

Date of Meeting	8 th April 2015
Application Number	15/00420/FUL
Site Address	68 Berryfield Park, Melksham, SN12 6EE
Proposal	Demolition of number 68 Berryfield Park to provide access to create 8 dwellings to the rear of 65 - 72 Berryfield Park
Applicant	Selwood Housing - Mr Mick Latham
Town/Parish Council	MELKSHAM WITHOUT
Ward	MELKSHAM WITHOUT SOUTH
Grid Ref	389826 162249
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called into Planning Committee for consideration by Roy While the local member.

1. Purpose of Report

To consider the recommendation that the application be approved.

2. Report Summary

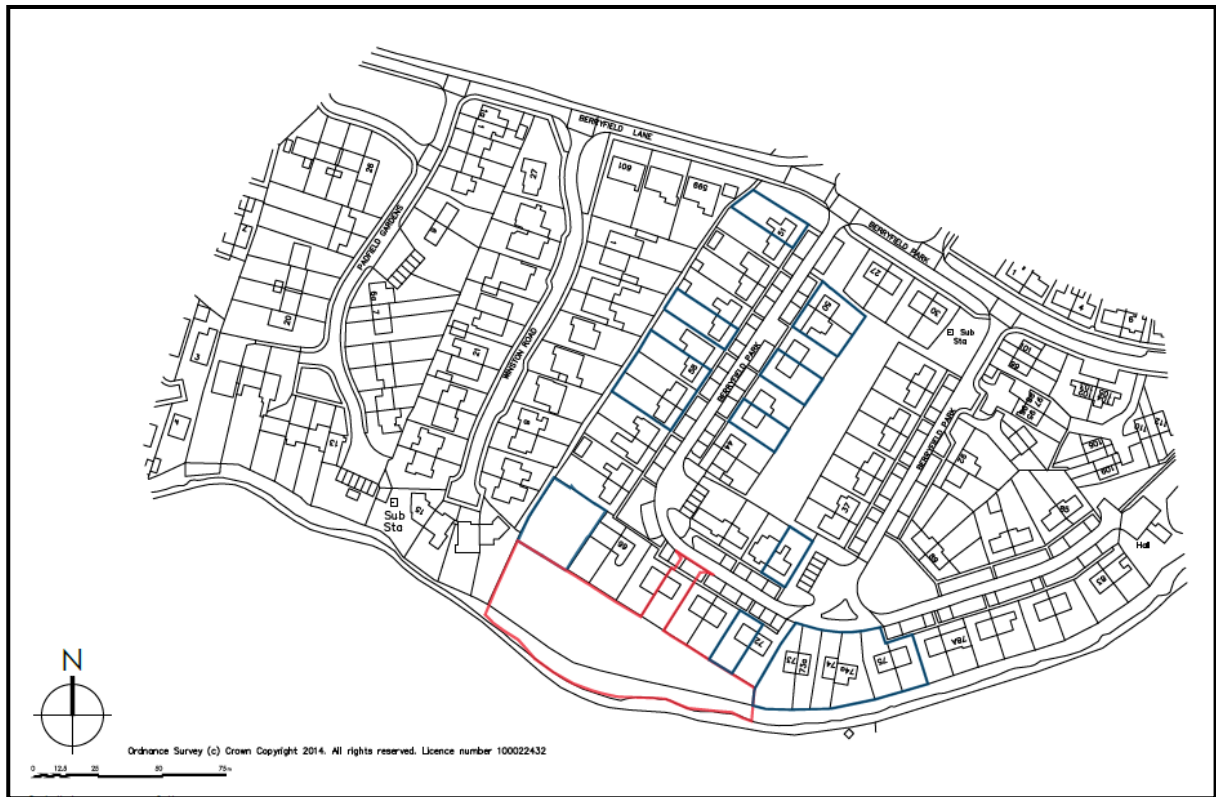
The main issue to consider is whether the proposal at this small village represents a sustainable form of development for which planning permission ought to be granted.

3. Site Description

The site is located on the edge of the built environment of Berryfield Park, on land informally used as recreation space. The application site is located on the southern extent of Berryfield, a settlement situated approximately 1.6km to the south of Melksham town centre. The site boundary to the north, east and west is formed by existing residential dwellings that front onto Berryfield Park and Winston Road. To the south the site is bordered by Berryfield Brook, beyond which the land is used for agricultural purposes. The site is generally with a shallow slope down to the brook to the south. Boundary features are a mixture of post and wire fencing, timber fencing and an element of small trees running along the brook.

The application site currently comprises of undeveloped green space and number 68 Berryfield Park, a semi-detached property. There is currently no vehicular access to the greenfield part of the application site from the highway however, number 68 Berryfield Park benefits from an off-road parking space accessed from the carriageway.

