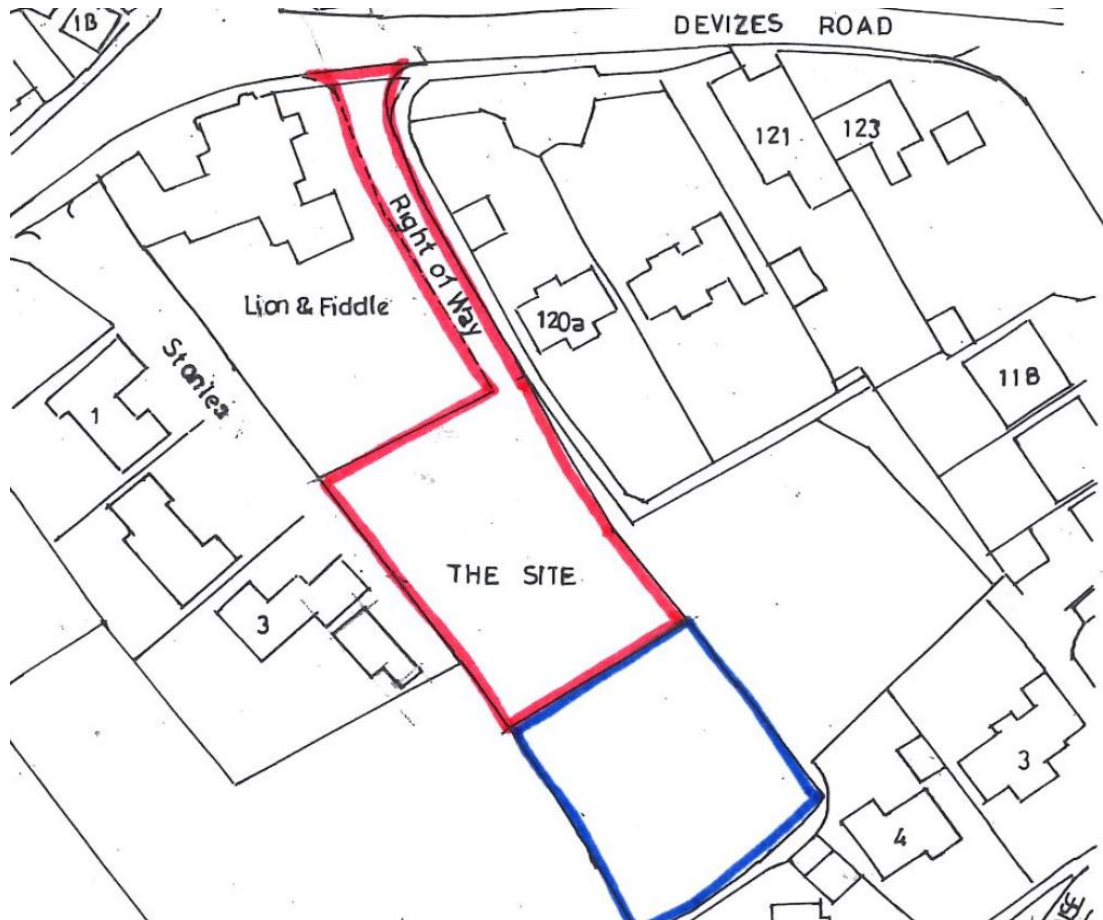
W/89/01794/FUL – Residential development to form 7 new houses, one detached garage and access road – Refused

W/88/00950/OUT – Two detached houses and garages – Refused

W/84/00151/OUT – Residential Development on land adjacent to the Lion and Fiddle pub (including the land that that is subject to the current application) – Approved – which led to the follow up approval and construction of No.120a and 120b Devizes Road under application W/88/00574/REM

