

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 September 2016
Application Number	16/01123/OUT
Site Address	Land South of Western Way, Bowerhill, Melksham, Wiltshire SN12 6TJ
Proposal	Outline application for residential development of up to 235 dwellings, primary school with early years nursery, open space provision and vehicular access off Pathfinder Way.(Outline application to determine access - resubmission of 14/04846/OUT)
Applicant	Mactaggart & Mickel & Mr and Mrs Doel
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT SOUTH – (Cllr Roy White)
Grid Ref	390797 162608
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

Councillor White has requested that the application be considered by the Planning Committee in light of the concerns of residents and Melksham Without Parish Council; namely their concern that this is an inappropriate site for development, particularly the area to the west abutting the industrial estate, proposed junctions off Pathfinder Way, and the local need for affordable housing and medical facilities.

This is a large-scale major proposal for the erection of over 200 dwellings (and a primary school) which has wider strategic implications on housing delivery and therefore raises issues of more than local importance.

1. Purpose of Report

To assess the merits of the proposal against the policies of the development plan and all other material considerations; and to consider the recommendation that planning permission should be granted.

2. Report Summary

The main issues to consider are:

- Principle and planning history;
- Highway matters;
- Landscape and visual impact;

- Heritage impacts;
- Residential amenity and noise;
- Ecology;
- Flooding and drainage;
- Infrastructure impacts and planning obligations; and
- Any other material planning matters.

3. Site Description

The development site is situated in an area immediately to the south of Melksham and to the north of Bowerhill (a village and employment site). The site is severed by Pathfinder Way – one of the main routes into Bowerhill from the A365 and is separated from the built-up area of Melksham by the busy A365 (Western Way).



LAND SOUTH OF WESTERN WAY, BOWERHILL - SITE LOCATION PLAN P4
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Existing housing in Bowerhill village adjoins the site along the southern boundary of the field to the east of Pathfinder Way; and existing employment and leisure uses adjoin the site along the southern boundary of the field to the west of Pathfinder Way. Adjacent to the northern and north eastern boundaries of the site is the A365 Western Way, beyond which is the housing of Melksham town. The site, being outside of any settlement boundaries is

considered to be open countryside and is in agricultural use. The land is designated as grade 3b, and therefore not the 'best and most versatile' as defined in the NPPF.

The site slopes from the south towards Western Way. There are a number of trees located to the peripheries of the two areas and there is a saved local plan policy (C40) to seek tree planting on the peripheries. No special landscape, archaeological, fluvial flood risk, cultural or heritage designations exist relevant to this site.

4. Planning History

A previous (14/04846/OUT) was withdrawn in December 2014. That withdrawn 2014 application involved the same site, but with 20 more dwellings, retail provision but no on-site education provision.

A planning application was not encouraged at the time as the Wiltshire Core Strategy (WCS) was in the process of being adopted (finally adopted January 2015) and it was suggested that the most appropriate route for pursuing development in a plan-led system would be via the Council's site allocation work or neighbourhood planning rather than a planning application at a time when the Core Strategy Planning Inspector had confirmed the existence of a 5 year land supply.

5. The Proposal

This is an outline planning application for the residential development of up to 235 dwellings (circa 70 affordable based on 30% provision, in line with the WCS), and a new 1 form entry (1FE) primary school with early years nursery, open space provision and new access points off Pathfinder Way. Following discussion and negotiation, all matters are reserved at this stage.

The scheme incorporates a degree of flexibility for further expansion to provide a 2FE primary school with early year provision. This would be in lieu of circa 22 houses based on the overall site density of 36 dwellings per hectare. This would include a proportionately reduced affordable housing offer (approximately 7 units). The area set aside is 0.6 hectares which is sufficient to provide a further form entry expansion to the proposed school. This would be secured through a legal agreement but it would be time restricted and relate to demonstrable educational need within such restricted timeframe. The detail of this would need to be negotiated and secured through a s106 legal agreement.

The residential element of the proposal has been submitted on the basis of a 30% affordable housing provision ranging from 1 bedroom flats to 4 bedroom houses. Market housing would range from 2- to 4-bedroom properties. It has been indicated that development would include single storey, 1.5 storeys, 2-storey, 2.5-storey and 3 storey housing at circa 36 dwellings per hectare. The design and access statement indicates a predominance of 2-storey buildings accentuated by occasional higher buildings within the middle of the development site and lower development to the eastern margins. Four general character areas would be created:

- i) The '*neighbourhood edge*' area adjacent to the open space and eastern margins would have a low density to reflect the transition into the buffer area alongside the A365 at this point and the sensitivity of the historic environment.
- ii) Semi-detached and detached, lower height housing would adjoin the existing '*Bowerhill edge*' area with a garden to garden layout.
- iii) Then higher density housing in the '*neighbourhood core*' area of the development would include apartments, terraced housing and semi-detached housing of between 2 and 3 storeys in height.
- iv) A similar approach would be expected in the '*principal frontages*' areas.

No details of parking have been provided but it has been indicated that a mix of garages, driveways and parking courts will be detailed at reserved matters stage and would be in line with the Council's adopted minimum standards where possible. Secure and covered cycle parking would be provided.

The proposal includes the provision of a 1FE primary school with early year's nursery facility and associated outside space, parking and circulation. The school requires an area of circa 1.4 hectares and the early years provision a further 0.2 hectares. This provides schooling capacity for up to 210 pupils.

A general landscape strategy has been included within the design and access statement indicating a multi-faceted approach to providing green infrastructure that offers a buffer to the north of the site, drainage, mixed play, ecological opportunity and seasonal interests as well as providing accessibility and ease of movement. The indicative details show multi-functional open space provision that will be for formal and informal recreation and surface water attenuation and landscaping. Indicative cross sections of this area indicate a soft edge to the northern limits of the application site.

Access details are now merely indicative, but illustrate the permanent closure of existing agricultural access points and the provision of access to both parcels of land from Pathfinder Way.

Off-site pedestrian and cycle links and routes have also been indicated. 5 toucan crossing points are indicated. This includes one over Pathfinder Way to link the two parcels of land. The remainder are intended for the A350 Western Way, including two to upgrade the existing island crossing at the end of Pathfinder Way. A bus stop to Pathfinder Way is proposed. There would also be off-site pedestrian improvements to the western side of Spa Road creating a pedestrian link from the existing residential areas of Melksham to the new school.

6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this application.

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP15 (Melksham Area Strategy), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP44 (Rural Exception Sites), CP45 (Meeting Wiltshire's housing needs), CP46 (Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring the conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

Wiltshire & Swindon Minerals Core Strategy 2009 - MCS1

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment), I2 (Arts), I3 (Access for everyone)

Other relevant documents (Local)

- Wiltshire Housing Land Supply Statement 2015

- Wiltshire’s Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
- Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)
- Wiltshire’s Community Infrastructure Levy - Regulation 123 List (123 List)
- Wiltshire Infrastructure Delivery Plan
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Wiltshire Local Transport Plan - Car Parking Strategy
- Leisure and Recreation Development Plan Document 2009
- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Wiltshire Council Waste Collection Guidance for New Development

National Policy

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation

7. Summary of consultation responses

Melksham Without Parish Council: Object

“The Parish Council reiterates its objections to this planning application and cites the fact that, in the light of recent decisions on other applications for large developments, the Melksham Area has now exceeded its housing allocation target for up to 2026 as an additional reason to refuse permission for this application.”

“a) RURAL BUFFER - This is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements. This RURAL BUFFER has been safeguarded in successive local planning policies for 40 years and MUST BE RETAINED. The previous West Wiltshire District Plan 1st Alteration 2004, shows half of the proposed development site as R5 New Recreation Space (see page 41 item 3. See also page 55 H1d –Proposals for Housing Development within Towns will be permitted providing they do not result in the loss of an open space, visual gap, important for recreation and amenity reasons. Further housing development outside of the urban area as defined by Town Policy limits will not be permitted during the Plan period. The same condition applies to the Village Policy limit- See page 82 H17d – will not result in the loss of and important open space or visual gap). Building on these sites will mean Bowerhill and Melksham joining up

which the Bowerhill residents do not want. Bowerhill is a village with its own community. The Core Strategy paragraph 5.83 (page 130) states “Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of this strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. The identity of these separate communities will need to be preserved through the planning process. It is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable”.