Under the West Wiltshire District Plan, Berryfield had a limit of development and the site was located within this. Berryfield is now identified as a small village within the adopted Wiltshire Core Strategy and no longer has a limit of development, so the proposed development now falls outside of any limits of development (LOD).



Site Location Plan - The site is identified in the red outline, the land outlined in blue are other properties within the vicinity in the applicant's ownership.



4. The Proposal

The application is for the demolition of number 68 Berryfield Park to provide access to create 8 new dwellings to the rear of 65 - 72 Berryfield Park. The proposed units would be:

- 4 no. one-bedroom dwellings;
- 2 no. two-bedroom dwellings; and,
- 2 no. three bedroom dwellings.

The proposed development would create on face value three sets of semi-detached properties; however plots 1 to 4 would be made up of four 1 bedroom flats, two at ground floor and two at first floor.

In order to provide access to the site, no. 68 Berryfield Park would be demolished. It is proposed to construct a new priority junction on the southern side of Berryfield Park where the access road would form the minor arm. This arm would continue into the site and would lead to a proposed parking area for residents of and visitors to the proposed development.



Site Layout Plan

5. Local Planning Policy

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. Core Policy 2 states that development outside of LODs will only be permitted where it is infill within the existing built-up area of a small village, or where it has either been identified through (i) community led planning documents including neighbourhood plans, or (ii) a subsequent development plan document which identifies specific sites for development, or (iii) whether it falls within one of the 'exception policies' listed in paragraph 4.25. These 'exception policies' include Core Policy 44 – Rural exceptions sites, which allows for the granting of planning permission for small scale residential developments of affordable housing sites of 10 units or less on sites adjoining, within or well related to existing settlements.

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. Berryfield is considered separately and is identified as a small village. However, it is recognised that both Berryfield and Bowerhill have strong functional links to Melksham and have important individual characteristics which should be protected, where practicable.

The site lies on the edge of Berryfield, a village that had a limit of development in the previous West Wiltshire District Plan that included this site, but is now identified in the Core Strategy as a small village outside of any Limits of Development (LOD), where policy seeks to restrict new build residential development to infill, or affordable housing as an exception, as set out above.

Core Policy 15 requires the provision of at least 2370 new homes in the Melksham Community Area up to 2026, of which 130 homes will be provided in the surrounding community area and 51 still remain to be identified.

National Planning Policy context.

The NPPF describes the presumption in favour of sustainable development to be the “golden thread” running through plan-making and decision taking.

6. Summary of consultation responses

Melksham Without Parish Council – 18/2/2015 - The Council noted that many of the issues previously raised during the public consultation period had now been addressed, these included concerns relating to ecology, the nearby brook and potential risk of flooding.

Due to the concerns of residents of obtrusive lighting causing disturbance at the rear of existing properties, the Council would like to see a tenancy condition imposed restricting the use of security lighting at the rear of new dwellings. The Council would like to see a Site Traffic Management scheme put in place to prevent construction traffic using a circuitous route through Berryfield Park. The Council would like to see a condition imposed restricting construction to 8.30am to 5.30pm Monday to Friday, and Saturday 8.30am to 1pm only. The Council support a 20mph speed limit restriction on Berryfield Park, which is noted is a private road owned by Selwood Housing.

Wiltshire Council Spatial Planning – It is considered that this application can be determined using Core Policies 1 and 2 of the Core Strategy; Berryfield is a 'small village' and the limits of development have been removed. Core Policy 1 allows for modest

development at small villages to meet local needs and to contribute to the vitality of the village. Core Policy 2 considers that appropriate development at small villages should be in the form of infill which it describes as 'the filling of a small gap that is only large enough for not more than a few dwellings, generally only one dwelling'. It is considered that the proposed development of 8 dwellings in this location is modest in the context of Berryfield and that this location could be argued to be infill development within the existing urban area of the village. Core Policy 44 is relevant for sites outside of settlement boundaries and outside of the urban footprint of small villages.

Wiltshire Council Housing Team – As stated on the application form, Selwood are detailing these units as social housing units, which would be for affordable rent. It is noted that Selwood had been advised in pre application advice that the area could be considered more within the village area rather than outside it and therefore not as an exception site. It was considered to fit more within the built area of the overall village than not but obviously, the Council has now adopted the WCS which classifies Berryfield without a settlement boundary. It is confirmed that there is demonstrable need for affordable housing in this location, currently statistics on the Housing Register show Berryfield and surrounding villages with 35 households in priority need; therefore it is considered that the provision 8 affordable homes in this location is supported.

