REPORT FOR STRATEGIC PLANNING COMMITTEE

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<th>Date of Meeting</th>
<th>11 May 2016</th>
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<tr>
<td>Application Number</td>
<td>16/00497/OUT</td>
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<tr>
<td>Site Address</td>
<td>Land East Of Semington Road, Melksham</td>
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<td>Proposal</td>
<td>Outline application for the erection of up to 150 dwellings with access, new village hall and areas of open space (Resubmission of 14/07526/OUT)</td>
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<td>Applicant</td>
<td>Mark Chard &amp; Associates</td>
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<td>Town/Parish Council</td>
<td>MELKSHAM WITHOUT</td>
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<td>Electoral Division</td>
<td>MELKSHAM WITHOUT SOUTH – Roy While</td>
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<td>Grid Ref</td>
<td>390158  162573</td>
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<td>Type of application</td>
<td>Full Planning</td>
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<td>Case Officer</td>
<td>Eileen Medlin</td>
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Reason for the application being considered by Committee

This application has been called to committee for the elected members to determine by Councillor Roy While. It is a resubmission of a previously refused application (ref 14/07526/OUT) which was determined by the Strategic Planning Committee on the 21st of January 2015 the day after the Core Strategy was adopted by the Council.

1. Purpose of Report - The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend that the application be approved by subject to a s106 legal agreement and conditions.

2. Report Summary - The main issue to consider is whether the three reasons for refusing application 14/07526/OUT in January 2015 are still applicable in light of relevant material considerations (5 year housing land supply and landscape assessment). The reasons for refusal related to the principle of the development (outside the settlement boundary) and the impact of the development on landscape (coalescence of Melksham and Berryfield). The report also considers:


3. Site Description - The application site is a greenfield site, comprising three irregular shaped agricultural fields defined by hedgerows, located approximately 200m south of the Town Policy Limits of Melksham as set out in the West Wiltshire District Plan which has been carried forward in the Wiltshire Core Strategy. The Western Way/A350 defines the southern settlement boundary of Melksham as it currently exists. A residential area comprising approximately 50 mobile homes is located between Western Way and the site. The remaining northern and eastern boundaries of the site are bounded by fields which separate the site from Western Way.

   The Bowerhill Sewerage Treatment Works is located to the south of the site leaving the site within the sewerage treatment works buffer zone identified in the West Wiltshire District Plan – a designation that has been carried forward into the Core Strategy. Berryfield Brook runs along the southern boundary of the site.

   The village of Berryfield is located to the south west. Semington Road lies to the west of the site – where there is a ribbon of residential development.
The principle access to the site is located to the north of the existing Highcroft farm house with a secondary emergency access located to the south of No.89 Semington Road.

The former route of the Wilts and Berks Canal also runs through the site from north to south. Environment Agency mapping identifies the site as being entirely within Flood Zone 1. However, the Flood Risk Assessment submitted with the application advises that a proportion of the site adjacent Berryfield Brook would be categorised as Flood Zone 2.

The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as site ref: 648.

4. Planning History

14/07526/OUT - Erection of up to 150 dwellings with access, new village hall and areas of open space was refused for the following reasons:

1. The site is located in open countryside outside the Town Policy Limits defined for Melksham in the West Wiltshire District Plan 1st Alteration 2004 and carried forward into the emerging Wiltshire Core Strategy. It lies outside the Village Policy Limits identified for Berryfield in the West Wiltshire District Plan 1st Alteration 2004 and outside the existing built area of the ‘small village’ the settlement is defined as in Core Policies 2 and 15 of the emerging Wiltshire Core Strategy (where development is limited to infill only). The proposal would therefore conflict with Policies H1, H17 and H19 of the West Wiltshire District Plan and Core Policy 2 of the emerging Core Strategy 2014.

2. The site is located in an area of open countryside that plays an important role in the landscape of physically and visually separating the settlements of Melksham and Berryfield. The siting and construction of the proposed development would fail to respect this important function resulting in a detrimental and unacceptable change in landscape character urbanising the area between the settlements of Melksham and Berryfield and resulting in their physical and visual coalescence. The proposal would therefore conflict with Policy C1 of the West Wiltshire District Plan (1st Alteration) and policies CP1, CP15 and CP51 of the emerging Wiltshire Core Strategy 2014.

3. The proposal conflicts with the Delivery Strategy set out in Policy CP2 of the emerging Wiltshire Core strategy, which seeks to properly plan for sustainable development of housing sites in Wiltshire to deliver the identified needs in the Community Areas through a Site Allocations DPD and/or a Neighbourhood Plan, a strategy supported by
both the Wiltshire Core Strategy Inspector, and the Secretary of State in his appeal
decision at Park Lane, Malmesbury. The site has not been brought forward through
this process and the adverse impacts identified in reasons 1 and 2 above reinforce the
need for the delivery strategy required by policy CP 2 as the properly planned method
of establishing the most sustainable sites for meeting the housing needs of Melksham.

The current and previous applications were not the subject of a formal EIA Regulation 5
screening request. However, upon their receipt, the applications were considered against the
relevant criteria and it was concluded that the development was not EIA development and no
Environmental Statement was therefore a requirement to accompany the planning
applications.

5. The Proposal – The proposal seeks outline planning permission for up to 150 dwellings
and a village hall on land to the east of Semington Road extending to approximately 0.8
hectares. The only detailed element of this submission comprises the means of access,
leaving all other matters i.e. appearance, landscape treatment, housing layout and scale
reserved for future determination.