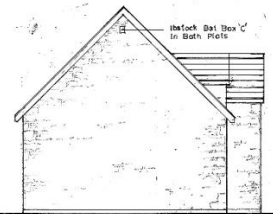
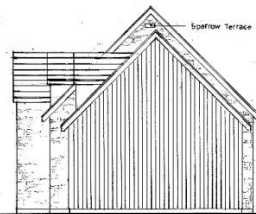
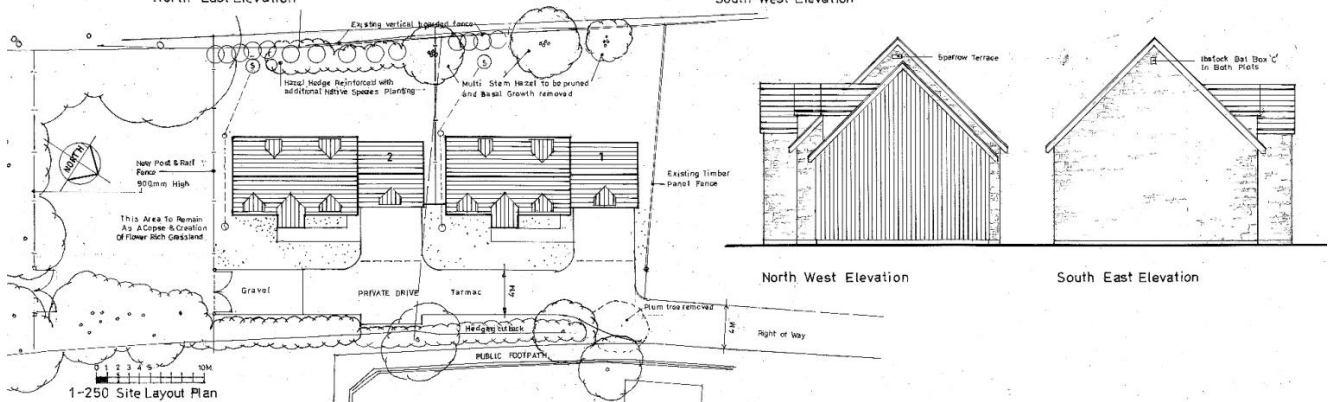
The land to the west also merits referencing in terms of its recent planning history.

PL/2021/03253 - Erection of two detached dwellings, garages and associated works on Land to the south of Lion and Fiddle, Trowbridge Road – Endorsed at WAPC 16/02/2022 and following completion of s106 application was Approved 2/3/2023 to which the following plans refer:



North East Elevation

South West Elevation



North West Elevation

South East Elevation



1. NORTH EAST ELEVATION
SCALE 1:50

Proposed east elevation.



4. NORTH WEST ELEVATION
SCALE 1:50

Proposed north elevation.



3. SOUTH WEST ELEVATION
SCALE 1:50

Proposed west elevation.



2. SOUTH EAST ELEVATION
SCALE 1:50

Proposed south elevation.

6. Planning Policy

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

West Wiltshire District Local Plan (1st Alteration) - U1a Foul Water Disposal

The made Hilperton Neighbourhood Plan 2017-2026 – Policy 2 (Housing) Policy 3 (Heritage and Design; Policy 4 (Sustainable Transport), Policy 5 (Infrastructure and Developer Contributions)

National Planning Policy Framework 2021 (The Framework)

Planning Practice Guidance (PPG)

Wiltshire's Local Transport Plan 2011- 2026

Wiltshire Housing Sites Allocations Plan adopted Feb 2020 (WHSAP)

Housing Land Supply Statement April 2022 (with baseline date of April 2021)

Waste storage and collection: guidance for developers SPD

Hilperton Village Design Statement

7. Summary of Consultation Responses

Hilperton Parish Council: Objects as it is outside Village Policy Limits.

Wiltshire Council Highways Team: No objection

Wiltshire Council Rights of Way (RoW) Team: No objection. The RoW officer confirmed being satisfied with the development and retention of the public footpath on the revised site plan and withdrew the initial objection. Any permission should be subject to the following informatives:

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

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

Wiltshire Council Ecology Team: No objection subject to conditions.

Wiltshire Council Archaeology: There are no archaeological issues that I would wish to raise in this instance.

Arboricultural Officer: No comments.

Dorset and Wiltshire Fire and Rescue: Provided the following advice:

Consideration should be given to ensure access to the site, for the purpose of firefighting, is adequate for the size and nature of the development.

- *Having looked at the available plans, the access width appears to conform to ADB Volume 1 Table 13.1.*
- *As the access road exceeds 20m a turning point or hammerhead, should be provided within the site to meet the requirement of ADB Volume 1 Diagram 13.1.*

Following receipt of the above comments, the applicants submitted a revised site plan detailing a swept path analysis (Drg no.003 rev C) that demonstrates there is sufficient provision within the site for fire and rescue service vehicles to enter and exit in a forward gear.