There are other far more suitable sites for future housing provision at Melksham, particularly on the NE side to the north of A3102, where it could help facilitate further sections of an eastern bypass for the town and Beanacre which is a long-standing aspiration of the highway authority, and other SHLAA sites which could be more appropriate for this size of development.

b) AGRICULTURAL LAND - Both pieces of land are productive, agricultural land where the farmers grow crops.

c) INDUSTRIAL ESTATE - Some of the houses on the plan will back onto the Bowerhill Industrial Estate onto a garage, a container storage facility, a brewery and Boomerang which is a play area for children and is also used by adults in the evening. It stays open late with flashing lights and loud music. There are concerns that in the future residents of the new housing will not be happy with the neighbouring businesses. Residents of Bowerhill already have noise issues from the Industrial site, especially in Halifax Road. The area is also not suitable for housing as it will not be linked to the village of Bowerhill nor of Melksham town as it is separated by the A365, and will be isolated from both these communities.

d) PATHFINDER WAY - The creation of any new junctions on Pathfinder Way must not be allowed to create additional hazards, or impede pedestrians and cyclists. With the existing roundabouts at each end, a left-in, left-out arrangement would be the safest option. Pathfinder Way is very busy at all times as it is the principle access to the Industrial Estate, with some vehicles travelling at night.

e) SCHOOLS - The proposed site of the new school is unsuitable due to the proximity to the A365. Additionally vehicular access to the school will cause extreme traffic difficulties. If this school is also to serve children from the 450 houses on the site to the east of Spa Road (planning application 14/10461/OUT), a good school route either via the Campion Drive

Estate or via Pathfinder Way to the Spa would be required with provision of footways along the A365 to ensure that children do not take unsafe short cuts.

f) PEDESTRIAN AND CYCLE CROSSING - The plans show 4 sets of light controlled crossings. Whilst the Council welcomes the addition of crossings, it believes that the one to the north of the plan on the A365 Bath Road is too close to the roundabout. The Council previously felt that the Transport Survey conducted on 24th October 2014 was not sufficient and did not reflect the volume of traffic that regularly uses the A365. It commented previously that it wished to see a Metrocount survey to be carried out at varying times of the day and to be supplied by a full report of the entire data from these counts. No such data has been submitted with this current application. The Council are also concerned about a proposed weight limit that may be imposed on the A361 at Seend; this could have the potential to increase the flow of HGVs on the A365 via Bowerhill.

g) HOUSING TYPE - Bowerhill has a satisfactory mix of housing types, but Melksham needs additional affordable family housing for local people. The Melksham area generally DOES NOT require any more housing which is likely to encourage people who will commute out of the area.

h) SETTING OF THE SPA - The open aspect across the rural buffer land is an essential part of the setting of the historic Melksham Spa and must be protected from development. The Core Strategy paragraph 5.83 (page 130) states that “development at Melksham should protect the historic environment and in particular should protect the historic setting of the Spa”. The Council re-iterates its previous request that English Heritage are consulted on this application, as they were not consulted on application 14/04846/OUT.

i) FOUL SEWAGE DRAINAGE - The council has serious concerns about the ability of the current sewerage system to cope with a large new housing development. Wessex Water commented on 21st May, 2014 that “There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development (as proposed in the outline planning application W14/04846/OUT)”. Should this current application (16/01123/OUT) be successful the Council wishes to endorse the foul water planning condition as requested by Wessex Water. Residents have also expressed concerns about the low water pressure they have and feel that additional housing drawing from the system would exacerbate this.

j) *MEDICAL FACILITIES - The Council has serious concerns, and supports residents' views, over the impact that 235 houses will have on the already overstretched GP surgeries in Melksham. NHS England have stated that one of the three surgeries has capacity issues. Since making this comment application 14/10461/OUT for another 450 houses has been approved, but the s106 funding attached to this application seems to only be allocated to increasing the car park at the Spa Medical Centre and not to increasing the GP capacity in Melksham.*

k) *TRANSPORT - The Council reinforce the comments submitted by Graham Ellis, TransWilts, in that the existing public transport facilities are overstated in the Transport Plan, with some inaccuracies. Additionally the Transport Plan does not take into account any loss of future public transport provision that may arise following Wiltshire Council's Bus Consultation.*

l) *CONCLUSION - Only the southern half of the area east of Pathfinder Way should be considered at all suitable for possible development, in order to retain a meaningful separation from the urban area of Melksham town. It would also allow better integration with the existing village community and only need a single access from Pathfinder Way, with a footpath link into Birch Grove. The area to the west of Pathfinder Way should be for economic/employment development and is not a suitable site for the provision of a school."*

Environment Agency: No objection subject to conditions.

Highways Agency: No comments received.

NHS England: No objection subject to obligation of £119,119.

"The application is for 235 houses which would potentially generate an additional 541 patients which would have a direct impact on primary care services in the locality. All 3 surgeries in Melksham have capacity issues of one sort or another. One practice is considering extending the area it uses for primary care, another practice was considering re organising its space to provide additional consulting space and the third practice has plans to move to a completely new surgery development. On this basis NHS England and Wiltshire CCG request that, should this development be given consent, Wilts Council secures £119,119 under S106 as a capital contribution to improve surgeries in the locality at NHSE's and the CCGs discretion."

Wessex Water: No objection subject to condition.

“There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development. Initial options to mitigate against the impact of additional foul flows are outlined in Section 3.5 of the submitted Flood Risk Assessment HLEF29813/001R January 2016. As a strategy has yet to be agreed we request the implementation of a planning condition, should planning be approved.”

Wiltshire Council Archaeology: No objection subject to conditions.

“In line with previous comments on the proposed development of this site, I recommend that a condition is attached to any planning consent to allow for a full programme of archaeological investigation/mitigation to ensure the preservation by record of archaeological features identified from the previous evaluation at the site, specifically relating to the identified medieval activity in the northwest corner of the site.”

Wiltshire Council Art Officer: No objection subject to obligation and condition.

“An indicative public art contribution figure (based on £300 per dwelling) for this site would be £70,500 for 235 dwellings and we would expect that no more than 10% of this figure to be spent upon the production of a public art plan. We would welcome discussions on how best to integrate public art and design in the public realm for this development.”

Wiltshire Council Conservation: Subject to appropriate details to be controlled by condition then less than substantial harm is likely to result to relevant heritage assets.

Wiltshire Council Childcare: No objection.

Wiltshire Council Drainage: No objection subject to conditions.

Wiltshire Council Ecology: No objection subject to conditions.

Wiltshire Council Education: No objection subject to obligations and suitable site provision for 1FE.

Primary 39 places at £16,979 = £662,181

1FE primary school (1.2 hectares and suitability of site to be agreed)

Secondary 47 places at £21,747= £1,022,109.

Wiltshire Council Environmental Health: No objection subject to conditions and planning obligation of some £1,330.10 to air quality monitoring. Conditions in relation to noise mitigation, hours of operation, dust suppression, and street lighting.

“I note the conclusions in the Noise assessment report completed by RPS under reference JAE 8822. The document makes several recommendations in respect of abatement measures necessary to meet relevant guidance for exposure to noise sources – the local roads and the Bowerhill Industrial Estate. I would like to request a condition be attached to any planning permission to be granted to ensure that specific measures are set out and incorporated in the final site design with the proposals to be approved by this authority prior to the commencement of development.”

Wiltshire Council Highways: No objection subject to conditions and obligations. *I note that the application has been revised to withdraw details of the access arrangements, and that a revised masterplan has been submitted. Access can be achieved in principle from Pathfinder Way to serve the development proposed, and therefore I have no objection to the proposal subject to the points listed at the end of this e mail.*

The Masterplan indicates a useable pedestrian / cycle link on an appropriate alignment through the development, crossing Pathfinder Way at a Toucan crossing and connecting to the school. The required pedestrian crossings around the development and the footway on the western side of Spa road have all been satisfactorily noted. A northern pedestrian refuge and also a bus stop position are correctly indicated. Depending on bus routeing it is likely that a bus stop facility will also be required on the western side of Pathfinder Way.

You are aware of my reservations regarding the hook turning right turn lane layout indicated. The capacity of the right turning lanes can be examined at detailed access application stage, - and it will be essential for there to be sufficient capacity to cater for peak numbers of right turners without any likelihood of vehicles being unable to enter a right turning lane and thus blocking through flow. Regarding the provision of future access to the Option 2 site to the west, you should be aware that a hook turning layout may sterilise this land in access terms, as access would not be accepted from the primary A350 and is very unlikely to be accepted from the section of the A365 to the north. It is unlikely that a hook turning right turning lane on Pathfinder Way will have sufficient capacity to cater for significant residential development on the Option 2 land. This can be examined by a future Transport Assessment and junction capacity analysis of the Pathfinder Way junction.”

Wiltshire Council Housing: No objection subject to obligation.

Seek 30% affordable housing; circa 71 affordable units (43 affordable rent and 28 shared ownership).

Wiltshire Council Public Open Space Officer: No objection subject to obligation.

“The POS requirement for 235 dwellings is 8624m², to include 415m² of equipped play provision. The level of requirement appears to have been satisfied under current proposals.

Wiltshire Council no longer adopts these areas, but the Parish Council have expressed an interest in other sites. Failing that a management company would need to be set up.”

Wiltshire Council Rights of Way: No objection subject to delivery of “*toucan crossings and physical upgrades to MELK40*”.