The access is located to the north of the existing Highcroft farmhouse and an indicative layout
shown above has been provided showing approximately 150 dwellings located around a
network of internal estate roads. The southernmost part of the site is given over to attenuation
ponds and enhanced landscaping. A proposed new village hall is shown in the south west of
the site.

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), 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 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)
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), U5 (Sewage Treatment Works Buffer Zone, I2 (Arts), I3 (Access for Everyone).

The following documents are also relevant:

- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Leisure and Recreation Development Plan Document
- National Planning Policy Framework 2012 (NPPF)
- Wiltshire Car Parking Strategy
- Circular 06/2005 – Biodiversity and Geological Conservation
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire Housing Land Supply Statement 2015
- Wiltshire Council’s Emerging Groundwater Management Strategy Proposals

A Neighbourhood Plan is being prepared for Melksham but at this stage is not well enough advanced to be given significant weight in the decision making process.

National Policy is set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance issued by the government.

7. Consultations

Melksham Without Parish Council: The Council wishes to reiterate its previous comments made on 6th January 2015 on the amended plans of application W14/07526/OUT:

“The Council welcomes the change of access on the amended plans to enable the preservation of the original farm house and willow trees in order to safeguard any bat roosts and the provision of a new Village Hall and play area. The Council acknowledges that initial concerns and comments raised in a letter to Wiltshire Council on 5th September 2014 were addressed by reports and information provided. The Council had previous identified this site (numbered 648) as favourable for development when reviewing SHLAA Sites (Strategic Housing Land Availability Assessment) in the Parish on 28th April 2014.”

Additionally, the Parish Council wishes to see a footway provided on the eastern side of the A350, and suitable fencing erected along the boundary of the Mobile Home Park to ensure that parishioners are not disadvantaged.

The Parish Council notes that this proposal is outside of the development plan for a small village and does not meet some elements of the Core Strategy. As a consequence, the Parish Council wishes to see this application considered by the Western Area Planning Committee and will be asking its Wiltshire Councillor to call it in.

Wiltshire Council Spatial Planning Team: There is no policy objection to the principle of development of this site for housing. At the present time, applications such as this which are outside the limits of development should be considered for their potential to improve housing supply in the HMA, whilst taking a view on where the planning balance lies, considering all other positive and negative impacts. This means balancing the need to boost housing supply with any potential harm of the proposal when considered against the development plan as a whole, and any other material considerations.

Wiltshire Council Landscape Officer: No objection. The LVIA report has demonstrated that the visibility of the site within the wider landscape is very restricted and contained by the
existing houses along Semington Road and the A350 corridor/ embankment and field boundaries. There are only immediate and occasional views of the site from Semington Road and partial views from Berryfield and PROWs to the west. As such the landscape and visual impacts are limited to the immediate surroundings and there would be no perceived coalescence between Melksham and Berryfield.

**Wiltshire Council Urban Design Officer**: Supportive subject to conditions

**Wiltshire Council Transport Officer**: Supportive subject to conditions and s106 contributions

**Wiltshire Council Public Rights of Way Team**: Supportive subject to S106 contributions.

**Wessex Water (Bowerhill Sewerage Treatment Plant)**: No objection subject to layout observing no build area shown in the submitted parameter plan.

**Wessex Water (other)**: No objection subject to conditions and financial contributions.

**Wiltshire Council Archaeologist**: Supportive subject to conditions.

**Wiltshire Council Arts Service**: Supportive subject to conditions and a s106 contribution.

**Wiltshire Council Drainage Team**: Supportive subject to conditions – Considered foul and storm drainage and recommended conditions

**Wiltshire Council Environmental Health**: No objection subject to conditions relating to noise, lighting, hours of work, dust suppression and burning of waste.

**Wiltshire Council Waste**: Supportive subject to conditions – A waste audit was submitted in support of the application which is considered satisfactory for an outline application. However, additional information will be required once the principle contractor is appointed.

**Wiltshire Council Technical Waste Officer**: Supportive subject to conditions and a S106 contribution.

**Wiltshire Council New Housing Team**: There is a demonstrable affordable housing need in the Melksham Community Area and that a 30% on-site affordable housing contribution at nil subsidy should, therefore, be sought from these proposals in line with policy approaches. We note that the applicant has indicated that the site would include a 30% affordable housing (45 units) on site contribution with a tenure split of 80% affordable rented homes and 20% intermediate (shared ownership) housing.

The response also sets out an indicative tenure mix, expected standards of housing and a requirement for adaptable properties.

**Wiltshire Council School Places**: No objection subject to S106 contributions towards secondary school education.

**Wiltshire Council Early Years School Places**: No objection subject to S106 contributions towards early year’s provision.

**Wiltshire Council Public Open Space**: The POS requirement would be 5504m2, to include an equipped play area of no less than 265m2.

**Wiltshire Council Ecologist**: Supportive subject to conditions.

**Environment Agency**: No objection subject to conditions and informatives. Matters considered were Flood Risk, Land Contamination, Construction Environmental Management Plan, Water Efficiency and Climate Change.

**Natural England**: No comments.

8. **Publicity** - The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 26th February 2016.