Wiltshire Council Ecologist – No objection subject to appropriate conditions. The majority of the comments from residents objecting to the application are very general about the impact on wildlife, mentioning deer, bats, hedgehogs, buzzards, foxes and a heron. One specific comment refers to bats being present on the site and that "*no bat survey has been carried out, as this can only be carried out in the summer*". Some species are afforded more protection than others. If granted consent the development would have to progress in line with current statutory requirements for the protection of animals. It is considered that no further activity surveys are necessary of the building or site in this instance.

The methodology and findings of the submitted report are generally satisfactory and there is no requirement for further survey or assessment.

The existing dwelling is of modern construction and has no suitable features for use or access by roosting bats.

The Berryfield Brook lies adjacent to the site and was briefly surveyed as part of the walkover survey and assessment. The banks of the brook were considered to be suitable for species but no signs were found. The banks of the brook are described as comprising dense scrub, which could potentially provide suitable resting up habitat for otters during the summer/autumn months when the vegetation is at its highest.

It is recommended that a 6metre buffer zone along the length of the bank should be maintained this will provide adequate mitigation for species.

The Ecological Survey concludes that overall the application site has limited potential for other protected species, as the majority of the site comprises agriculturally improved grassland that is mown several times a year. However, the scrub around the periphery of the site, particularly along the southern edge adjacent to the brook, does have potential for reptiles, amphibians, nesting birds and hedgehogs.

The Ecological Survey report also recommends that a sensitive lighting scheme is required to limit light spillage into the brook and retained habitats. A sensitive lighting scheme should be submitted by condition.

All enhancements recommended in the Ecological Survey report should be included within the LEMP, as well as additional enhancements in the form of integral bat boxes/tubes and bird nest boxes within the new dwellings, as a condition of planning consent. As an enhancement, roosting and nesting opportunities can be incorporated into buildings at very little cost.

Wiltshire Council Highways - The site is accessed over a private road with wide verges and footways set back from the carriageway. Access is to be achieved by demolishing an existing dwelling. Adequate visibility can be achieved from the proposed access across the grass verges either side and the development meets the minimum parking standards contained in the Wiltshire Parking strategy. In view of the above there is no highway objection to raise, subject to the imposition of conditions in the interest of highway safety.

Environment Agency – Raise no objection to the proposed development subject to the imposition of conditions and informatives being included in any planning permission granted.

Wiltshire Council Land Drainage Engineer - Supports the application subject to conditions. The application form states foul disposal will be to the main sewer and that storm drainage disposal will be through a sewer and soakaway, but the site is within 20m of a water course and within the FRZ 2/3 of that watercourse. The FRA suggests that the dwellings proposed are in FRZ 1 area with a set floor level to provide dwelling with flood protection.

There is a public foul and storm sewer that crosses the site and are therefore likely to require diversion (ref. extract of Wessex records in FRA). It is acknowledged that there is normally a no build over/near requirement of Wessex infrastructure. It is recommended that this is resolved now in to assure that further revisions are not required. There are no details of proposed drainage systems included on submissions drawings as this is a full submission it should include this information.

There is no information of proposed soakaways which, are considered unlikely to work due to proximity of the water course and FRZ 2/3 within the site. The FRA indicates ground becomes saturated in wet weather and that soil is clay thus soakaways would not work but permeability testing had not been undertaken to date. FRA suggests a discharge from site without any attenuation, a normal requirement is for post development run-off to match pre-development rate.

Wessex Water - no objections stated. Advised on the following matters:

Water Supply and Waste Connections - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Protection of Existing Assets - A public surface water sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public surface water sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public surface water sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact the Sewer Protection Team to discuss further 01225 526333.

Separate Sewer Systems - Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Wiltshire Fire and Rescue Service - make recommendation for use of domestic sprinklers and other measures in order to improve safety and property loss in the event of a fire; in accordance with the requirements identified under B5 of Approved Document B relating to The Building Regulations 2010 and the recommendations to improve safety and reduce property loss in the event of fire.

Wiltshire Council Education Team - As the proposal is below 10 units, there would be no need for S106 contributions re: Education.