Wiltshire Council Spatial Plans: Contrary to policy, but as there is no demonstrable 5 year land supply; such policy cannot be afforded full weight. Therefore a balancing exercise of the sustainability of the proposal has to be had having regard to issues such as delivery of housing, infrastructure and preserving the distinctive characteristics of Bowerhill and Melksham.

Wiltshire Council Urban Design: No objection.

Wiltshire Council Waste and Recycling: No objection subject to obligation. £21,385 for bins.

Wiltshire Fire & Rescue Service: No objections – recommends use of sprinkler systems including at the school.

8. Publicity

The application was advertised by site notices, neighbour notification letters and a Wiltshire Times advert. Circa 22 parties (02/09/2016) have made representations on the proposals raising the following comments (summarised):

Principle

- Housing need in Melksham has been met and still further housing is being erected such as at George Ward site;
- Development here is inevitable and effort should go into making sure it is done properly;
- Village policy limit boundaries need to be imposed properly / registered rural buffer;;
- Previous issues with the application in 2014 remain;
- Designated housing sites need to be developed first, otherwise what is the point of a plan;

Highways

- Add to congestion at key highway junctions;
- Pedestrian crossings required for safety will cause further congestion;
- Mixing residential traffic and industrial estate traffic dangerous;
- Accident records do not reflect the unrecorded accidents that happen frequently;
- Congestion occurs on Pathfinder Way from heavy use and stationary vehicles;
- Transport assessment inadequate;
- Public transport services overstated, inadequate and show a reducing trend;
- Cumulative impact with 450 houses recently approved will be significant;
- Footpath and cycling links impractical and/or dangerous;

Impact on Character and Appearance of the Area

- Loss of countryside;
- Loss of separation and distinctiveness between Melksham and Bowerhill;
- Impact on heritage assets (grade II listed buildings and curtilage buildings at Bowerhill Farmhouse) and their settings;
- Height and style of building a concern;
- Bungalows should be next to the existing bungalows;
- Should create a country park instead;

Impact on Neighbouring Amenity

- Loss of daylight and privacy;
- Concerns with amenity impact through flooding;
- Noise and air pollution;
- Impact from high density houses;
- Future residents will be impacted by the commercial development to the south;
- Through any new cycle/pedestrian link past property;

Drainage

- Loss of permeable land;
- Fields have standing water throughout the winter months;
- Impact on roads from drainage;
- Wish the Council to guarantee their property in the event of flooding from any development;
- Flood risk assessment inadequate;

Infrastructure

- Strain on NHS facilities;
- Strain on secondary education facilities;

- Lack of leisure and entertainment offer in the town;

Other

- Loss of farm land;
- Impact on wildlife;
- Pollution, air quality and litter
- Construction phase impacts;
- Housing market in Melksham stagnant in Melksham due to excess of property

9. Planning Considerations

9.1 Principle

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

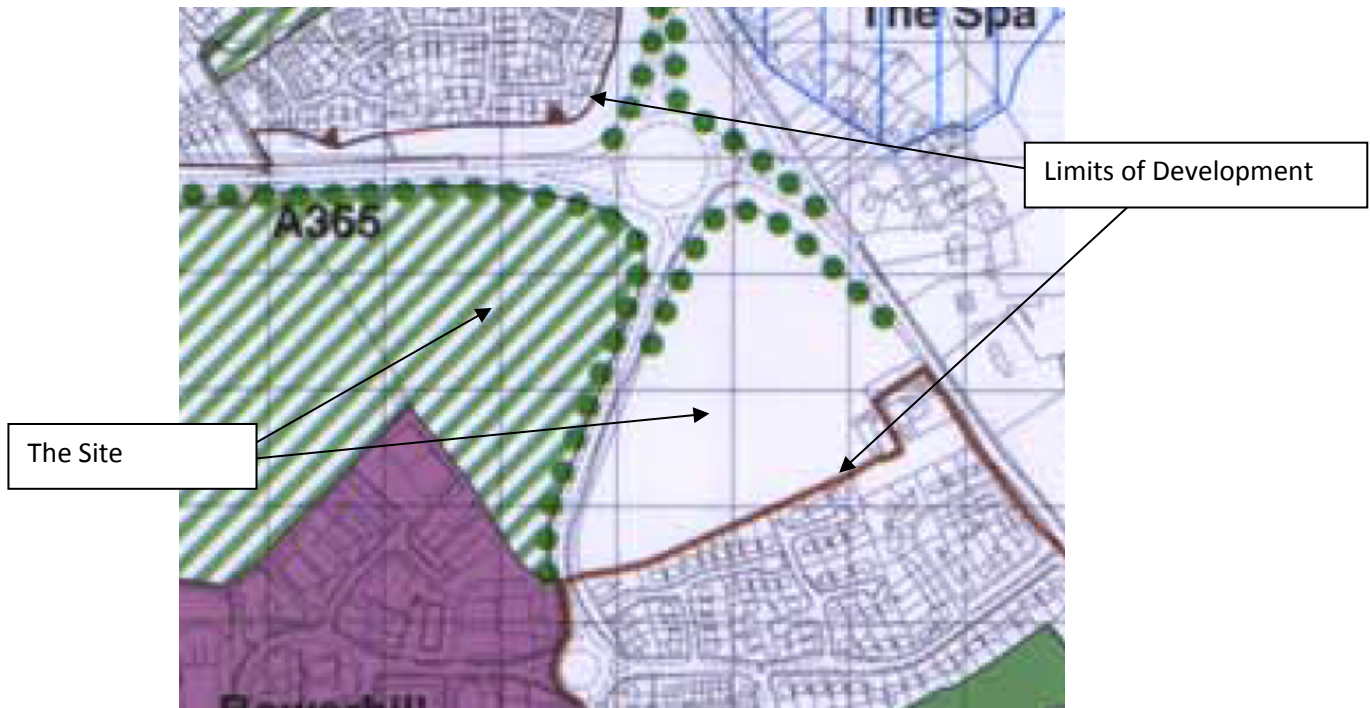
In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS, forms the relevant development plan for the Melksham area. The Wiltshire Housing Sites Allocation Plan and the Melksham Neighbourhood Plan are emerging plans but can only be afforded little weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Melksham.

Wiltshire Core Strategy – Core Policy 1 (CP1) identifies Melksham as a market town with the potential for significant development for jobs and homes. Market Towns are defined as settlements that have: *“the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.”*

Core Policy 2 (CP2) 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 Market Towns. 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. In this case, the site lies outside of the limits of development for Melksham and has yet to be identified for development through either the Wiltshire Housing Sites Allocation Plan or a Neighbourhood Plan. The proposal does not meet any of the exceptional circumstances in paragraph 4.25. The proposal is therefore in conflict with this aspect of the development plan.



Core Policy 15 (CP15) sets out the strategy for Melksham and its community area and identifies an indicative requirement of approximately 2370 new dwellings for the Melksham community area of which “about 2,240” should occur at Melksham. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most recent published Housing Land Supply Statement 2015 identifies a residual requirement for 664 dwellings in the Melksham Community Area over the plan period at 1 April 2015. Since then, the Strategic Planning Committee (February 2016) resolved to grant planning permission (14/10461/OUT) for up to 450 dwellings at Land East of Spa Road, and in May 2016 resolved to grant permission (16/00496/OUT) for up to 150 dwellings at land east of Semington Road. Further the Western Area Planning Committee (April 2016) resolved to grant permission (15/12454/OUT) for up to 100 dwellings at land north of Sandridge Common. These would count towards the 664 total.

Core Policy 15 (CP15) makes explicit reference to paragraph 5.83 which acknowledges a number of issues and considerations for Melksham that are relevant to this application. These include the opportunity for new growth to contribute towards regeneration of the town centre and the importance of any new development having strong walking and cycling linkages to the town centre.

Further it sets out that Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of the development strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. The identity of these separate communities will need to be preserved through the planning process. It details that development at Melksham should protect the historic environment and in particular should protect the historic setting of the Spa.

The emerging Wiltshire Housing Site Allocations Plan is considering a number of site options around the town. In this context, the proposal site is considered to be relatively well related to the town.

Material Considerations relevant to the principle of development - The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify and regularly update a supply of specific deliverable sites sufficient to provide 5.25 years' worth of housing land supply measured against the housing requirements of the housing market area identified in the WCS (a description normally abbreviated to 5 years supply). The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2 in relation to limits of development) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This was the position of the Planning Inspector who considered an appeal for up to 28 homes at Arms Farm, Sutton Benger.

Housing Land Supply has to be regularly assessed. The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA, and the current calculation is that the Council has a 4.76 years supply. This figure does not include the proposed site allocations in the Chippenham Site Allocations DPD. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date. As a result the presumption in favour of sustainable development as set out at Paragraph 14 of the Framework is engaged so that permission should be granted

unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It is noted that the Council's spatial planning officers acknowledge this context and advise that a balancing exercise is required in the assessment of applications having regard to the economic, social and environmental dimensions of sustainable development. Even when there is not a five year land supply and policies relevant to the supply of housing are out of date this does not mean that no or limited weight should be attached to policies.