17 letters of objection have been received with the following comments (summarised):
• Visibility splays for the proposed access cannot be achieved without cutting down a hedge which belongs to a neighbouring property to the south
• Visibility splays for the proposed access cannot be achieved without relocating a post and rail fence which belongs to a neighbouring property to the north
• Entrance is opposite proposed new road for canal project
• All the application documentation was not on line at the time the consultation letters were received, notably the access plan was not published until the 16th February
• Loss of outlook
• Noise
• Impact on quality of life
• Noise from traffic entering and leaving the site
• Proximity of roadway to boundary of mobile home park
• Development site is at a higher level making it difficult to insulate against noise
• Entrance is on a blind bend and not safe
• Increased traffic will make the road more dangerous for pedestrians
• No change in circumstance to make previously refused plans acceptable
• Strain on infrastructure – doctors, dentist, schools
• Impact on wildlife – deer, bats, reptiles
• Uncertainty over what will be built. Will the village hall, ponds etc be constructed
• Previous reasons for refusal still stand
• Will destroy the identity of Berryfield as a small village
• Flooding
• Higher traffic volumes
• Surface water run-off from the site when developed
• Reduce number of houses to 50 or 60 more in keeping with expansion of a small village
• Too much terraced housing and high density development out of keeping with the area
• Not enough of a buffer between Berryfield and Melksham
• Plenty of land around Melksham where the houses could be built
• Loss of views
• Proximity of proposed houses to existing residential properties
• Layout of development would prevent future development on sites of neighbouring residential properties.
• Noise pollution from emergency vehicle and pedestrian access should be mitigated against
• Noise and disturbance from village hall
• Berryfield would become part of urban sprawl of Melksham
• Local bus services poor and could not take extra pressure
• Development of several sites in the area are proposed to fund the canal project making this site surplus to requirements
• Loss of a greenfield site

9. Planning Considerations

9.1 The Development Plan - 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 limited 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.

9.2 Principle of the Development – WCS Core Policy 1 sets out the settlement strategy for Wiltshire identifying four tiers of settlement namely: Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages. The settlement boundaries of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans, are carried forward into the Core Strategy and are retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD (and the Chippenham Site Allocations DPD), as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect the changes which have happened since they were first established.

In addition, it remains the prerogative of any local community to review settlement boundaries through adopting any neighbourhood plan. The Melksham Neighbourhood Plan steering group are engaged in developing a neighbourhood plan, covering the area of Melksham Town Council and Melksham Without Parish Council. The neighbourhood area was designated on 14th July 2014. The neighbourhood plan is not at an advanced stage of development and currently can only be afforded very little weight in the planning process.

Melksham is identified as a Market Town within the Settlement Strategy and 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.

Berryfield is identified as a small village in the Wiltshire Core Strategy. WCS Core Policy 1 defines small villages as having a low level of services and facilities, and few employment opportunities. It advises that development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. For clarity sake, the application proposal would provide a Village Hall for Berryfield which is consistent with this part of Core Policy 1.

Core Policy 2 sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire including through future Site Allocations DPDs and neighbourhood plans. Core Policy 2 advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development within the Principal Settlements, Market Towns, Local Service Centres and
Large Villages. For sites outside the defined limits of development such as this application site, the Core Strategy advises that other than in circumstances as permitted by other policies within this Plan, identified in paragraph 4.25, residential development should not be permitted unless brought forward through the identification of sites for development through subsequent Site Allocations Development Plan Documents and/or neighbourhood plans.

It further advises that within small villages, development should be limited to infill within the existing built area and only where development proposals satisfy a number of further criteria.

Whilst the settlement strategy set out in Core Policy 1 supports significant development of Melksham as a Market Town, Core Policy 2 seeks to achieve this in a planned and managed way through the identification of sites in a Site Allocations DPD or a Neighbourhood Plan. Therefore as the application site falls outside the identified limits of development for Melksham, the proposal is contrary to Core Policy 2 which advises that residential development at market towns should be within the identified limits of development unless brought forward through a Site Allocations DPD, a neighbourhood plan or one of the exception policies.

The size of the site and siting and scale of the proposal would suggest that it is intended to meet the housing needs of Melksham rather than those of the village of Berryfield. In any event, the proposal falls outside the built up area of Berryfield and would also be contrary to that part of Core Policy 2 pertaining to development at the small villages. The proposal does include the provision of a village hall for Berryfield and this is supported by Core Policy 1. However the provision of a community facility would not in itself justify the scale of the development proposed.

The proposal does not comply with any of the exception policies which allows for development outside of settlement boundaries. However, as Core Policy 2 seeks to constrain development within defined limits, it is a relevant policy for the supply of housing and as such the weight afforded to the policy is affected by the Council’s ability to demonstrate a five year supply of housing sites.

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 2240 should occur within Melksham. The requirement is expressed as a 20 year requirement covering the period from 2006 to 2026. The most up-to-date published Housing Land Supply Statement identifies a requirement for a further 664 dwellings in the Melksham Community Area over the plan period due to completions and previous permissions.

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 Core Policy 2 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.

Housing Land Supply has to be regularly assessed. The Council’s April 2015 Housing Land Supply Statement, published in September, indicated that there was a 5.6 years land supply available in the north and west housing market area. However, this included some sites identified for housing in the draft Chippenham Site Allocation Plan. Members will be aware that the Examination of this plan was suspended by the Inspector late last year to allow the Council to undertake further work to address concerns raised by him regarding the site selection procedure, sustainability appraisal and deliverability of the proposed allocations in
the plan (policy CH1 South West Chippenham; CH2 Rawlings Green and Policy CH3 East Chippenham).