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site. Following the submission of amended plans, additional public notifications were carried out. As a result of this publicity 15 representations have been received. The representations have been summarised as follows:

- The proposed building is outside the Village Policy Limits
- The access from Ashton Rise is very narrow and is inadequate for emergency vehicles
- The access road is a public right of way
- The fencing of the right of way would create anti-social behaviour and crime
- There is insufficient space for construction vehicles to safely access the site
- Consideration needs to be given to the potential parking of construction vehicles
- Concern raised about damage to existing grass verges
- Waste collection and delivery vehicle access concerns
- The proposed dwelling is too large and bulky
- Concerns about the proposed tree planting
- Significant increase in the density of properties in the area
- Conflict with users of the Public Right of Way which is used regularly by pedestrians
- Loss of vegetation on site/loss of trees on site
- Site has already been cleared
- Accuracy of plans query
- Loss of privacy/overlooking
- Reference made to refused 2009 application W/09/00379/FUL
- Noise disturbance concerns in particular from vehicles using access

9. Assessment

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

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

The application site lies outside and adjacent the settlement boundary of Hilperton - which is defined as a 'Large Village' in policy terms where development of small housing sites (less than 10 dwellings) is considered acceptable. However, the application site is located outside the current limits of development for the settlement and is considered open countryside, although the site backs onto residential development and domestic gardens to the north, east and south, and as cited above, the Council has recently approved a 2-house development on land to the west (on land to the south of the Lion and Fiddle pub). Once that development has been completed (the s106 was completed in early March 2023), the site subject to this committee referral will be almost entirely surrounded by residential properties – which is a material consideration.

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

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

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

With reference to the Neighbourhood Plan, the proposal would incorporate several aspects of sustainable design such as the use of a high thermal superstructure, use of photovoltaics to

generate renewable electricity, have low water flow devices installed and smart energy meters, LED lights and electric vehicle charging points.

The Council's Five-Year Housing Land Supply

The Council's published Housing Land Supply Statement dated April 2022 (with baseline date of April 2021) covers the housing land supply for the Wiltshire unitary authority area, and concludes that the Council can 'only' demonstrate a 4.72 years supply of deliverable land for housing, which is considered a modest shortfall.

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

Decision makers need to reach a reasonable and informed conclusion balancing the need to boost housing supply against any adverse impacts of the proposal, and be mindful of the site circumstances as referenced in the early sections of this report. It is also necessary to determine this application against the development plan and NPPF, and any weigh up all the material considerations. This includes what weight should be afforded to the strategic and restrictive policies within the development plan (which cannot be given full weight).

For this application, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (The Framework) is engaged. As such the local development plan policies which restrict new housing provision must be treated as being 'out of date', but this does not mean that they carry no weight, since the development plan remains the starting point for all decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application. In this particular case, there are no technical grounds to refuse the application and the Council's highway. PRoW, tree officer, archaeologist and ecologist all report no objections.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given some weight in the planning balance. However as cited above, with the recent issuing of planning permission for 2 additional houses on land to the south of the Lion and Fiddle pub to the west of this application site (requiring committee determination), the site is not considered an unsustainable location for an additional house and

there would be no substantive adverse harm that would demonstrably outweigh the benefit of delivering an additional dwelling to the local housing supply.

The extent of the 5-year housing land supply shortfall and the potential for the proposal to deliver housing in the current 5-year period to help remedy the current shortfall should also be taken into account in the balancing exercise. In this regard, the 4.72 housing supply is considered a modest under provision, and with the absence of any adverse impacts and lack of technical reasons to refuse, the application is supported by officers when tested against NPPF para 11.

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

9.2 Impacts on the living conditions of neighbouring residents

Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new developments and that development should have regard to the compatibility of adjoining buildings and uses including the consideration of privacy, overshadowing and noise and light pollution. The rear gardens of residential properties fronting Devises Road, Ashton Road and Ashton Rise adjoin the site to the north, east and south as illustrated in the following insert.