7. Publicity

The application has been advertised by letter to local residents, by site notice and within the local press; the following is a summary of the responses made by residents of 7 local properties to date at the time of writing this report:

- Residents are strongly opposed to this planning application;
- The environmental impact would be detrimental to this area; the site is home to a variety of wildlife, including a number of bats, hedgehogs, foxes, deer, buzzards and even a regular heron who visits;
- There are bats on this site and no bat survey has been carried out, as this can only be carried out in the summer;
- Object to the loss of the playing field, there are very few areas in Berryfield Park where children can safely play without the risk of cars; the field is used for birthday parties, ball games and camping activities; the field is used as a playing field for the local children; and the land is also frequently used on a daily basis by dog walkers;
- There will be a significant amount of land leftover that will still be easily accessible after the build, although the only access to the land is across private gardens, Selwood have been informed that if the build goes ahead that that this will be fenced off;
- With reference to Melksham Without Parish Council's planning policy - recreational space 5.4 where recreational or social land is already in existence it should not be encroached upon in any way as a result of development and green spaces should not be eroded. The council strongly objects to the diminution of any recreational facilities;
- After rainfall, the land becomes boggy (as well as existing back gardens) and strong concern is raised at the impact and water-clogged state of existing gardens if this land is built on, as this would decrease the area for water to drain away on to;
- There is an increased risk of flooding from the extra hard surfaces, more flooding might occur if more buildings are built as the rain drains off this estate into this area;
- The sewer drains on the estate are always blocking the site where the proposed houses are to be built are prone to be flooded as the site was flooded last winter with rainwater;
- Has a flood assessment been carried out on the drainage ditch that runs from the north to the south;
- Object as there will be an impact on the privacy of both our garden and home taken away; the gardens will directly overlook each other;

- The extra noise from these homes and possibly bonfires, dogs, cars will take away the peacefulness of the countryside;
- if the proposed canal is built this will take away a children's play area and if this one is built further recreation space will be lost, leaving only one small play space for the whole of the estate children;
- noise, loss of privacy, loss of light;
- Concerns that emergency services would not be able to get to the homes easily, especially fire services;
- Concerned that the footpath area could be used for dumping rubbish and who would pay for this to be removed;
- The design and layout of the development is not in-keeping with the area;
- Living on a street with two blind corners, this is quite hazardous when driving, although existing residents are aware of this and tend to be courteous and considerate helping each other out; during the weekends and evenings the street is very busy with many cars parked on them, the addition will cause more congestion and hazards;
- The proposed road access is only 10 metres away from a ninety degree bend on one side and 40 metres on the other side; because of the lack of parking residents have to park on the highways thus creating more blind spots;
- Deeds state responsibility for the highway, this is concerning as who will be responsible for damage caused by construction traffic; where will construction workers park?
- Comments received following the submission of an additional transport detail comments made identify that the design off the road access does not take into account the vehicles that park on the road at nights and weekends, the report does not give a true reflection of the situation during weekends and evenings; the access would not be sufficient to accommodate emergency vehicles; it would be detrimental to the area, due to the wildlife and the loss of open space for children; there is sufficient social housing in the area.

8. Planning Considerations

Main Issues

The principle issues of the proposed development are considered to be:

- 1) Principle of the development;
- 2) Visual Impact including the design and layout;
- 3) Flood and drainage issues;
- 4) Neighbour amenity, including loss of privacy, loss of light, noise;
- 5) Ecology, impact on wildlife;
- 6) Loss of recreational space; and
- 7) Highways safety.

8.1 Principle of the Development

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

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. Core Policy 2 states that development in small villages with no Limits of Development (LODs) will be restricted to infill, or only be permitted where it has been identified through

community led planning documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. An exception is made for affordable housing that is supported by the local community and is well related to the existing settlement.

Comments from the strategy officer consider that this application should be assessed under Core Policies 1 and 2 of the Core Strategy. Berryfield is a 'small village' and Core Policy 1 allows for modest development at small villages to meet local needs and to contribute to the vitality of the village. Core Policy 2 considers that appropriate development at small villages should be in the form of infill which it describes as 'the filling of a small gap that is only large enough for not more than a few dwellings, generally only one dwelling'.

In this instance the proposed development of 8 dwellings in this location is considered modest in the context of Berryfield, although it may be stretching a point to describe it as 'infill'. However, it is clearly well-related to the existing built development and is solely for affordable housing. It could therefore be considered under 'exceptions' Core Policy 44. In either case, the location of the site, its relationship to the existing built form, and the strong functional links to Melksham make it a sustainable site suitable for development for affordable housing in principle.

Comments from the housing officer identify that statistics on the Housing Register show Berryfield and surrounding villages with 35 households in priority need, therefore it is established that there is a need for new housing and that this project would go towards providing for that need. On balance the proposal is therefore considered to meet the requirements of the WCS.

8.2 Visual Impact including the design and layout

Comments have been received from local residents suggesting that the scale and design of the proposed properties would be out of keeping with the context of the local area. The existing residential units within the area are predominantly two storey dwellings finished in a reddish brown brick with concrete tiles to the roofs. They are a relatively modern, honest 20th century addition within the landscape and are not of such a high architectural merit so as to create a character and style that should be reproduced faithfully.