Following the suspension of the Examination, another planning inspector in December 2015 considered a 28 house development on a site at Arms Farm, Sutton Benger – which is located within the same north and west housing market area as Melksham. The Council’s position for the purposes of the appeal was, following the suspension of the examination into the Chippenham Site Allocations DPD, that the Council could not demonstrate a five-year supply of deliverable housing sites; and it is important to recognise that paragraph 49 of the Framework is explicit in terms of advising that: where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date.

As CP2 seeks to constrain development within defined limits, the Inspector concluded that CP2 is a relevant policy for the supply of housing; and he did not consider that it can be regarded as up-to-date, and thus reduced the weight to be afforded to the constraints that it imposed and, to a scheme’s conflict with them. However, is also important to record that the Inspector did conclude that irrespective of the Council’s ability to demonstrate a 5 year supply of housing sites, CP1 remained up-to-date.

Since the Inspector’s decision (in mid-December 2015) and the conclusions referenced above, the Council has not yet been able to update its position on 5 year housing land supply and a further appeal at Bradford on Avon for a mixed development of 60 houses and employment land (refused by this committee in September 2015) was allowed in March with the Inspector citing the fact that CP2 could not be considered up to date due to the lack of a 5 year land supply. In these circumstances, this application for housing must be considered in the context of the presumption in favour of sustainable development and consideration of the adverse impacts of the development compared to the benefits.

In the context of an acknowledged need to deliver more than 600 houses at Melksham to meet the requirements of the Core Strategy, and given the fact that the Sites Development Document is still emerging, the conclusion that can be drawn from this analysis is that the principle of the development of this site to deliver up to 150 dwellings must be considered acceptable at present unless there are significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, (such as have been identified in the refusal of the application 14/11919/OUT for 263 houses on land opposite Shurnhold, a decision that has currently gone to appeal).

Therefore it is considered that the first and third refusal reasons issued for 14/07526/OUT in January 2015 can no longer reasonably be applied as they referred solely to Core Policy 2 and expired policies of the West Wiltshire District Plan.

The second reason for refusing the former application related to landscape and this is discussed in the next section.

9.2 Landscape and Urban Design - In considering planning application ref: 14/07526/FUL the main landscape concern related to the coalescence of Melksham and Berryfield with the Council’s landscape and design team advising at the time that the application fell short in its consideration of landscape and visual effects. It was advised that an appraisal of landscape and visual effects should be required to fully assess the visual impacts. In the absence of any evidence to the contrary, the application was refused as it was considered that the proposal would result in the physical and visual coalescence of Melksham and Berryfield.

To support this current application, the applicants have submitted a landscape and visual impact assessment (LVIA) which officers consider to be comprehensive and in accordance with best practice guidance GLVIA3. The report describes the visibility of the site within the wider landscape and the impacts on local landscape character and visual amenity, and addresses the potential issue of coalescence of Berryfield with Melksham.
The LVIA report has demonstrated that the visibility of the site within the wider landscape is very restricted and contained by the existing houses along Semington Road and the A350 corridor/embankment and field boundaries. There are only immediate and occasional views of the site from Semington Road and partial views from Berryfield and PROWs (MELW1 and MELW2) to the west. After a detailed review of the case and following a thorough consultation with the Council’s landscape officer, it is argued that the landscape and visual impacts are considered to be limited to the immediate surroundings and there would be no perceived coalescence between Melksham and Berryfield.

Notwithstanding the above, officers consider that the proposed hedge with trees along the western boundary should be located within an open space and not private gardens as shown in the illustrative site layout to mitigate some potential visual impacts on existing properties along Semington Road and officers consider it would be beneficial to extend the informal edge character along this edge of the site to reflect the loose knit character of the existing ribbon housing development.

The applicants were also advised that in order to retain existing hedgerows sufficient landscape buffers must be provided within the detailed layout. It was also suggested that more could be made of the line of the former Wilts & Berks Canal and its historical relevance to the site by removing the middle section of proposed road and creating a wider length of open space.

Core Policy 57: Ensuring High Quality Design and Place Shaping requires a high standard of design in new developments. As the application is made in outline with layout and design reserved for future consideration, it is not open for the Council to fully assess such matters at this stage. However, the Council’s urban design officer has commented that the proposals are underpinned by strong urban design principles, such as the retention of existing natural features (although more detail is required in a couple of locations), the creation of active frontages around most key open areas and streets, the incorporation of several areas of green space (which will contribute towards a strong sense of place) and the design of a legible/connected/well supervised movement framework, amongst others. The proposals also incorporate focal buildings and take into account views to these buildings.

There are concerns about the illustrative layout in terms of softening the urban edge of the application and providing less urban terrace style buildings in the mix of units proposed. However, these are matters that can be addressed at the reserved matters stage of an application where the landscaping, layout and design of the proposal will be considered in detail.

In order to ensure that the urban design principles shown on the illustrative layout and the improvements suggested by the landscape officer are followed through into the detailed design of the scheme, a parameters plan has been requested and provided by the applicant.

The Council’s arts development officer has also commented on the application citing the importance of public art and design within the public realm as referenced in the NPPF and WCS Core Policy 57. The applicant has been advised to engage with the arts development officer and a financial contribution has been requested and agreed by the applicant.