It is acknowledged that recent planning approvals and commitments in the Melksham Community area mean that the indicative housing requirements for Melksham (up to 2026) have been met. However it is important to consider that housing supply, consistent with the NPPF, is assessed at the housing market area – where, as set out previously, the Council cannot currently demonstrate an adequate supply of housing. The Core Strategy seeks to distribute the delivery of housing within the housing market area to each community area. However the levels of housing growth within each community area are indicative requirements. They are not a cap. In this context and given the scale of development proposed, it is not considered that the existing permissions and commitments to housing delivery within the Melksham Community Area can itself be a reasonable reason to object to the proposals in the context of the Council currently being unable to demonstrate a 5 year supply of land for housing in the north and west Wiltshire housing market area.

This proposal also sets out the provision of a 1FE primary school. There is currently an acknowledged lack of capacity within the existing primary schools in Melksham and feasibility studies of the school sites has identified no further capacity for expansion at these sites. The new Sandridge primary school at land east of Melksham, due to other development proposals is predicted to be at capacity shortly and the site has capacity for only a 0.5FE expansion which is being provided by the 450 dwelling scheme at land east of The Spa and which will itself fill an expanded school. Therefore this proposal to include a primary school offer is a positive addition to the mix of this scheme as it would help to address primary school infrastructure issues at Melksham.

In the context of currently proposed mix of development to include land for an education facility in a sustainable location where new housing is being provided and a lack of demonstrable housing land supply within the housing market area, the conclusion that can be drawn from this analysis is that the principle of the development of this site for up to 235 dwellings must be considered against the environmental, economic and social dimensions of

sustainable development. In such an assessment the scheme should be deemed acceptable unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, (such as have been identified in the refusal of the application for 263 houses on land opposite Shurnhold, a decision that has gone to appeal and the Inspector's findings remain pending). Whilst this site would deliver housing over and above the identified housing requirement for Melksham; it would also deliver land for primary and nursery, and proportionate contributions towards a 1FE primary school expansion with the potential for a further full form entry expansion in the future (subject to time restrictions and demonstrable need). These are two principle factors in any balanced judgement. The remainder of the report addresses the relevant issues relating to this proposal that contribute to any balanced judgement.

9.2 Highway matters

Access is a reserved matter in this application. The proposal indicates the creation of vehicular accesses to the western and eastern parcels of the site from Pathfinder Way, both with right hand turn lanes. The proposal would permanently block up the existing agricultural access points onto Pathfinder Way and the A365. It would be necessary to secure any associated off-site highway works through a legal agreement. Such works are relatively limited and include capacity improvements to the Pathfinder Way and Spa Road arms of the two arms of the A365/Pathfinder Way/Spa Road roundabout.

The proposal would provide enhanced crossing facilities to Pathfinder Way and the A365 with 5 toucan crossings. The proposals would provide a contribution of circa £120,000 to pedestrian and cycle link improvements between Western Way and Windsor Avenue / Burnett Close. The proposals would provide a pedestrian route between the existing crossing on Spa Road and the proposed crossing on Western Way. These obligations upon the developer would help to improve links between the development and Melksham to enhance sustainable travel choices.

The proposal would also provide a bus stop facility to Pathfinder Way, a continuous footway on the western side of Pathfinder Way and a pedestrian refuge on Pathfinder Way. Additionally the proposals require traffic regulation orders to reduce the speed limit on Pathfinder Way to 30mph and extend the existing 40mph speed limit on Western Way to a short distance beyond the proposed toucan crossing. It would be necessary to secure all these highway obligations through a legal agreement and all of these obligations have been agreed in principle by the developer.

The amount of parking would be assessed in any detailed reserved matters application(s).

The Council's highway officer raises no objection to the proposals subject to conditions and the above summarised planning obligations. They note the submitted Transport Assessment and Residential Travel Plan within their expert advice prior to concluding that the proposals are acceptable in principle and would not result in any significant adverse impact in terms of safety and/or congestion given existing and projected junction capacities.

The application site is considered to be within reasonable walking and cycling distance of a number of community facilities, including education, employment and leisure facilities. The improvements set out above in these regards would help achieve an accessible development. In acknowledgement of the severance that is currently created by the A365 and Pathfinder Way significant pedestrian and cycling enhancements have been offered and negotiated as part of the proposals, including 5 toucan crossings. This would reduce the severance created by the existing highway network without any significant impact on the reasonable flow of traffic on these routes and allow the proximity of such services to be accessed in a safe and convenient manner.

It is noted that the site is served by public transport and is within walking and cycling distance of alternative public transport provision from Melksham Town Centre. It is likely though that despite the relatively accessible location and opportunities, both existing and planned, that there will be a degree of reliance on the private car. It is therefore important within any reserved matters application that any scheme complies with the minimum residential parking standards. This can be secured through any reserved matters application(s). With this in mind the highway officer's conclusion that the proposals are of a scale and nature so as to not cause any capacity issues to the existing junctions now or based on future projections is considered to be of some significance in the assessment of this application.

It is therefore concluded that there are no overriding objections on highway grounds, assuming the necessary obligations were forthcoming in any legal agreement and the details adequately secured through conditions.

9.3 Landscape and visual impact

The key elements of this have already been examined in the section on the principle of development in 9.1 above. The application site is located on the remaining agricultural land that separates the settlements of Melksham and Bowerhill. The Core Strategy states that

“The identity of these separate communities (i.e. Melksham and Bowerhill) will need to be preserved through the planning process” and whilst Bowerhill has “strong functional links to Melksham”, “important individual characteristics....should be protected, where practicable”.

The loss of the agricultural land to development proposed here is therefore an area of significant concern as the proposal would jeopardise the individual identity of the two settlements. Melksham Without Parish Council have raised this as a significant issue stating *“this is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements.”*

In effect the agricultural land use between the two settlements has been preserved by the local plan policy of having defined settlement policy limits and a policy of no housing development outside of such limits except in exceptional circumstances. Further the previous local plan allocated part of the land for future recreation use, although this was never realised and the policy was not saved within the current iteration of the development plan. Given the significant recreation offer to the east of the town and the north of The Spa there is no requirement for any strategic level of recreation space at the application site beyond that created by the development. The development generates a need for some 0.86 hectares (8624sqm) of public open space. This proposal has indicatively set out all of its public open space provision and drainage provision within the northern areas of the two parcels of land. This can be taken as a strategic approach in order to try and address the policy requirement to retain the separate identities of Melksham and Bowerhill, separate the development from the noise of Western Way and to address the current juxtaposition at the edge of Bowerhill where the rear elevations of buildings addresses the agricultural land which is the current approach to Bowerhill on Pathfinder Way.

The agricultural use of the land is not one that is sacrosanct given the planning policy history. Indeed the land is Grade 3b agricultural land and so not the best and most versatile agricultural land that is given higher protection by the NPPF. It is within this context that the visual impact needs to be considered. It is therefore asserted that the loss of any remaining agricultural land by itself is not therefore necessarily the issue; rather it is the relationship between Melksham and Bowerhill.

The Council's landscape officer has provided no objection to the proposals stating:

“There will be a change in landscape character from rural fields to urban development resulting in a perceived coalescence with Melksham. The LVIA acknowledges the loss of

openness and any likely landscape and visual effects described in the report are not significantly adverse to warrant a landscape objection.

The masterplan has included indicative woodland planting which will reduce the existing harsh urban edge and provide GI (green infrastructure) connectivity around the site. Due to the nature of the topography of the clay vale and proximity to existing urban centres the proposal will not have much influence on the surrounding landscape once the mitigation is in place.”

The landscape officer constructively suggests that, possibly part of any landscaping, public art or design strategy should include a ‘gateway feature’ to reinforce the separate identity of Bowerhill and that the northern green buffer should be entirely contained within areas of public open space to ensure longevity. It is considered that this can be achieved through the necessary legal agreements, planning conditions and any reserved matters application(s).

In summary, there would clearly be a change to the landscape (which includes the town and country at this point) as a consequence of the development proposals. However it is considered that whilst bringing the built form of Bowerhill towards Melksham, as indicatively detailed within the masterplan, would erode the sense of openness and physical separation; this also presents an urban design opportunity to enhance the character and appearance at this point and in doing so retain the separate identities of the two settlements and enhance the identity of Bowerhill in particular. This is clearly a challenge, but in principle it is considered that it may be achieved. The northern edge of Bowerhill currently turns its back to the agricultural land, Western Way and Melksham beyond and offers very little by way of character and may be perceived negatively. Any development proposal would need to establish, through details of landscaping, scale and layout how the identity of Bowerhill can be enhanced and the separate identities of the settlements retained. The masterplan and design and access statement illustrate a potential starting point for further negotiation that can only reasonably be considered within any reserved matters application(s).