However, the proposed dwellings have been designed to respect the existing character and context of the area and would provide an additional 8 new units that would not detract from the architectural form of Berryfield Park estate. The proposed density and scale respects that as existing and the use of materials has also been chosen to reflect the predominant materials used within Berryfield Park.



Looking at the site from outside the village, the properties would be seen against the backdrop of the existing houses on Berryfield Park, which are of a similar scale and design. The concerns and objections of the local residents are acknowledged but in this instance it is considered that the proposed development would not create a detrimental visual impact to the character or appearance of the area.

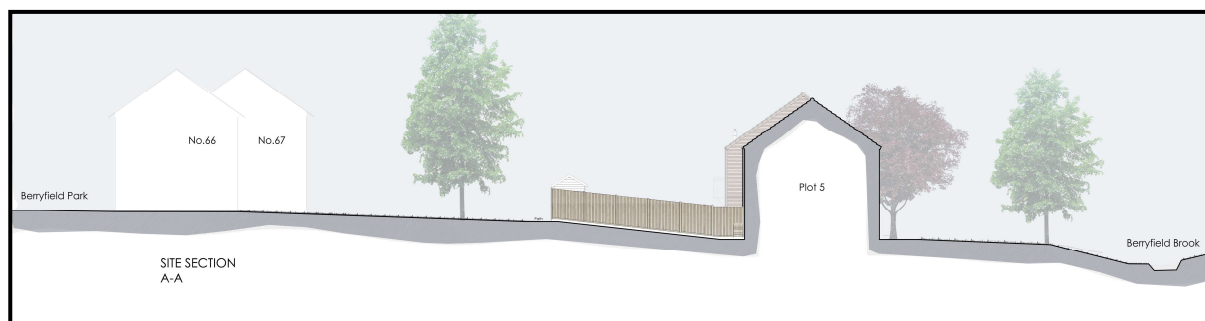
8.3 Flood and drainage issues

Concerns have been raised by local residents at the potential for flooding on the site; they have alleged that during inclement weather the site is currently prone to flooding, through poor drainage and they have raised concerns that the creation of so much hard surfacing will exacerbate this problem. However, the Council's Drainage Engineers consider that the matter can be satisfactorily resolved through an appropriate sustainable surface water drainage system (SUDs) which it is considered can be reasonably conditioned for.

8.4 Neighbour amenity, including loss of privacy, loss of light, noise;

Objections have been raised by residents at the potential impact on existing neighbouring properties. Concerns suggest that there will be a loss of light, loss of views, noise from potential inhabitants, loss of privacy and loss of peacefulness of the countryside.

It is acknowledged that there will be a loss of views for some of the properties that currently enjoy them to the south into the countryside; however these are not material planning considerations. Equally with regards to the potential of noise impact from neighbouring properties, it is considered that this would be dealt with under separate legislation and would not constitute a reason for refusing this proposed development.



Site section

As can be seen from the proposed cross section the new development would be set down in level from the existing properties and would be set at such a distance that it would be unlikely to lead to a significant impact through loss of light.

The proposed new dwellings would sit approximately 23.4 metres elevation to elevation with the existing properties. Guidance suggests an acceptable distance of between 20 and 21 metres elevation to elevation; and when taking into consideration the drop in levels the proposed development would not have a significant impact through overlooking of the existing dwellings themselves. The proposed dwellings would also sit at approximately 9.9 metres from the rear elevation to the proposed rear boundary and 11.3 metres to the existing rear boundary of the existing properties. Guidance on acceptable distances between existing boundaries and proposed new dwellings is between 10 and 11 metres therefore again it is considered that the proposed development would not have a significant impact through overlooking issues.

8.5 Ecology, impact on wildlife

Concerns have been raised that the development would significantly impact on local wildlife, which it is reported has been sighted on the land. It has been claimed that deer, bats, buzzards, hedgehogs, foxes, and a heron have all been using the land. The majority of the comments from residents objecting to the application are very general about the impact on wildlife, mentioning deer, bats, hedgehogs, buzzards, foxes and a heron. One specific comment refers to bats being present on the site and that “*no bat survey has been carried out, as this can only be carried out in the summer*”.

Comments from the Wiltshire Ecologist make no objection in principle, subject to conditions. They identify that deer and foxes are not given the same weight in terms of planning policy, as they are not considered to be rare and are therefore not given UK BAP priority species status, and they are not legally protected other than for welfare reasons (e.g. Wild Mammals Act).

Hedgehogs are recognised as being under threat nationally due to a population decline and are therefore listed as a priority species under Section 41 of the Natural Environment and Rural Communities Act 2006. They may be present on site and are considered in the ecological information submitted as part of the application with recommendations for mitigation (site clearance and provision of hedgehog boxes).