Overall, it is considered that it has been satisfactorily demonstrated that the proposed development would not result in the visual coalescence of Melksham and Berryfield and that the two settlements would retain their separate identities as required by Core Policies 15 and 51. Therefore it is considered that the applicants have overcome the second reason for refusal given in the previous application.

Furthermore as stated in paragraph 9.2 above the NPPF makes it clear that where a five year housing land supply cannot be demonstrated, relevant polices for the supply of housing (which in this case would include Core Policy 2 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.
The limited adverse landscape impacts resulting from this proposal clearly do not outweigh the benefit of providing additional housing.

9.3 Archaeology and Interpretation of the Canal - WCS Core Policy 58: Ensuring the Conservation of the Historic Environment states that “development should protect, conserve and where possible enhance the historic environment”. The Council’s archaeologist advised that an archaeological evaluation was carried out at the proposed development site and reported in November 2014. A small quantity of archaeological features was recorded, which included a single post hole containing late Saxon/Medieval pottery. The County archaeologist further advised that the line of the Wiltshire and Berkshire canal runs across the site and survives as an earthwork feature, although it was acknowledged that the main line would be ‘preserved’ under one of the roads, there is potential for features associated with the canal to be impacted by development on either side.

The Council’s archaeologist recommends that a programme of archaeological investigation is captured by a pre-commencement planning condition, the details of which would need to be agreed in writing with the archaeology team and that there should also be some provision in the form of interpretation/signage of the old line of the canal in accordance with Core Policy 53.

Core Policy 53: Wiltshire’s Canals refers to treatment of the historic line of old canals and the Melksham Link project in addition to existing canals. The supporting text to the policy advises that the historic alignment of the Wilts and Berks canal through Melksham is no longer suitable for reinstatement as a canal, and an alternative route has been identified (WCS Core Policy 16: Melksham Link Project refers). However, the historic line through Melksham can still be followed in parts. Other parts of the original line of the Wilts and Berks Canal also have potential for interpretation, particularly the junction with the Kennet and Avon Canal at Semington, and the Council are keen to support the development of a footpath network based on a restored canal towpath linking with other appropriate public rights of way where the canal has been lost under development. The policy advises that proposals would be permitted that are designed to develop the canal’s recreational and nature conservation potential, in particular, the use of the old line of the canal for walking, cycling and interpretation. This policy compliments the views expressed by the County archaeologist and the Council’s landscape officer. The enhancement of the setting and appreciation of the canal line can be secured by condition.

9.4 Access and Transport - WCS Core Policy 60 advises that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. Notwithstanding that the site is located outside the existing town policy limits, officers recognise that the site is on the edge of Melksham and is reasonably sustainable with a bus service operating past the site. Pedestrian links to the town centre are good with a formal crossing of the A350 in place for pedestrians and cyclists. There are acceptable walking routes to the local schools and the national cycle route 403 passes the site entrance.

The applicants submitted Travel Plan and Transport Assessment both refer to bus service 234 providing an hourly service past the site between Melksham, Chippenham and Trowbridge. It should be noted that this service has recently been discontinued, although service X34 does provide an hourly service remains in operation. It is considered that the available bus service is a reasonable provision for a residential development of this level, at this location.

WCS Core Policy 61: Transport and New Development advises that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. This policy also sets out the areas to be addressed in a required Transport Assessment, the requirement for safe access to the highway, contributions towards sustainable transport improvements and the use of travel
plans. A transport assessment has been submitted with the application and officers are content that it is a robust assessment.

The site has limited frontage with Semington Road with the majority of the site located behind existing properties along Semington Road. For the prevailing vehicle speeds the required visibility splays are 44 metres towards the south and 54 metres towards the north. (NB: The visibility considerations are set out in the email dated 24th July from PBA to the Council included at Appendix B of The Transport Assessment). Crucially, the visibility splays required can be achieved within the boundaries of the site or highway land by narrowing the Semington Road carriageway to 6 metres (Peter Brett Associates plan SK01/C refers). To the south, the highway boundary is the centre of the hedge and the front part of the hedge may therefore have to be removed. To ensure the splay is at all times maintained the highway officer recommends that in this particular a case, it is essential (where the rear part of the hedge may remain) for the splay to be demarcated by an impenetrable close boarded fence (or wall) about 1.8 metres high.

To achieve the northern splay, the highway officer recommends that the post and rail fence over the frontage of the neighbouring land may have to be moved back a nominal amount where the fence line currently encroaches onto the highway verge.

The details of how the proposed visibility splays would be achieved and to be kept free from obstruction would need to be secured by planning condition. However, officers are satisfied that should Members consider a 1.8 metre high fence/wall to be required, it would need to be on highway land or land within the applicants control to be covered by a Grampian condition. Details of any such fence or wall would need to be captured by condition also.

Following consultation with the Council’s highways team, sustainable transport improvements are required to include new bus shelters on Semington Road, upgrading of stiles to kissing gates along local public footpaths, MELW1 and MELW2. A residential travel plan is included as part of the application and this should be implemented to include a travel plan coordinator, green travel vouchers and an information pack for each household to encourage the use of sustainable means of transport.

Core Policy 62: Development Impacts on the Transport Network advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. The Transport Assessment submitted with the application demonstrates that the development would not have significant or detrimental impacts on the surrounding transport network.