At this stage, based on the information available it is assessed that, in principle, the proposal would preserve *“the identity of these separate communities (i.e. Melksham and Bowerhill)”* and *“important individual characteristics....should be protected, where practicable”*. Indeed there is opportunity to enhance the individual characteristics of Bowerhill.

Core Policy 51 of the development plan sets out the Council’s approach to considering development impacts on the landscape. It sets out that *“development should protect,*

conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.”

The landscape at this point is not subject to any special designations. It is not designated as an AONB of national significance, or indeed the lower designation of a special landscape area of county-wide significance. The site is agricultural land on the periphery of two settlements. In the case of the eastern parcel it is surrounded by the built form and highways. In the case of the western parcel it only adjoins other open land on approximately half its western boundary. The land is open with no features save for the landscape features on its peripheries and Pathfinder Way. Whilst landscaping remains a reserved matter, the indicative details illustrate that the existing landscape features would be retained as far as practically possible and enhanced by additional planting as appropriate. As such, save for the loss of openness it is assessed that the landscape character would be preserved and enhanced and additional strategic planting may mitigate any landscape impact as far as possible.

For the reasons set out above it is considered that the locally distinctive character and separate identities of Melksham and Bowerhill and their landscape settings can be maintained and enhanced through a sensitive approach to design and landscaping. Further important views of the Spa Buildings and the visual amenity of the area can be maintained and the submitted design and access statements outlines a strategy to achieve this by limiting the height of development in proximity to such heritage assets.

In summary this is an outline application and so the full details of the proposal are not yet known. However in principle it is considered that the proposal would be in accordance with CP51 of the development plan and reserved matters may adequately control the final details to ensure that any negative impact is minimised and opportunities for enhancement in terms of landscaping and urban design are realised.

9.4 Heritage assets

To the north east of the application site are a number of important historic buildings located at The Spa. These are Grade II listed buildings. The Parish Council has stated that *“the open aspect across the rural buffer land is an essential part of the setting of the historic Melksham Spa and must be protected from development.”* They have requested that Historic England therefore be consulted on the proposals. However it is important to understand that the listed

buildings are Grade II listed and therefore below the status where it is a statutory requirement to consult with Historic England on the potential impact to their setting. Furthermore Historic England does not have the resource capacity to comment on applications that affect the setting of lower grade buildings (there are over 330,000 grade II listed buildings).

The Core Strategy sets out as a specific objective within the plan period that *“development at Melksham should protect the historic environment and in particular should protect the historic setting of the Spa”*. The buildings on the Spa are severed from the application site by the A365, a landscape buffer and then the access road to The Spa itself. The buildings are also set well back from the front of their residential curtilages and are some distance from the application site. Whilst the application site remains in agricultural use and as such is reflective of the land use that would have been occurring when the Spa buildings were constructed, it is not considered that the erosion of this rural scene as a result of the development proposals would significantly affect the setting of the listed buildings given the distances involved, the presence of roads and landscaping, which significantly sever any relationship between the buildings on The Spa and the application site. Any impact could be mitigated through the detailed design and landscaping of the development site.

Moreover the significance of the buildings' setting to the significance of the heritage assets needs to be considered. The applicant's heritage statement succinctly sets this out and concludes reasonably that there would be a *“slight loss in the significance”* of the 4-storey Spa buildings but within the meaning of the NPPF this would be *“less than substantial harm”*.

To the south is the Grade II listed Bowerhill farmhouse which would originally have been surrounded by open farmland; however as the applicant's heritage statement details it is now on the periphery of Bowerhill village and enclosed by residential housing, albeit some of it is converted or rebuilt rural style housing. This proposal would obviate the last remaining connection of the listed building to farmland and this is regrettable. However given the existing context, that the listed building is surrounded by residential development already and its connection to farm land is no longer evident then it is not assessed that any significant harm would occur. Any harm would be at the lower end of less than substantial harm. The applicant's heritage statement also picks up on the curtilage listed outbuilding and reasonably concludes that this would not be significantly harmed as a buffer area will be retained adjacent to this which will *“retain a sense of openness”* for what has to be acknowledged as a curtilage listed asset only and therefore of less significance.

Core Policy CP58 states that development should protect, conserve and where possible enhance the historic environment. There is no balancing exercise implicit within this policy, but it does have to be balanced against the objectives of other relevant policies within the Core Strategy, including the need to provide for housing in sustainable locations.

Finally it is noted that there is a Grade II* listed building (Woolmore Manor) further along Bath Road to the south, but it is not assessed to relate well to the application site and its setting would clearly not be affected.

In terms of the impact on the setting of the Grade II listed buildings at The Spa and Bowerhill Farm it is noted that the proposals detail the use of lower profile dwellings within the environs of them. This area has been dubbed as the *'neighbourhood edge'* within the submitted design and access statement and indicatively been detailed as suitable for up to 1.5 storey development. Lower profile and lower density development at these points would help mitigate any impacts and can be secured through any reserved matters application(s).

The NPPF sets out at paragraph 134 that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...."

In this instance it is considered that there would be less than substantial harm to the settings of the grade II listed buildings and curtilage listed buildings at The Spa and Bowerhill Farm through the loss of agricultural activity and associated openness. However the degree of harm to the significance of the heritage assets is considered to be at the lower end of less than substantial and entirely limited to impact on the settings. The public benefits of the proposal relate to the provision of further housing to meet the identified housing requirements of the settlement within the plan period and beyond in a sustainable manner; and to help address the current lack of demonstrable housing land supply within the north and west Wiltshire housing market area. Further towards this overall objective the proposals would provide land and contribution towards at least a 1FE primary school with nursery facility which would provide pre-school and primary education capacity in the area and infrastructure and flexibility for further housing supply elsewhere as necessary. These public benefits are considered to clearly outweigh any limited harm to the settings of the identified heritage assets.

The Council's Conservation Officer has been consulted on this application. The above assessment on the heritage impacts is consistent with his conclusions that the proposals would lead to less than substantial harm to the setting of Grade II listed heritage assets. In light of their expert advice and having had the benefit of on-site inspection and consideration of the proposals it is assessed that there would be no impact or harm on the setting of any Grade II* listed assets.

Archaeological investigations have been carried out and found evidence of medieval activity in the north west of the site. Further investigations are required; however the Council archaeology officer has advised that this can be controlled by condition. This is a proportionate approach in line with the NPPF.

The fact that there would be some limited harm to the setting of listed buildings has to be given weight, in terms of the statutory protection afforded to the setting of listed buildings, and this is addressed in the planning balance in section 10.

9.5 Residential amenity and Noise

Melksham Without Parish Council raises concern in regards to amenity issues and the proximity of new residential development to the existing employment allocations. They set out that some of the houses would back onto the Bowerhill Industrial Estate including a garage, a container storage facility, a brewery and a soft play and trampoline centre which is known to operate in the evening with amplified music. This poses some concern in that this could impact on the reasonable amenities of any future residents of the new housing.

At this stage the layout of the site is merely indicative but in order to achieve the general housing numbers of up to 235 homes and to retain the northern landscape buffer then it is inevitable that residential development would occur on the field to the west of Pathfinder Way and in relatively close proximity to the employment and leisure land uses that are well established.

Furthermore there is the potential impact to the entire development site of noise from the local highway network which includes the busy A365 and Pathfinder Way roads.

The application has therefore been submitted with an acoustic survey which details mitigation is required in order to mitigate the potential impact for future occupiers from these noise generating activities. Based on the indicative layout and their noise survey work, a 3.5

metre high acoustic boundary such as bunding and/or fencing would be required along the site boundary with the established employment area. This would be circa 135 metres in length. This is clearly symptomatic of the difficulties of siting noise sensitive uses (such as residential property) adjacent to many noise generating uses typical of an industrial estate. Further a 4 metre high acoustic boundary such as bunding and/or fencing would be required along the northern boundary of the western section of the site to attenuate noise impacts to the school's external education/play spaces.

Whilst it may be possible to produce a detailed layout at reserved matters stage that addresses this issue, the fact that it has to be addressed at all raises concerns as to whether this is an appropriate site for meeting the housing and education needs, or whether other sites may be capable of coming forward that would not have this constraint and are more sustainable overall. In this context, and where the Council is unable to demonstrate a adequate supply of housing within the market area; and where the developer is able to demonstrate mitigation to address any harm then, subject to appropriate conditions to secure satisfactory mitigation, it can only be reasonably concluded that the concern in terms of noise is not reasonable grounds for refusal.

Due to the application being in outline, the detailed impact of the proposed development upon existing neighbouring properties in terms of overlooking and overshadowing cannot be fully assessed as the location of dwellings including heights and location of windows are yet to be determined. However, it is clear that the development of this site can in principle take place without any unacceptable impacts upon the amenity of existing neighbouring properties. The detailed layout and elevation treatment of buildings to ensure amenity is adequately protected is a matter properly subject to approval at reserved matters stage. At that stage there would be full public engagement in the interests of fairness. Those views would then be considered as part of any full assessment of such matters.