Site Context with separation distances (elevation to elevation) to neighbouring residents

The separation distances from the proposed dwelling siting to the associated rear elevations of the adjoining dwellings are detailed in the plan above. The separation distance from the east elevation of the proposed dwelling to the rear elevations of properties fronting Ashton Road, measures at least 20 metres. The proposed gable side elevation includes a first-floor window (that would serve a gym/office/guest bedroom) that could be conditioned to be obscurely glazed. It is also noted that the applicant proposes to plant trees along the site's eastern boundary which would provide additional screening once the trees develop.

The separation distances associated with the northern and southern elevations of the proposed dwelling and the rear elevations of neighbouring properties at Devizes Road and Ashton Rise exceed 21 metres, which is considered sufficient to ensure that neighbouring privacy and amenity would not be substantively harmed.

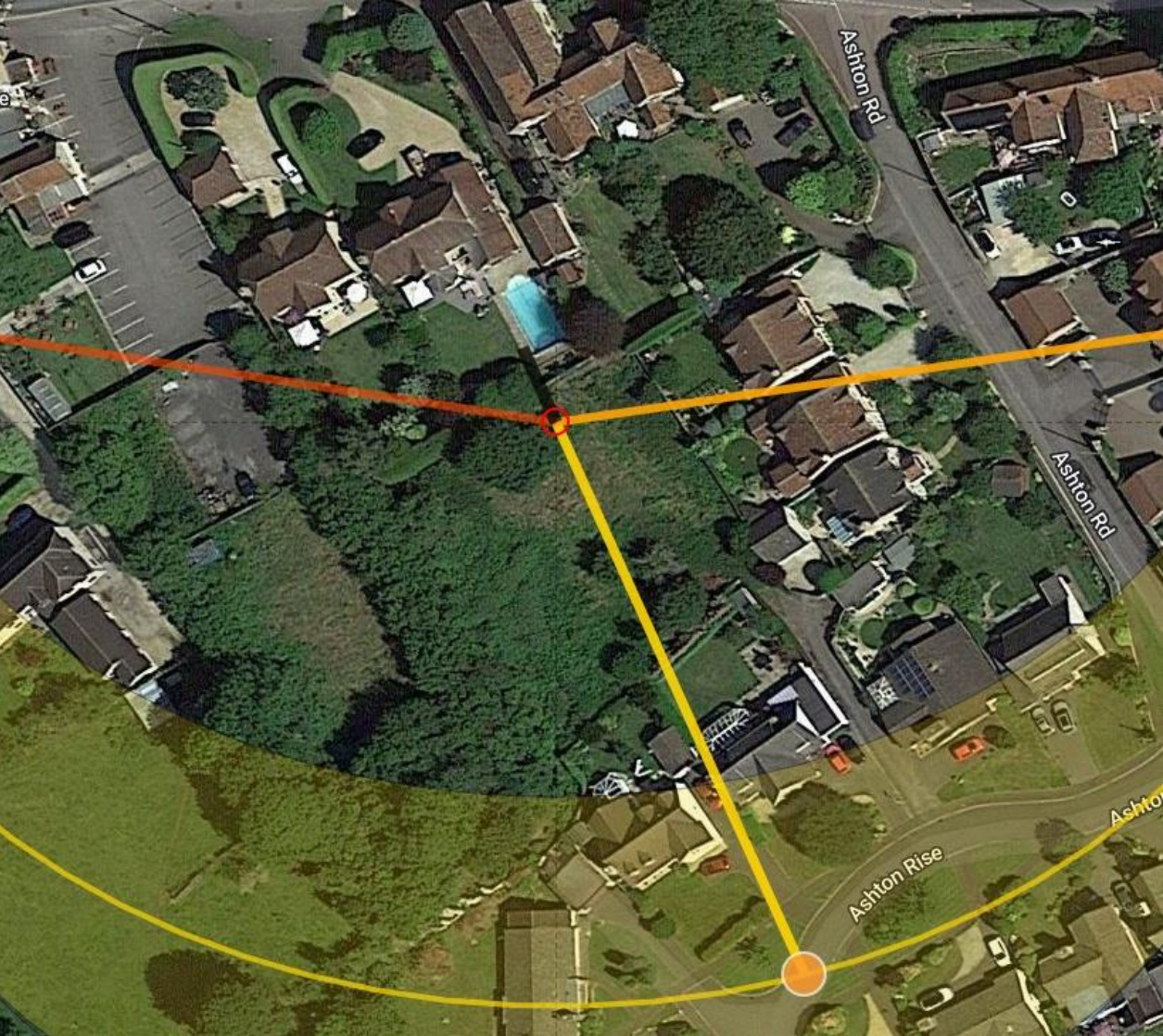
The proposed development would result in some overlooking of the rear gardens of the properties fronting Devizes Road, Ashton Road and Ashton Rise, the rear gardens of these properties are already overlooked (to the side) by existing properties. The separation distances involved pursuant to this scheme alongside the proposed tree planting (as illustrated below), should ensure that the level of overlooking to neighbouring gardens is within acceptable parameters.