The development would not have significant effects on the capacity of the A350 roundabouts such that developer led mitigation can be justified. The Parish Councils request that the development provides a footway on the eastern side of the old A350, cannot be prescribed as a requirement as there is insufficient highway verge to achieve this. Officers are satisfied that the existing footway on the opposite side of the road together with the existing and proposed new crossing points would provide satisfactory walking provision to and from the town facilities.

Core Policy 64: Demand Management refers to residential car parking standards. As this is an outline application, the Council cannot assess this aspect of the scheme at this time. Such detailed matters are reserved for future consideration.

Overall, officers consider that the proposal satisfies the relevant transport policies and no objections are raised in this respect subject to conditions and planning obligations.

9.5 The Bowerhill Sewerage Treatment Works – The application site is located within the sewage treatment works buffer zone identified for the Bowerhill Sewage Treatment Works. Policy U5 from the West Wiltshire District Plan advises that proposals for housing or other development which are sensitive to odour pollution should not be permitted within the sewage treatment works buffer zone, as defined on the proposals map, where the proposed
development cannot reasonably co-exist with a sewage works. This policy has not been superseded by the Core Strategy and it remains a saved policy.

It is important to appreciate that the policy does not place a blanket ban on housing development within the buffer zone but places an onus on the developer to demonstrate that any proposed development within the buffer zone can reasonably co-exist with the existing sewage treatment works.

To support the previous application, the applicant prepared an odour assessment in consultation with Wessex Water – the statutory undertakers with the management responsibility for the Bowerhill Sewage Treatment Works. This was examined by Wessex Water and the Council’s Environmental Health Team who were satisfied that the assessment adequately demonstrated that the odours coming from the existing works would have an acceptable impact on the residential amenities of adjoining occupiers. Therefore no objections were raised to the proposal by consultees.

Upon submission of the current application Wessex Water advised that the odour modelling submitted to support the 2014 application is considered out of date in the light of further planning guidance (Institute of Air Quality Management Guidance on the assessment of odour for planning). They therefore advised that the modelling report would require updating to ensure there is no risk from odour nuisance based upon current IAQM guidance and that the applicant could review arrangements with Wessex Water; with modelling outcome potentially recommending dwellings are located further from the STW to reduce the risk of resident’s being affected by odour.

Wessex Water has undertaken a review of the odour model and the predictions provided by the developer. They found incorrect dimensions applied to the Primary Settlement Tanks which were undersized and the original sampling followed a period of wet weather affecting emissions. In the review they corrected the tank dimensions and ran simulations in compliance with IAQM weather guidance using library values.

Using a threshold of 3.0 OUE/m³ (European Odour unit) the series of results indicate the worst weather conditions occurred during 2014 and would affect a small area of residential development at the southern extremity of the site as shown in the illustrative layout on the next page. Wessex Water advised that in the circumstances their policy would to object where residential development can be affected by odour emissions at a threshold of 3.0 OUE/m³.

The Parameter Plan submitted by the applicant indicates the predicted 3OUE m³ zone from the existing Wessex Water sewage treatment works and the proposed building frontages have been re-located outside of this zone.

Wessex Water confirmed that they would have no objection to the proposal if the resulting site layout adheres to this plan.

Therefore a planning condition is proposed to ensure that no dwellings are located within the area indicated.
9.6 Addressing Climate Change – WCS Core Policy 41 identifies how sustainable construction and low-carbon energy should be integral to all new development across 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 shall help Wiltshire’s contribution to addressing climate change through improved design and construction methods.

The applicants would be required to demonstrate compliance with this policy at reserved matters stage. A planning condition is required to ensure the housing development conforms to WCS Core Policy 41.

9.7 New Housing – WCS Core Policy 43 sets out when on-site affordable housing provision is required for any given development and it indicates the proportions which are to be sought from open market housing development. In line with this policy, a 30% affordable housing contribution at nil subsidy, is sought for this site within the Melksham Community Area which reflects up-to-date viability and housing needs evidence.

Following consultation with the Council’s housing team; a tenure split of 80% affordable rental and 20% shared ownership is required. The exact location and mix of units is not for consideration at this outline stage since it is a matter to be determined under a reserved matters application. However, the provision of 30% affordable housing within the scheme does need to be enshrined within a s106 legal agreement. The suggested 80/20% mix reflects the current indicative requirements outlined by the Council’s housing team, however this can be negotiated and the exact mix is something to be determined at reserved matters stage.

Core Policy 45 provides the basis for considering dwelling type, density and mix of housing to be built. These matters would be also considered under a reserved matter application.

Core Policy 46 also requires developers to demonstrate how their proposals respond to the needs of an ageing population. The supporting text refers to the role of Lifetime Home standards in meeting this aim. Again, this would be considered under a reserved matters
application. However, the housing team have advised that 10% of the affordable homes should be built to meet the adapted needs of older people.

9.8 **Biodiversity and Geodiversity** – WCS Core Policy 50 advises that development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.

The following ecological surveys have been carried out to inform the proposed development,

- ‘Extended Phase 1 Habitat Survey’, Chalkhill Environmental Consultants May 2013
- ‘Further Bat Surveys’ report by Chalkhill Environmental Consultants January 2016
- Ecological Impact Assessment, Chalkhill Environmental Consultants April 2016 (updated from previous version dated October 2014)

These have been reviewed by the Council’s ecologist who is satisfied with the conclusions and recommendations of the Ecological Impact Assessment with regard to ecological mitigation and enhancement measures.