9.6 Ecology

The main ecological issues have been identified as being habitat connectivity; landscaping and habitat creation; hedgerow and tree protection; lighting; habitat management; reptiles; great crested newts, breeding birds, badgers and ecological enhancements.

The Council's ecologist has been consulted on the application. They initially raised a holding objection to the proposals subject to updated survey work being carried out. This has been done and in light of the additional submissions they raise no objection to the application.

The proposals illustrate that habitat connectivity would be retained around the periphery of the site, particularly across the northern edge of the development with a large area of public open space, and the south-western and north-eastern boundaries. The south-eastern hedgerow / tree line would also be retained (and enhanced). Avenues of street trees are also indicated on the masterplan, which would provide permeability through the site for wildlife and additional habitat.

The Council's ecologist highlights that *"a significant amount of new landscaping and habitat creation would take place as part of the proposed development, particularly along the northern boundary on either side of Pathfinder Way, the southwestern boundary and the north-eastern boundary. This is mainly in the form of "woodland buffer planting" (as referred to on the indicative masterplan) and attenuation features within the northern area of Public Open Space."*

The construction of the new school and the landscaping of the school grounds offer an opportunity for biodiversity enhancement that would provide a stimulating and attractive environment for the pupils.

Conditions to secure Landscape and Ecological Management Plans and Construction and Ecological Management Plans can be utilised in order to secure habitat connectivity, creation and landscaping. Further conditions can secure the protection of existing important landscape features and trees as far as practically possible and also help to protect reptiles, newts, nesting birds and badgers during the construction phase and also in the long term post development. Any LEMP may also secure details of enhancement provision for nesting birds and roosting bats integral to the built form.

Principally in the interests of ecology, but also in the interests of the amenity of the area and avoiding light pollution a detailed light mitigation strategy ought to be conditioned as this would in amongst other things ensure continued suitability for foraging/commuting bats and badgers through the site.

The updated survey for great crested newts found evidence to suggest that great crested newts may be present in the pond to the south of the application site but not in the ponds to the west of the site near the A350. On balance the expert ecology advice was that no further information is required. This is because there would be no direct impact to the ponds or surrounding suitable terrestrial habitat within 250m of the ponds, nor would there be the loss of suitable terrestrial habitat within 500m of the pond, as hedgerows are being retained. In

this instance an informative on great crested newts regarding the protection afforded to them and what to do if they are found during site clearance/construction should be utilised only.

In light of the ecological submissions and the expert advice received from the Council's ecologist then this is not an area for significant planning concern and can be adequately addressed by conditions and informatives.

9.7 Flooding and drainage

The application site is located in flood zone 1 in regards to fluvial flooding, the lowest level of flood risk. It is known that the site does have areas of surface water flooding though and as the site is over 1 hectare a flood risk assessment has been submitted. The Environment Agency have been consulted on the application and considered the flood risk assessment provided. They have raised no objection subject to a number of conditions including a suitable sustainable surface water drainage strategy being provided prior to commencement of works.

It has been confirmed by Wessex Water that there is limited capacity in the foul sewers in the locality and whilst a provisional strategy has been set out within the submitted flood risk assessment this has not been formally agreed and so a condition is required to control issues of foul drainage.

In terms of surface water drainage it is considered to be a Council issue as the Council is the Lead Local Flood Authority and the Council's drainage officer's view is therefore of significance. The Council's drainage officer initially raised a holding objection as the attenuation areas did not appear to be adequately sized to accommodate existing surface water flooding and the surface water flows from the development based on the indicative masterplan. In light of this revised drainage and masterplan submissions have been made and the drainage officer has in light of this information removed his objection.

The submitted June 2016 drainage strategy indicates two attenuation areas to the northern sections of each parcel of land. This sets out that the eastern parcel of land would have a 1.2 metre deep pond that would in a 1:100 year plus climate change event be 874mm deep. The outfall would need to be agreed with Wessex Water. This area was also proposed for an equipped play area; however that has been altered through further negotiation and would form an area of informal play only as typical on any area of green and blue infrastructure. This sets out that the eastern parcel of land would have a 1.3 metre deep pond that would in

a 1:100 year plus climate change event be 1043mm deep. The outfall would also need to be agreed with Wessex Water.

The indicative masterplan illustrates that these areas can be achieved, and the indicative cross sections show that this can be provided without a harsh urban form and have the potential to be designed with a multi-functional role for the benefit of drainage principally, but also ecological enhancement and recreation at low return period storm events. Furthermore this strategy is only indicative and other solutions can be explored in liaison with the council and other stakeholders as the detailed design is formulated through any reserved matters process.

In summary there are no longer any objections from the relevant expert consultees subject to conditions. Wessex water raises no objection subject to a condition and is the statutory undertaker for foul waste flows. The indicative information has been sufficient to demonstrate that a solution may be found for surface water issues and indicates that there may be a number of alternative design approaches which merit further exploration as the detailed design is formulated. As such there is no significant concern in regards to drainage matters.

9.8 Infrastructure and planning obligations

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'*. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework.

The affordable housing and the infrastructure items listed below are those that are relevant to the application site, are directly related to and are required in order to mitigate the impact of the proposed scheme. At the time of writing the applicant has agreed to provide all the following requests.

Affordable housing: CP43 requires on sites of 5 or more dwellings, affordable housing of at least 30% will be provided and requires them to be subject to an appropriate legal agreement. The national picture is that schemes over 10 dwellings should contribute to identified local affordable housing needs.

Melksham Without Parish Council acknowledges that Melksham “*needs additional affordable family housing for local people*”. This proposal has been submitted with a developer offering a fully policy compliant 30% affordable housing in their submission. Based on the scheme delivering 235 dwellings this would equate to 71 affordable housing units being provided to serve the local need. This and the type of tenure and mix of housing can be reasonably secured through a legal agreement. Housing colleagues raise no objection in principle, setting out a demonstrable need, seeking a split of affordable rent (60%) and intermediate housing (40%). Ideally the intermediate housing would be shared ownership. The affordable housing would be a mix of 1, 2, 3, and 4-bedroom property.

Pre-school education: The proposal has been submitted with an agreement that the developer would provide 1.4 hectares of land for the provision of a 1FE primary school with a nursery facility. In light of the commitment to a nursery facility on site pre-school/childcare colleagues raise no objection to the proposals. Indeed they set out that integrated Early Learning services to schools is considered to be the best means of providing such educational needs.

Primary education: As set out previously the proposal includes the provision of 1.4 hectares of land for a 1FE primary school facility (i.e. 210 places) with a nursery facility; and a further 0.6 hectares for an additional form entry expansion. The additional 0.6 hectares of land would be subject to detailed triggers which would have to be negotiated and detailed within any legal agreement so that if after a set period there is no demonstrable need for an expansion the land is returned to the developer for further housing (i.e. taking them up to potentially the full housing quantum set out in the application description of 235 dwellings. If the school expansion occurs then based on the average development density the development would result in circa 213 dwellings (64 affordable) only).

In addition to this land provision which would all be secured through a legal agreement, the developer has agreed to a commensurate planning obligation, which based on the provision of 235 dwellings across the site which generates a need for some 66 primary school places. The allocated primary school for this development is Bowerhill Primary School. This is full but there is some very limited capacity elsewhere within the vicinity. Therefore education colleagues seek contributions towards the places for which there is no known capacity. This equates to a requirement of some £662,181. The developer has agreed to this sum. It would be necessary to pool this sum with other developments in order to provide the school and nursery facility as this proposal alone does not generate a requirement for the whole 210 school places provided by a 1FE primary school.

Secondary education: The allocated secondary school for this development is Melksham Oak Senior School. Education colleagues have advised that, again based on a housing development of 235 dwellings that the proposals would result in a requirement for 47 school places. The developer has agreed to this.

Public open space: Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhance open spaces which will be included within the S106.

The proposal requires a public open space requirement of 3670m² of which 177m² is to be equipped play provision all of which should be secured in perpetuity. The Council's public open space officer raises no concern regarding the equipped space; but the wider space raises some concern to them as it appears to be largely orientated to drainage provision. The provision can be secured through a legal agreement and the detail of the open space (which will inevitably be multi-functional to a greater or lesser degree) needs to be agreed through the reserved matters application.

It is now policy for the public open space and play areas to either be adopted by town/parish Councils or by private management companies, rather than the Council. Thus, it is only necessary for the spaces to be secured as such in perpetuity and transfers to the Council with associated commuted sums are no longer relevant or necessary. The developer has agreed to provide the space in perpetuity and to have a legal agreement to secure this. They have agreed to allow for a flexible wording so as to allow the Parish Council to adopt the areas, which include the green infrastructure of drainage and ecology, if so desired.