In addition, the existing treed northern and western site boundaries (as shown in the earlier site photographs) would provide additional screening.

Officers are satisfied that subject to securing the additional landscape planting by condition, the proposed development would not result in harmful overlooking or loss of privacy to warrant a refusal of planning permission. In addition, due to the separation distances referenced above, the proposal would not result in harmful levels of overshadowing/ overbearing impacts on neighbouring residents.

The separation distance between the northern elevation of the proposed dwelling and the rear boundary of No. 120 Devizes Road is approximately 7.5 metres. Officers have calculated that there would be some overshadowing to the rear garden of this neighbouring property at certain times of the day when the sun is shining - as detailed in the sun calculation diagram below (which is based on taking the highest point of the dwelling at 9.3 metres (the north facing gable) showing the extent of shadowing (illustrated by the black line) as of noon at the beginning of April and September for example.



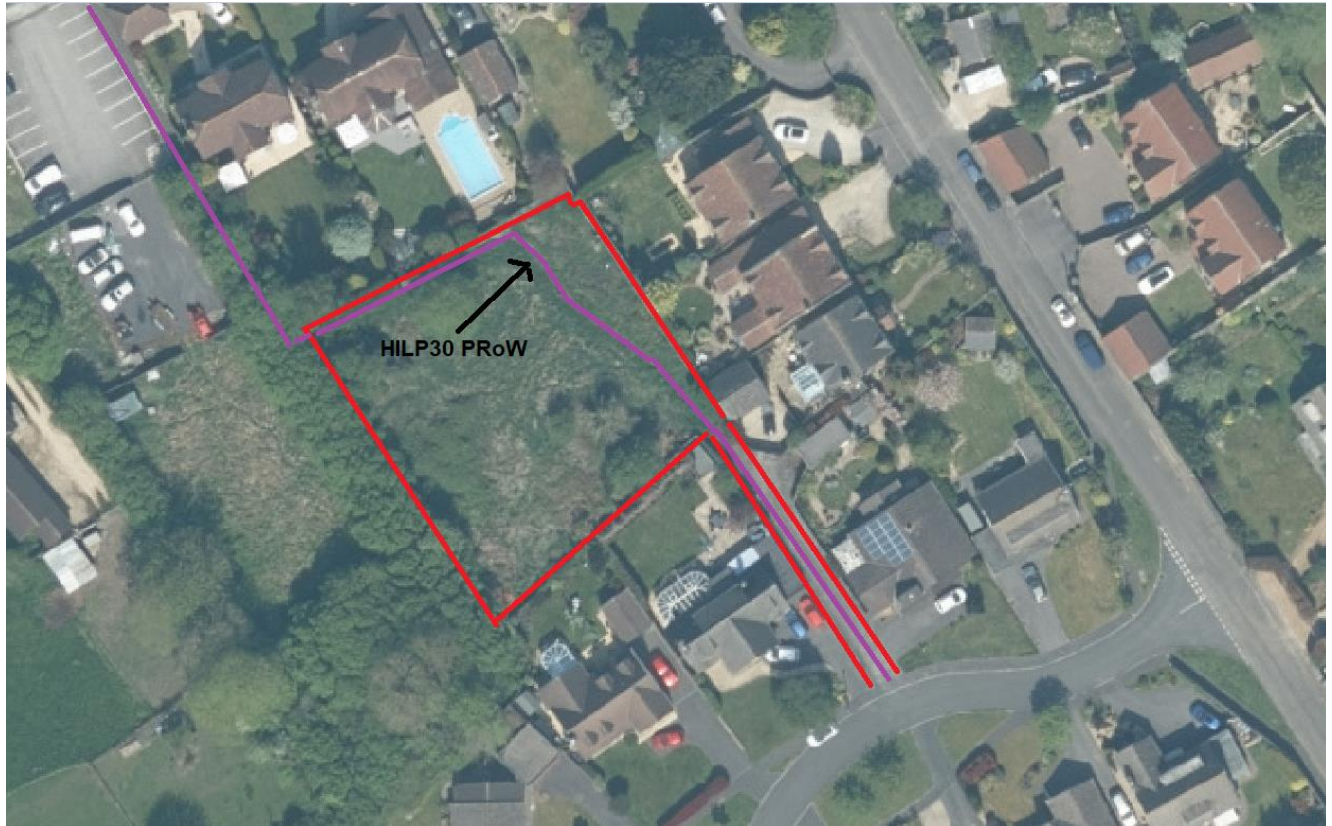
Sun calculation diagram for 1 April noon