However, specific comments were made regarding: Bats; Hedgerows; Great crested newts; Reptiles; Badger; Nesting birds; Southern green space – landscaping, planting and pond creation; Sensitive lighting; Biodiversity enhancements

The issues identified and enhancements required can all be satisfactorily addressed and secured through planning conditions requiring a Construction Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and a lighting design strategy.

**Core Policy 52: Green Infrastructure** – This policy seeks to retain and enhance Wiltshire’s Green Infrastructure Network. The indicative layout shows that open space and play space would be provided on site in line with the open space standards currently in operation for this part of Wiltshire and as such, the application is considered to be in accordance with planning policy.

The application documentation also indicates provision for the ongoing management of the open spaces and a management plan can be secured through a s106 agreement.

**Core Policy 56: Land Contamination** – This policy requires development proposals which are likely to be on or adjacent to land which may have been subject to contamination to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality the built environment and amenity. As the site is currently in agricultural use, land contamination is unlikely but there may be some due to the infilled canal and as such, a precautionary planning condition is proposed.

**Core Policy 67: Flood Risk** - This policy advises that development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the local planning authority in order to apply the Sequential Test in line with the requirements of national policy and established best practice. All new development needs to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

This application is accompanied by a Flood Risk Assessment (FRA) which identifies that the majority of the site is in Flood Zone 1 with the southern edge of the site at risk from flooding from the watercourse running along the southern boundary of the site. The indicative site layout illustrates that the area identified being at risk from flooding would be given over to landscaping and sustainable drainage measures.

The Environment Agency has raised no objection to the development; and indeed the EA welcomes the proposed corridor to be set aside for balancing ponds, the detailed design of which can be dealt with at reserved matters stage.
As the lead local flood authority, the Council’s drainage officers also raise no objection subject to conditions and informatives.

Overall, it is considered that this application proposal satisfies the requirements of WCS Core Policy 67 subject to conditions and further details to be addressed at reserved matters stage.

9.9 Section 106/S38 Legal Agreements – WCS 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 Framework’.

The affordable housing and the infrastructure items listed below are considered relevant to the application site, and are directly related to and are planning requirements to mitigate the impact of the proposed scheme. For the benefit of the committee, the applicant has agreed to provide the following:

Affordable Housing – WCS 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. 30% of 150 would equate to 45 affordable dwellings being required on this site. Based on current housing need figures for Melksham these should be a mix of 1, 2, 3 and 4 bed dwellings and should also not normally be in groups exceeding 15 dwellings. 10% of the units should be built to meet the adapted needs of older people.

Education - The allocated schools for this development are the Aleoric Primary School and Melksham Oak Senior School. There is capacity at Aloeric Primary school, which is close to the site. So the Council will not be seeking a developer contribution towards primary infrastructure expansion on this application. With regards secondary provision 30 places would be required at £23,940 each = £718200 (to be index linked), and secured by S106. The S106 required on this application will be pooled towards the phased expansion of Melksham Oak.

Open Space and Play Provision – WCS CP52 requires development to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards and put measures in place to ensure appropriate long-term management of any green infrastructure directly related to the development.

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 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 5504m² of which 265m² is to be equipped play provision all of which should be secured in perpetuity.

Highways – WCS CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. These are as follows:

• Implementation of the residential travel plan including green travel vouchers of £250/£150, information packs for each household, and appointment of a travel plan co-ordinator for 5 years.

• A contribution of £2,100 to upgrade 7 stiles to kissing gates on footpaths MELW1 and MELW2, which are just to the west of the site.
• A contribution of £20,000 index linked for the provision of two bus shelters with seating, and high access kerbs on Semington Road.

The kissing gates are also seen as green infrastructure supported by Core Policy 52.

**Refuse Infrastructure** - A contribution of £13,650 would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development.

**Public Art** – A contribution of £45,000 would be provided.

**Village Hall** - With regards to the proposed village hall, it is considered that this would comprise community infrastructure. There is an existing village hall in Berryfield but it only benefits from temporary permission as it is sited on a route safeguarded for the Melksham Canal Link project. Under this application, provision would extend to donating 0.1 hectares of land and funding construction up to £500,000.

The scale of the development would effectively double the size of Berryfield which is a small village with limited facilities. WCS CP1 advises that development at Large and Small Villages should be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Whilst it is acknowledges that the quantum of development proposed would not be required to fund a new village hall, it is considered that the village hall is an important element of the proposal and a key infrastructure requirement for the village of Berryfield.

Other contributions requested are considered to fall under the CIL Regulations 2010

Separate to any s106/s38 legal requirements, Wessex Water has advised that a contribution would be required from the developer which can be included in Section 41 (Water Industry Act) arrangements.

**10. Conclusion** - The proposal is not in accordance with the development plan, in that it lies outside of the limits of development and has not been brought forward through the plan led process outlined in WCS Core Policy 2. 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 where more than 600 houses are required to be built to meet the towns housing needs. Whilst the location for such a level of development would normally be identified through a plan-led process, the Wiltshire Sites Allocation Plan is under preparation and has not yet reached an advanced stage. Even acknowledging the recent Strategic Planning Committee decision in relation to land east of Spa Road (14/06938/OUT & 14/10461/OUT) and the Western Area Planning Committee decision in relation to Land to the north of Sandridge Common (15/12454/OUT) there remains a need to provide additional land for housing to meet the targets set in the Core Strategy.