Bats are European protected species and therefore have a higher legal protection. An inspection of the building proposed for demolition has been undertaken in accordance with published best practice guidance. This type of survey can be undertaken at any time of year. No further activity surveys are necessary of the building, and if these were required, then they would need to be undertaken during the optimal season between May – August when bats are active during the summer (particularly where a maternity roost is suspected). A general activity survey of the site is also not required, as the suitable foraging/commuting habitats are being retained – the Berryfield Brook corridor. A general activity survey would normally be carried out once a month between April/May to September, but the impact of the proposal does not warrant this level of survey effort.

The Heron that visits the site is likely to be using the brook to forage and the site does not provide suitable habitat for breeding. The brook is not affected by the proposed development. Buzzards are a relatively common bird of prey that is not recognised as being under threat nationally and do not have priority species status. Buzzards would be protected if they were breeding on site, but there are no suitable trees for nesting.

The scrub along the northern edge of the brook provides shelter for a range of species, including nesting birds, reptiles and hedgehogs, and may also provide suitable habitat for otters and water voles. The scrub effectively screens the brook from the rest of the site and prevents access by dogs and children (it is noted that the site is well-used by dog walkers and children).

If planning permission were granted it would have to be implemented in line with current statutory requirements for the protection of wild animals, including foxes. Therefore, on balance it is considered that the proposed development would be acceptable subject to the imposition of conditions safeguarding species and their environment.

8.6 Loss of recreational space

It is acknowledged that the site is used informally by local residents for dog walking and more than likely for other informal recreational purposes as well. It offers a location for children to play in relative safety and one which probably enjoys a good degree of natural

surveillance from the existing properties in this area. However, it has been identified that the applicant owns the land and could restrict access now without requiring planning consent and that the use of the land is informal.

The proposed development will remove a significant portion of the land from being used for recreation purposes, although a section to the west of the site would be retained. Objectors have indicated that the piece to be retained would not be accessible as persons would have to cross private land to reach it and this would be fenced off. This is a civil issue between the applicant and any adjoining landowners. However, it is apparent that there would be more than sufficient opportunity to create an access point on the remaining piece of land without necessarily crossing any adjoining landowner's property. It is considered that access would not be an issue in this instance. The Council's attention has also been drawn to two recent similar cases, which went to appeal, where the loss of recreational land was not considered an issue by the Planning Inspectorate.

In a similar case where planning consent was refused partially on the loss of open space/recreation area (reference Appeal: APP/Y3940/A/14/2223496 Garage site and vacant land, Tynings Way, Westwood, Wiltshire BA15 2BS); the appeal site was not designated as a high or low quality open space and only offered limited potential for recreation, as in this case. Accordingly, the Inspector was not persuaded that it was a valuable community space. In reaching this opinion it was acknowledged that the level of public support for the open space was strong. However, the weight that could be attributed to these objections was tempered as the current use of the site by the public had been permitted through the goodwill of the landowner and the site was not designated as a village green or open space.

On balance, the site will still retain some informal recreation area that could be used by local residents at the discretion of the landowner. There remain other open areas within the village and in addition open countryside is literally adjacent to the site. The village retains strong links to the facilities of Melksham and the facilities that this service hub does contain. It is therefore considered that the limited loss of the open space through development of the proposed dwellings would not in this instance constitute an overriding reason for refusal.

8.7 Highways safety

Berryfield Park is a privately owned road, providing access to a number of residential dwellings. The carriageway varies in width between 4.6m and 4.8m, across the proposed access location the carriageway measures 4.6m in width. Berryfield Park is subject to a speed limit of 30mph, however, due to the geometry of the road (proximity of near 90 degree bends both to the east and west), vehicle speeds across the proposed access were observed to be much lower than this. There is an existing provision of footways adjacent to the carriageway, which typically measure between 1.0m and 2.0m in width.

The position of the proposed access onto Berryfield Park affords a good level of existing visibility. The achievable visibility splays from a set-back distance of 2.4m are in excess of 43m, the required stopping sight distance for a design speed of 30mph based upon guidance set out in *Manual for Streets* (MfS). The proposed site access junction incorporates 6m radii. The internal access road would be 5.5m wide, a sufficient width for two large vehicles to pass based upon guidance contained within MfS, with a 2.1m footway adjoining the northern side of the carriageway. Within the parking area, aisle widths of 6.0m would be provided to enable vehicles to manoeuvre into and out of the perpendicular car parking spaces and a turning head capable of accommodating large refuse vehicles is provided.