Sun calculation diagram for 1 September

It is however necessary to appreciate that with the sun moving on its orbit, the overshadowing effects top neighbouring would be temporary, and through appraising the above example diagrams, the effects are considered acceptable.

The construction of the proposed dwelling on the land behind the Ashton Rise properties would result in an intensification of use of the existing driveway/access, which is shared and used by three properties as shown in the following aerial insert which also includes the PRoW routing of the HILP30 footpath (which would be retained). The proposed additional use of the driveway to serve the dwelling to the rear of Ashton Rise would not have a substantive adverse impact on the living conditions of neighbouring residents in terms of additional noise or light pollution to warrant a refusal. The proposed development is considered to comply with Core Policy 57 of the Wiltshire Core Strategy, and the NPPF.



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

Core Policy 51 of the Wiltshire Core Strategy states development should protect, conserve and where possible enhance landscape character. Core Policy 57 requires a high standard of design in all new developments and that development respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape. Core Policy 58 requires that *'designated heritage assets and their settings will be conserved, and where appropriate enhanced'*

The application site forms a parcel of grassland bordered by existing fencing and hedgerows and trees. Directly to the north and east of the site is the Hilperton Conservation Area. The Ashton Rise properties to the south are also outside the Conservation Area. Residential development in the area is characterised by detached 2 storey dwellings of a variety of design and styles with relatively large rear gardens. As referenced previously, the land to the west of the site has planning permission for 2 dwellings to the south of Lion and Fiddle (approved under application (PL/2021/03253), which will materially change the immediate setting of this application site. The western site boundary is densely landscaped with hedgerow/trees that are subject to a TPO. However spatially, once the land to the west is developed (as approved), the land to the rear of Ashton Rise will become almost completely enclosed by residential development.

Public views of the site from the conservation area from the north and east would not be significantly harmed, and these views would be limited. The proposed design of the proposed

dwelling and use of materials (comprising natural stone and slate tiles) with the additional tree planting and site landscaping are all considered acceptable in this location.

Officers have no concerns about the proposed building materials and have concluded that the dwelling would assimilate well within the site and its surroundings, and would have no adverse impact on the character of the area or substantively harm the setting of the conservation area.

No objections are raised pursuant to the proximity of the proposed development to the PRow footpath which would be retained and the initial objection raised by the Council's public rights of way team was removed following the submission of revised plans earlier in the year.

9.4 Highways Issues

Core Policy 61 of the Wiltshire Core Strategy requires new development to be served by a safe access to the highway. Paragraph 111 of the NPPF states "*that development should **only** be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

The proposed development would use the existing driveway off Ashton Rise – which serves three properties at present. Sufficient off-road parking and turning provision can be provided to comply with Council's parking standards.

Concern has been raised by third parties with regard to safety issues due to increased use of the driveway/access, and the use of HILP30. However, no objections are raised from the Council's highway team or the Council's public rights of way officers. The access is already used by vehicles serving residential properties and one additional dwelling would not result in an unacceptable impacts to highway safety or result in severe cumulative harm.