Highways: As set out in section 9.2 above there are a number of off-site highway works and improvements to pedestrian and cycling facilities required in order to make the development acceptable in planning terms by providing reasonable links and making the site safe and conveniently accessible by a range of different modes of travel other than the private car. These need to be secured through a legal agreement and the measures have been agreed with the developer.

Waste provision: The Council are preparing a supplementary planning document in relation to waste provision within development and it is at a stage where it may be afforded some weight. This sets out that developers need to contribute as appropriate to the provision of bins to serve future occupiers of the development. Whilst the exact need cannot be anticipated until the detailed housing number and mix is established at reserved matters, based on 235 dwellings – all with their own provision at a cost of £91 per unit – the proposal generates a requirement for a commuted sum of £21,385. The developer has agreed to this sum.

In addition the development would be liable for CiL contributions (although affordable housing could expect to be exempted) and further financial benefit to the Council would result from the New Homes Bonus.

The planning obligations listed below are those that are, based on all available information, not relevant to the application site; and/or are not directly related to; and/or are not required in order to mitigate the impact of the proposed scheme:

GP Surgeries: Melksham Without Parish Council has stated that they have “*serious concerns, and supports residents’ views, over the impact that 235 houses will have on the already overstretched GP surgeries in Melksham.*” It is noted that NHS England have set out that this proposals could generate an addition 541 patients and all 3 existing surgeries within the area have capacity issues of “*one sort or another*”. They set out that one surgery is *considering* an extension, another is *considering* rationalising its facilities and the third has *plans* for a new surgery. There are no known firm projects. NHS seeks a commuted sum of £119,119 as a “*contribution to improve surgeries in the locality at NHSE’s and the CCGs discretion*”, based on a development of 235 dwellings.

It is noted, having regard to the Planning Obligations SPD that the patient generation from the development of 541 is likely to be equivalent to circa 0.3 of a f/t GP (One GP to 1750 patients) and far below the 7000 patient threshold that is required to require a new surgery.

Based on the information received and adopted planning policy, whilst it appears that there is anecdotal evidence of capacity issues and this proposal would result in further patients, there is no known specific project to which any commuted sum may contribute and the need generated is relatively modest. On this basis the commuted sum requested cannot be reasonably pursued.

Public art: The Council's arts officer has requested a commuted sum of some £70,500. Whilst the West Wiltshire District Plan 'saved' policy I2 does detail that public art should form part of development schemes it does not expressly require planning obligations and details a flexible manner in which art can be incorporated into a scheme including through landscaping and buildings features. It is considered that an artist objective could reasonably be achieved and incorporated into the development in a multitude of ways and any future reserved matters e.g. external appearance or landscaping could incorporate a form of public art. As such this does not form a significant area of planning concern and a commuted sum is not being pursued.

Air quality: The application site is not within an air quality management area; however it is acknowledged that the development is likely to result in additional vehicular movements and consequent impacts on local air quality. In light of this air quality officers seek a proportionate commuted sum of £1,330.10 towards "*air quality work*". Given that this is not an area where air quality is an acknowledged significant issue; the use of the private car can be minimised and mitigated to a degree through the highway measures previously set out, travel plans and additional planting; and that there is no specific project for the monies then it is not considered that such a sum may be reasonably pursued.

9.9 Other material considerations

Waste: The application has been submitted with a waste audit in accordance with the adopted Wiltshire and Swindon Waste Core Strategy requirements at policy WCS6. The information provided is sufficient in terms of the requirements of policy WCS6 of the Waste Core Strategy and on this basis, waste does not form an area for significant planning concern.

Loss of agricultural land: Melksham Without Parish Council has stated that both pieces of land are productive, agricultural land where the farmers grow crops. There should be no house building on agricultural land." Whilst the site is agricultural land, based on information from Natural England it is Grade 3b and therefore not considered to be the best and most versatile agricultural land. As such the loss of the land from agriculture is not a significant concern in NPPF terms.

Sustainable construction: CP41 of the Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities

(for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure all new homes to reach an equivalent energy performance level the same as Code Level 4 (in full) of the Code for Sustainable Homes.

Public art: - The Public Art Officer has stated that they would expect the applicant to integrate public art into the site which would be in line with Policy I2 of the WWDLP and is also referenced in CP3 and CP57. A condition requiring the applicant to submit a public art plan as part of the reserved matters application would be appropriate.

Public consultation: The objections and concerns of local residents and the Parish Council have been given careful consideration. However it is not considered that any planning matters have been raised to alter the above assessment given on the key planning considerations at this outline stage.

10. Conclusion (The Planning Balance)

The proposal is not in accordance with the development plan, in that it lies outside of the limits of development of Melksham and Bowerhill, and has not been brought forward through the plan led process outlined in policy CP2. However, this has to be set against other material considerations that are relevant at this point in time. In this regard, Melksham is a market town identified for sustainable growth in the Core Strategy (Core Policy 1) and the Council is currently unable to demonstrate a 5 year supply of land within the north and west housing market area. Whilst the location for such a level of development would normally be identified through a plan-led process, the Wiltshire Sites Allocation Plan and the Melksham Neighbourhood Plan are under preparation and have not yet reached an advanced stage where significant weight can be afforded to them.

More pertinently, the Inspector decisions in December on the Arms Farm appeal and in March at Bradford on Avon concluded that for the reasons set out above, CP2 could not be relied upon by itself as a defensible housing policy due to the current lack of a 5 year housing land supply in the North and West Housing Market Area, which includes Melksham. As this report demonstrates, unlike Arms Farm and the Shurnhold applications, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this

particular development can offer in this location, which forms a logical extension to the town and offers land for the provision of a primary school facility with nursery facility.

Melksham is regarded as a sustainable settlement in the Wiltshire Core Strategy and is identified for sustainable growth – including affordable housing, providing increased housing supply, infrastructure improvements, land for pre-school and primary education needs and the financial benefits of the Community Infrastructure Levy.

As set out in detail above it is considered that the accessibility of the site, subject to a significant raft of highway improvements to be secured through legal agreements and conditions and focusing largely on improvements to pedestrian and cycling facilities, is good.

The perceived issues of coalescence and landscaped impacts from development between Bowerhill and Melksham has to be set in the context of this being an isolated piece of agricultural land that is not the best and most versatile and is not designated for its landscape character. It is acknowledged that the proposals would result in a loss of openness and to this end its character would be affected. It is also acknowledged that this would have an impact on the setting of a number of Grade II listed heritage assets. However the harm is considered to be low in landscape terms and less than substantial in heritage terms. Furthermore the impact can be mitigated to some degree through careful detailed design and landscape work which has been set out in principle terms within the submitted design and access statement. In terms of the heritage impacts it is considered that there are public benefits, through the provision of education and housing growth, to outweigh any identified harm. Furthermore in terms of settlement character it is considered that the indicative northern buffer of Green Infrastructure would allow the two settlements to retain their separate identity and also provide a clear opportunity for enhancement to this gateway to Bowerhill. This can be secured through any reserved matters application(s).

There is some concern in terms of drainage impact and ecology impacts however as set out above it is concluded by the relevant stakeholders that any concerns may be addressed through conditions and the submissions made indicate that issues are not insurmountable and any development need not result in any planning harm.

In terms of residential amenity it is considered that the assessment of the impact on existing residents is a matter for any reserved matters application(s). In terms of future occupiers/users to the development the submitted information sets out mitigation that would be likely to be necessary based on the indicative submissions. Such mitigation may be

reasonably provided as part of a detailed landscaping scheme and poses no significant concern, although the detail again is a matter for any future reserved matters application(s).

In terms of highway impacts it is considered that the proposals may be fully mitigated with a raft of measures to be secured through planning obligations and conditions so as to result in no planning harm.

In short it is assessed that the proposals do not accord with CP2 of the development plan in that the development is located outside of the defined development areas for Melksham and Bowerhill. However the weight that may be attached to this is reduced in light of the Council's lack of demonstrable 5 year housing land supply. It is considered that the proposals would result in some limited harm to the landscape and less than substantial harm to heritage assets. Any other potential impacts can reasonably be controlled through planning conditions to avoid any adverse impacts.

The acknowledged conflict with policy needs to be set in context that this proposal would delivery required housing growth and land for a required education facility and that this contributes significantly to sustainable development objectives. The proposals would provide the potential for improvements to the public realm and ecology. The proposals would result in economic benefits through the New Homes Bonus, CIL and the various planning obligations, as well as through the construction process.

On balance it is considered that the proposals, having regard to the economic, social and environmental dimensions of sustainability would result in a sustainable development as any acknowledged conflict with policy, in the context of no demonstrable 5 year supply of housing would not significantly or demonstrably outweigh the benefits of granting planning permission.