Concerns have been expressed by local residents at the potential impact the development may have on highways safety within the area. Residents have identified that there is a high degree of on-street parking out of working hours that takes place within this housing estate.

However, a traffic report has been carried out that considers, based on Trip Rate Information Computer System (TRICS) data that the development proposed would not create a significant increase in level of traffic movements. From the analysis carried out it could be seen that the predicted traffic generated by the development is low during the peak hours. Furthermore, no allowance has been made for the site's extant trip generation. Whilst the trip generation of number 68 Berryfield Park would be at a low level, there would nevertheless be an off-setting against the proposed development. The volume of additional vehicle movements associated with the proposed development is not considered to be significant or 'severe' in reference to the National Planning Policy Framework, and is very unlikely to have a detrimental effect on the operation or functionality of Berryfield Park, Semington Road and the surrounding local highway network.

This view is supported by the Wiltshire Council Highways Officer who confirms that adequate visibility can be achieved from the proposed access across the grass verges either side and the development meets the minimum parking standards contained in the Wiltshire Parking strategy. As such there is no highway objection to raise, subject to the imposition of appropriately worded conditions being attached to any permission granted.

9. Conclusion

Subject to the imposition of appropriate conditions it is considered that the proposed development would not result in a significant adverse impact on ecology within the area or on highways safety. Further benefits have been identified as achievable by the Ecologist which are not onerous to the viability of the development proposed and would enhance the area with opportunities for protected species potentially using the area. The proposal has been considered in relation to the potential impact on the amenity of neighbouring properties. It is considered unlikely that the development would have a significant impact through either overlooking or loss of light. Noise pollution is not considered an issue in this instance and lighting can be controlled through condition. It is therefore considered that the proposed development would not have a significant impact on neighbour amenity in this instance.

In planning policy terms the site is located at a settlement regarded in the Core Strategy as a 'small village' that no longer has limits of development set out for it in the development plan.; However, it is considered to be in a sustainable location and both core policy 44 and the NPPF does allow for affordable housing to take place in this type of location where, as in this case, the impacts are acceptable. It is bounded by existing residential properties on three sides and hence is extremely well related to the village. Furthermore it is visually well contained and its development would have no wider landscape impact. Whilst the site may currently be used as informal recreation area, at the land owners discretion, the Council cannot guarantee that this would continue and there is still land available for informal recreation in the vicinity. Furthermore, the development would also provide additional community benefits for the area through the provision of additional affordable housing (socially rented) within the area. It is considered to develop the site would not harm the character and appearance of the existing built environment or harm the scenic quality of the wider countryside. The site would provide much needed affordable housing and would contribute towards the Council's 5 year land supply. It is therefore recommended that planning consent be granted, subject to conditions.

RECOMMENDATION

Approve subject to conditions

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

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

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, E, F and Part 2, Class A shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements; and in the interests of creating a sustainable form of development that will not have a detrimental impact on the surface water drainage and flooding within the area.

4. The development hereby permitted shall be carried out in complete accordance with the Flood Risk Assessment prepared by Barnaby Associates (Revision 1 dated 14th January 2015). Finished floor levels shall be set no lower than 36.0m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON – In order to reduce the risk of flooding to the proposed development and future occupants.

5. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

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

6. No development shall commence until a surface water drainage scheme for the site (including surface water from any access / driveway or any hard surface to be created), based on sustainable drainage principles (incorporating sustainable drainage details and permeability test results to BRE365) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme. The approved and implemented scheme shall be maintained as such in perpetuity.

REASON: To ensure that the site can be adequately drained

7. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of road safety and amenity.

8. No development shall commence until an amended site layout plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the exact location of a new robust fence at the northern limit of the buffer area to the Berryfield Brook (entitled "6 metre vole buffer zone from bank on site layout plan 3774/002 Rev H). The scheme shall be implemented in accordance with the approved details and maintained as such in perpetuity.

REASON: In the interests of biodiversity.

9. No development shall commence until, a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the local planning authority. The Plan shall provide details of the following:
 - a. Installation of fencing at northern edge of 6m buffer area to prevent access during construction and to protect the buffer area during the course of construction.
 - b. Sensitive site clearance to take account of potential presence of nesting birds, amphibians, reptiles and hedgehogs
 - c. Site compounds and storage of materials outside the 6m buffer area
 - d. Implementation of recommendations in section 7.5 of Ecological Survey report by Michael Woods Associates dated January 2015