Site access off Ashton Rise

9.5 Ecology Issues

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

The application is accompanied by an Ecological Parameters Plan (EPP) dated January 2023 and Preliminary Ecology Appraisal (PEA) dated May 2022. The site lies within the Impact Risk Zone for Picket and Clanger Woods SSSI, Steeple Ashton SSSI and Iford Manor SSSI, located approximately 4.5km south, 4.6km south-east and 7.3km west of the site, respectively. The site also lies within the Trowbridge Bat Mitigation Strategy Yellow Medium Risk Habitat Zone. The zone relates to the distance from 'Core Roosts' for Bechstein's bats, greater horseshoe bats and lesser horseshoe bats. The application must therefore be considered under the Habitat Regulations because the area is considered to be of importance, or is highly likely to be of importance for bats associated with the Bath and Bradford-on-Avon Bat SAC and in particular in the foraging areas and flightlines of horseshoe bats.

The site adjoins several residential dwellings to the north, east and south. A small parcel of unmanaged grassland is located to the west (at present, although officers are aware that planning permission has recently been granted for 2 additional dwellings to the south of the Lion and Fiddle pub). The existing TPO'd western site boundary extends approximately 30 metres beyond the application site to the north where it borders the public house car park.

There are no buildings on this site, and it has been noted from third party comments and aerial photographs that the site has been cleared of trees. However, given that the site is not located within the conservation area and the on-site trees were not protected by a tree preservation order, the landowner did not require any consent from the Council to remove trees.

The site does not have any suitability for roosting bats. The site offers low-quality foraging habitat for bats except for the mature hedgerow to the west which provides moderate-quality commuting habitat but must be appreciated that the hedge has poor connectivity to the wider area.

In terms of nesting birds, the west boundary hedgerow offers habitat although no active birds' nests were identified during the ecology survey. No evidence of badgers using the site was identified and it has been confirmed that the site has low quality foraging habitat for badgers in any case.

The site offers a small area of low-quality habitat for low numbers of common and widespread species of reptiles and amphibians. However, due to the distance of the site from adjacent ponds and intervening obstacles, it is considered that there is negligible likelihood of great crested newt using the terrestrial habitat on site.

In summary, the site offers low-quality habitat to very low numbers of common and widespread species of reptiles, amphibians and small mammals, mainly along the west boundary

hedgerow. In terms of biodiversity net gain (BNG) the scheme would provide 51% gain through the proposed additional hedgerow and tree planting which would offset the loss of 31% of the existing grassland habitat.

The following mitigation and enhancement measures are proposed in the submitted Ecological Parameters Plan and Preliminary Ecology Appraisal – which are supported.

- Two built-in bat boxes in the new dwelling
- Sensitive lighting scheme, to minimise light spill on vegetation boundaries
- Two built-in or attached swift boxes within the dwelling wall or roof space
- Provision of one bee/insect hotel
- Provision of hedgehog highways in each fencing panel
- Creation of a reptile hibernacula/refuges

These mitigation measures should be secured by condition.

It should be noted that the Council’s ecologist has concluded that the application proposal would not lead to harmful or significant ecological effects and that an Appropriate Assessment has been written and sent to Natural England to verify. With the confirmation that the Council’s ecology team have no objection to this application progressing to s106 drafting stage (should members support the recommendation to approve), there is no reason to delay reporting this application to members of the Western Area Planning Committee. Due regard is however given to the content of the recommendation to defer and delegate to the head of Development Management in recognition that a s106 legal agreement is necessary to secure the associated developer obligations pursuant to this application.



Proposed ecological mitigation and parameters plan

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

9.6 Drainage Issues

Surface water drainage is proposed to be dealt with by mains sewer. No information has been submitted with regards foul water drainage which can be addressed by planning conditions requiring full details of the surface water and foul water drainage connections.

9.7 Loss of agricultural land

The application site comprises approximately 0.15 hectares of agricultural land which is categorised as grade 2 land. Grade 2 agricultural land is identified as being 'Very Good Quality Agricultural Land'. However, the site has no connectivity to adjacent farmland and the loss of such a small area of land which does not form part of an agricultural holding, would not justify as a reason for refusal.

9.8 Other Issues

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

Additional concerns have been raised by third parties with regard to the length of the access driveway and potential issues with waste collection. The Council's Waste storage and collection guidance for developers SPD advises that containers should be stored within 30 metres of the waste collection point. The access driveway that services the site is approximately 43 metres in length and the point of collection would be Ashton Rise. Although this distance marginally exceeds the recommended distance for occupiers to move waste collection bins, the additional 13m beyond what is set as guidance, would not be sufficient grounds for refusing the application.