RECOMMENDATION

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement covering the areas outlined below in the Heads of Terms, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable

Housing; waste; highway works ; education provision and open space and is therefore contrary to the policies of the Wiltshire Core Strategy adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

Heads of Terms for Section 106 legal agreement to secure the following:

- 30% affordable housing;
- Provision of 1.4 hectares of land for a 1FE primary school and nursery facility;
- Conditional provision of a further 0.6 hectares of land for a 1FE expansion to the above;
- Commuted sum of towards construction of 1FE primary school;
- Commuted sum of towards expansion project at Melksham Oak Secondary School;
- Commuted sum of £120,000 towards pedestrian and cycle improvements;
- Payments for legal orders related to cycleways, and 2 traffic regulation orders regarding speed restrictions;
- Off site highways works to include 5 toucan crossings, capacity improvements to north and south arms of The Spa roundabout, and provision of a footway linking Spa Road and Western Way;
- Provision of at least 8624sqm of public open space of which 415sqm to be equipped play to and the setting up of a management company to maintain the space or transfer to Melksham Without Parish Council; and
- Commuted sum of £21,385 towards bin provision.

Conditions

1.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2.

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;

- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3.

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

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

drwg: M.0347_03A - Site Location Plan received on 4 February 2016

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

5.

No more than 213 dwellings shall be erected on the site, unless the 0.6 hectares of land allocated for a single form entry expansion to the hereby approved 1 form entry primary school and nursery facility is also developed for housing; in which case no more than 235 dwellings shall be erected on the site.

REASON: To define the terms of the permission.

6.

There shall be no development of 3-storeys or greater. To the southern boundary on the eastern parcel of land adjoining existing housing, development shall be garden to garden.

REASON: In the interests of the character and appearance of the area and residential amenity.

7.

There must be no new buildings, structures (including gates, walls, fences or other means of enclosure) or raised ground levels within 5 metres of the top of any bank (or edge of culvert) of the watercourse(s) fronting or crossing the site.

REASON: To maintain an appropriate access to the watercourse for maintenance and/or possible future improvements.

8.

No development shall commence on site until a programme of phasing for the development (including off-site highway improvement works) in the context of an up to date masterplan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission.

9.

No development (above ground level) shall commence on each phase until the details of the materials to be used for the external walls and roofs (including samples) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

10.

No development shall commence on the residential phase(s) until a scheme of hard and soft landscaping for the application site (except the school) have 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;
- * finished levels and contours;
- * means of enclosure and boundary treatments;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- * arboricultural method statement;

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

11.

No development shall commence on the school and nursery phase(s) until a scheme of hard and soft landscaping for that phase of the development 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;
- * finished levels and contours;
- * means of enclosure and boundary treatments;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

* arboricultural method statement;

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

12.

All soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with a detailed phasing scheme. 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.

13.

No development shall commence until a foul water drainage strategy and scheme, including details of phasing, is submitted to and approved in writing by the Local Planning Authority. The submission shall include appropriate arrangements for the agreed points of connection and the capacity improvements (including any works which may lie in third party land) required to serve the proposed development. The development shall be carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

14.

No development shall commence until a storm water drainage strategy and scheme, including details of phasing, is submitted to and approved in writing by the Local Planning

Authority. The submission shall include appropriate arrangements for the agreed points of connection and any capacity improvements (including any offsite works) to the downstream system (including any works which may lie in third party land). The development shall be carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that proper provision is made for storm drainage of the site and that the development does not increase the risk of flooding to downstream property/catchment.

15.

No development shall commence on the residential and education developments respectively until schemes for water efficiency for each element have been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the agreed details.

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 and to prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

16.

The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

17.

No development shall commence on the school and nursery phase(s) until evidence that that phase of the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the "very good" BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme). No phase of the development shall be occupied until a final Certificate has been

issued certifying that the “very good” BREEAM standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved for that phase of the development.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

18.

The construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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 for the interests of public health and safety.

19.

No development shall commence within the area indicated (proposed development site) until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

20.

No development shall commence until a final noise mitigation strategy, including full scaled plans of any necessary features and any associated phasing plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use or occupied until the relevant mitigation has been provided to serve each

phase of the development. The approved mitigation shall be maintained in accordance with the approved details at all times thereafter.

REASON: To ensure the creation of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

21.

No external lighting shall be installed on site until plans, showing the type of light appliance, the height direction and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)" have been submitted to and approved in writing by the Local Planning Authority. The submission shall:

- a) Identify those areas/features on the whole site that are particularly sensitive for foraging/commuting bats;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles

The approved lighting shall be installed and shall be 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, to minimise unnecessary light spillage above and outside the development site and to protect wildlife interests.

22.

No development shall commence on each phase (including demolition, ground works, vegetation clearance) until a Construction Method Statement (CMP) for that phase has been submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;

- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment including from pollution; and
- i) hours of construction, including deliveries.

The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

23.

No development shall commence on each phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones' (where required);
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including detailed mitigation measures for badgers, breeding birds and reptiles (precautionary site clearance), and the protection of trees and hedgerows;
- d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);

- e) The times during construction when specialists ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a professional ecologist or the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

24.

No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species - this shall include a detailed specification for the attenuation features, ponds (permanent water features), hibernacula for amphibians, woodland planting, hedgerow reinforcement planting, bird boxes and bat boxes within dwellings and the new school, and the creation of a wildlife garden, forest school and/or orchard within the school grounds;

- b) Description and evaluation of features to be managed; including locations shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management, including access for hedgehogs into gardens;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures;
- j) Timeframe for reviewing the plan; and
- k) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/bodies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

25.

No residential unit shall be occupied until those parts of the Residential Travel Plan (by Peter Evans Partnership and dated January 2016) capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period of at least 2 years following occupation of the last residential unit.

REASON: In the interests of reducing the amount of private car movements to and from the development.

26.

The primary school shall not be brought into use until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from these results.

REASON: In the interests of road safety and in the interests of reducing the amount of private car movements to and from the development.

27.

Prior to occupation of the 20th dwelling two bus stops including shelters, perch seating and high access kerbs shall have been provided on Pathfinder Way in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of encouraging sustainable travel to and from the development.

28.

Prior to first occupation a pedestrian refuge shall have been provided on Pathfinder Way in association with the required toucan crossing of Pathfinder Way, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of encouraging sustainable travel to and from the development and highway safety.

29.

Prior to first occupation a 2 metre wide footway shall have been provided along the western side of Pathfinder Way over the entire frontage of the site.

REASON: In the interests of encouraging sustainable travel to and from the development and providing safe and convenient pedestrian access to the development.

30.

Prior to first occupation a lowered kerb informal pedestrian crossing of Pathfinder Way, including tactile paving shall have been provided at the A365 / Pathfinder Way roundabout splitter island, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of encouraging sustainable travel to and from the development and providing safe and convenient pedestrian access to the development.

31.

Prior to any development on the western side of Pathfinder Way part of the development, the existing field gate access to A365 Western Way shall have been properly and permanently closed to vehicles with the existing lowered kerbs replaced by high kerbs, and the grass verge reinstated.

REASON: In the interests of preventing inappropriate points of access to the development.

32.

Notwithstanding the details submitted, no development shall commence on each phase of the site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.

REASON: In the interests of highway safety.

33.

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and

surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: In the interests of highway safety.

34.

No dwelling hereby approved shall be occupied until a public art scheme for the site and a timetable for installation has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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 the proposal complies with the relevant public art policies.

INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

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

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

INFORMATIVE: The applicant is advised that the reserved matters application should include low-rise development to reflect the adjacent development to the south east, and be sympathetic to the heritage and fringe of urban context.

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 developer is advised, in accordance with the Dorset and Wiltshire Fire and Rescue Service advise to consider the use of sprinkler protection in all domestic properties and in particular any public buildings such as the hereby approved school and nursery facilities. Furthermore consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of the Dorset and Wiltshire Fire and Rescue Service on the location of fire hydrants.

INFORMATIVE: The developer is advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency and/or the Lead Local Flood Authority may be required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Bowerhill Watercourse, designated a 'main' river. The EA advise that a minimum 5 metre clear strip be provided to allow the riparian owner(s) responsible for the maintenance of the watercourse appropriate access to carry out routine maintenance and/or possible future improvement works. The need for any consent is over and above the need for planning consent. The applicant is advised to contact the Environment Agency on 01258 483421 for further information.

INFORMATIVE: The developer is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: The developer is advised that the council will only operate its refuse and recycling services on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

INFORMATIVE: The developer is advised that any archaeological work required by condition should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

INFORMATIVE: The developer is advised that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please visit the following websites for more information:

- <http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>
- <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

INFORMATIVE: The developer is advised that the Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

INFORMATIVE: The developer is advised that the Great crested newt is protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if great crested newts are

discovered, all works should stop immediately and a professional ecologist should be contacted for advice on any special precautions before continuing, as a derogation licence may be required from Natural England.

INFORMATIVE: The developer is advised that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution.

INFORMATIVE: The developer is advised that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or to destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Hedgerows, trees and woodland are present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.