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

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

10. No development shall take place on site, until a Landscape and Ecology Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include the following:
 - e. Implementation of recommendations in sections 7.5 and 7.6 of Ecological Survey report by Michael Woods Associates dated January 2015
 - f. Enhancements for nesting birds, roosting bats, reptiles, amphibians and hedgehogs; including the installation of integral bat boxes/tubes and nest boxes for House sparrows, Starlings and Swifts within the new dwellings
 - g. Landscaping scheme, including a wildflower seed mix within the grassed part of the 6m buffer area to the Berryfield Brook, retention of the majority of the scrub within the 6m buffer area with planting of additional tree and shrub species to provide fruit, berries and seeds for wildlife, and appropriate native riparian species on the bank of the brook; this shall include species names, species provenance, supplier details, location on site, preparation and planting methodologies, aftercare and maintenance
 - h. Maintenance of the fencing to protect the 6m buffer zone and prevent access by residents and dogs
 - i. Long-term management of retained and newly created habitats

The approved plan shall be complied with during and after the completion of the development hereby approved.

REASON: To ensure the enhancement and appropriate management of priority habitats and mitigation for protected species.

11. No external lighting shall be installed on site until plans showing the type of light appliances, the height and position of fittings, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority.

REASON: to minimise light spillage into the adjacent brook corridor habitats to maintain dark foraging and commuting corridors for bats, in the interests of biodiversity.

12. The development hereby permitted shall be carried out in accordance with the following approved plans: 3774 – 001 Rev B Site Location Plan; 3774 – 002 Rev H Site Plan; 3774 – 004 Plans and Elevation Plots 1-4; 3774 – 005 Plans and Elevations Plots 5-6; 3774 – 006 Plans and Elevations Plots 7-8; 3774 – 007 Site section and Street Scene; 3774 – 008 Roof Plans; The Application Form, the Transport Technical Assessment; The Ecological Survey (January 2015); The Flood Risk Assessment and Drainage Strategy (January 2015).

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

Informative

The applicant should note 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. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. All British bat species are 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 bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing (including the need for a derogation licence). Please see the Council's website for further information:

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

Informative

There are public storm and foul water sewers crossing the site, for which the sewerage undertaker normally operates a no build over/near with a clear zone each side of the sewer. The applicant should seek confirmation as soon as possible from the undertaker on this issue with shown layout and whether the undertaker will require formal diversion of their apparatus under a Water Industry Act agreement to achieve the current layout

There will be a need to obtain formal Land Drainage Consent for any proposed outfall to a water course to cover any permanent and/or temporary works to form the outfall prior to construction of any Stormwater drainage works on site as required under the Land Drainage Act 1991 in order to comply with LDC legislation – please note that if changes are required to drainage proposals to obtain LDC you may need to apply for variations of any planning approved scheme

Informative

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

A public surface water sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public surface water sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public surface water sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our Sewer Protection Team to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Informative

When discharging the surface water condition, the following is expected:

- i. Whilst submitting technical details and design calculations may help illustrate that surface water management can be achieved, there also needs to be a supporting formal strategy report which explains the technical information presented and can be readily understood by the non-technical reader. If the development comes forward in discreet phases, each phase will need to be supported by 'phase specific' documents.
- ii. Adequate attenuation arrangements should be provided from the outset of development ensuring that no uncontrolled surface water is permitted from the site at any stage of development.
- iii. Any outflow from the site must be limited to existing run-off rates and volumes and discharged incrementally for all return periods up to and including the critical 1 in 100 year event.
- iv. Sufficient attenuation volume must be provided within the site to hold the surface water run-off from the developed site up to the critical 1 in a 100 event, including 30% allowance for climate change for the lifetime of the

development. Attenuation areas must not be situated in areas at risk from flooding (i.e. fluvial, surface water, ground water etc.). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

- v. Exceedance flow occurs during short but very intense rain storms, or if system blockage occurs etc. The large volume of runoff generated from impermeable surfaces during such events may not all be captured by the drainage system and unless otherwise intercepted a proportion could flow uncontrolled onto land under other ownership or into a watercourse/floodplain. CIRIA good practice guide for designing for exceedance in urban drainage (C635) requires that the run-off from the site during the critical 1 in 100 year storm plus climate change allowance must not be permitted to flow uncontrolled from the site (unless alternative arrangements have been made) and must not reach unsafe depths on site. For surcharge / flooding from the system (which is indicated by the preliminary calculations within the FRA), overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing.
- vi. Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- vii. The adoption and maintenance of the drainage system for the lifetime of the system must be addressed and clearly stated.

Informative

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Mude which is designated as 'main river'. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483421.

Informative

There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively. This would apply, for example, to the existing overland flow paths shown on the Flood Map for Surface Water. Water Efficiency and Climate Change

Informative

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- j. the use of plant and machinery
- k. oils/chemicals and materials
- l. the use and routing of heavy plant and vehicles
- m. the location and form of work and storage areas and compounds
- n. 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>