10. Developer Obligations

The developer is obligated to enter into a s106 legal agreement to secure the delivery of the on-site biodiversity mitigation for the reasons provided by the Council's ecologist and as set out within section 9.5 of this report.

In accordance with the adopted Trowbridge Bat Mitigation Strategy, the developer is also obligated to contribute the sum of £ £777.62 which would go towards funding the Council led Habitat Mitigation Scheme for residual in-combination effects. This sum shall be paid prior to the commencement of development.

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

11. Conclusion (Planning Balance)

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

The proposal is located outside the settlement limits of Hilperton, and does not accord with the spatial strategy within the development plan. However, at the time of appraising this application, the Council cannot demonstrate a 5-year housing land supply although it can demonstrate a 4.72-year supply which is considered a modest shortfall.

The deficit, whilst not significant, is nevertheless a material planning consideration. Whilst the Council is taking steps to address the shortfall, NPPF paragraph 11 is engaged, which means that adopted WCS core policies CP1 and CP2 (and CP28) cannot be afforded full weight in the planning balance.

In this case the proposed development would provide one market dwelling, which in housing supply terms, would make a modest contribution towards addressing the housing shortfall, but it would nevertheless make a contribution at a location that would not be materially isolated from the village limits due to the very close proximity of the site from Hilperton village boundary.

In spatial terms, the site is very well connected with the nearby existing residential properties and transport routes – which merits moderate weight in the planning balance.

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

In terms of neutral impacts, officers are satisfied that the proposed development would not harm neighbouring residential properties or the amenities of the occupiers, and the visual impacts of the proposed dwelling can be adequately mitigated by conditions.

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

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

The development would result in no adverse impact to local biodiversity, protected species or protected habitats and the adjacent mature hedgerow, that is the subject of a TPO, would not be harmed.

Due to the Council being unable to demonstrate a 5 year housing land supply the tilted balance flowing from paragraph 11d) ii of the Framework is engaged. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. In this case the development has been assessed against policies of the Council's local plan and the Framework and it is considered the impacts of the development would not significantly and demonstrably outweigh the benefits of allowing an additional dwelling at this location. As such the development is recommended for approval, subject to the following:

RECOMMENDATION: That members agree to defer and delegate to the Head of Development Management to issue the decision to grant planning permission, following a) receipt of written confirmation from Natural England that they are satisfied with the Council's ecology team conclusion that the development would not result in significant or harmful ecological effects; and b) the sealing of a s106 legal agreement covering the matters set out within section 10 of this report; and subject to the following planning conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting details:

Location plan scale 1:500 drg no. 001
Site plan scale 1:100 drg no.003 rev C
Proposed ground floor plan scale 1:50 drg no. 004 rev C
Proposed first floor plan scale 1:50 drg no. 005 rev D
Proposed northeast elevation scale 1:50 drg no. 006
Proposed southeast elevation scale 1:50 drg no. 007 rev A
Proposed southwest elevation scale 1:50 drg no. 008
Proposed northwest elevation scale 1:50 drg no. 009

Preliminary Ecological Appraisal (Seasons Ecology, May 2022)
Proposed Landscape Plan drg no. (00) 003 (Urban Fox, January 2023)
Ecological Parameters Plan (Seasons Ecology, January 2023)
Landscape and Ecology Management Plan (Seasons Ecology, January 2023)

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

3. No development above ground floor slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been

submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and adjacent Conservation Area.

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

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

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

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

6. No development shall commence on site until details of protective fencing for the protection of the mature hedgerow subject to a TPO located adjacent the western boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

REASON: In order that the development is undertaken in an acceptable manner and to enable the Local Planning Authority to ensure the protection of the mature hedgerow subject to a TPO.

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

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

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

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

9. The development hereby approved shall be carried out in strict accordance with all of the recommendations for on-site biodiversity mitigation and compensation as set out in the Preliminary Ecology Appraisal by Seasons Ecology dated May 2022 and in accordance with the Ecological Parameters Plan by Seasons Ecology dated January 2023.

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. Before the dwellinghouse hereby approved is first occupied, the first-floor window that serves the gym/office/guest bedroom on the eastern side elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

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. 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.

12. No part of the development hereby permitted shall be first occupied until the turning area and parking spaces for the proposed dwelling have been provided and completed in

accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

13. 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.

Informatives to Applicant:

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

apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

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

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

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

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