More pertinently, the Inspector decisions in December on the Arms Farm appeal (14/08888/OUT) and in March at Bradford on Avon (14/07689/OUT) concluded that for the reasons set out above, CP2 cannot 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 the Arms Farm (14/08888/OUT) and the Shurnhold (14/11919/OUT) applications, there are no adverse impacts that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement identified for sustainable growth would bring – i.e. providing increased housing supply and delivering much needed additional affordable housing; infrastructure improvements and the financial benefits of the community infrastructure levy. Furthermore there is local support for this application from the Parish Council. It is therefore considered in this case that the application should be approved.
11. RECOMMENDATION

It is recommended that the grant of planning permission be deferred and delegated to the Area Development Manager, subject to the prior completion of a legal agreement, within the next 6 months, to cover the matters identified within section 9.9 above, and subject to the planning conditions set out below.

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;

   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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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:

   Location Plan DWG NO 3878_001B received 19 January 2016
   Site Access Plan DWG NO 30523/5505/SK01 rev C received 16 February 2016
   Parameter Plan DWG NO 3878_020_B received 20 April 2016

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

5. No development shall commence on site until:

   - A scheme for the preservation and enhancement of the old line of the Wilts and Berkshire Canal and 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 conservation and recording of any matters of archaeological interest.
6. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with contamination on the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which identifies:
   a) Potential contaminants associated with those uses
   b) A conceptual model of the site indicating sources, pathways and receptors
   c) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in point 2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution

7. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) 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’;
   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 reptiles, badgers, nesting birds, great crested newts, hedgerows, bats, veteran willow trees;
   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;
   i) An Ecological Mitigation Plan to provide a visual representation of all required mitigation measures;
j) 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 should be prepared by a professional ecologist / 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, to ensure that approved mitigation and compensation works are carried out and completed as approved and in line with current best practice guidelines, and to ensure adequate professional ecological expertise is available to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licence, during construction.

8. No development shall commence on site 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, including planting at the site entrance to minimise disturbance to bats emerging from/returning to the roost in the farmhouse, habitat creation for great crested newts, infill and reinforcement planting of existing hedgerows and new hedgerow planting, species-rich wildflower meadows and tussocky grasslands and SUDS wetlands;

b) Description and evaluation of features to be managed; including location(s) shown on a site map;

c) Landscape and ecological trends and constraints on site that might influence management;

d) Aims and objectives of management;

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;

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(ies) 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.

9. No development shall commence on site until a lighting design strategy for biodiversity for buildings, features or areas to be lit shall be submitted and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for foraging and commuting bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging;

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into hedgerows and trees, to ensure no illumination of the bat roost and to maintain dark foraging and commuting corridors for bats, particularly along the northern boundary hedgerow. No development shall commence on site until a scheme for the preservation and enhancement of the old line of the Wilts and Berkshire Canal and 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.

10. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

11. No development shall commence on site until a scheme for mitigating the effects of noise on the approved housing from road traffic has been submitted to and approved in writing by the Local Planning Authority. All works comprised in the approved scheme shall be completed in accordance with a timetable to be agreed with the local planning authority.

REASON: To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from road traffic

12. No development shall commence on site (including any demolition works), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; which shall include 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) wheel washing facilities;
e) measures to control the emission of dust and dirt during construction;
f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
g) measures for the protection of the natural environment.
h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. 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: 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.

13. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

14. No development shall commence on 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 the development shall be 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 serving that part of the development have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

15. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) 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 prior to granting planning permission.

16. No development shall 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. No dwellinghouse shall 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.

17. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: “Trees in Relation to Design, Demolition and Construction -Recommendations”; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

18. No development shall commence on site until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker which should include the following:

• the drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing

• the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

• No dwellinghouse shall be first occupied until foul water drainage has been constructed in accordance with the approved scheme

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
19. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development is adequately drained.

20. Prior to first occupation of any dwellinghouse the access shall have been provided in accordance with Peter Brett Associates plan 30523/5505/SK01/C.

REASON: In the interests of highway safety.

21. Prior to first occupation of any dwellinghouse the access shall be provided with visibility splays at a height not exceeding 600m above carriageway level from a point measured 2.4 metres set back along the centre line of the access to points on the nearside carriageway edge 54 metres to the north and 44 metres to the south. The visibility so provided shall thereafter be maintained and kept clear of obstruction in perpetuity.

To safeguard visibility in perpetuity in a southern direction, the applicant/developer shall submit details and exact siting of a boundary fence or wall measuring 1.8m high to be positioned in front of the existing boundary hedgerow facing Semington Road which requires to be cut back – the extent of which shall be agreed in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON: In the interests of highway safety.

NOTE: The above Grampian condition relates to land within either the applicant’s control/ownership or on highway land.

22. Prior to first occupation of any dwellinghouse on the southern half of the red-lined site the emergency vehicle / pedestrian / cycle route access to Semington Road shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details so submitted shall include a 3.5 metre surfaced width route, and lockable, removable staggered barriers, closing the route to general motor vehicle use.

REASON: In the interests of highway safety.

23. Prior to first occupation of any dwellinghouse the emergency access to Semington Road shall be provided with visibility at a height not exceeding 600m above carriageway level from a point 1 metre set back along the centre line of the access to a point on the nearside carriageway edge 43 metres to the north. The visibility so provided shall thereafter be maintained and kept available in perpetuity.

REASON: In the interests of highway safety.

24. Prior to first occupation of any dwellinghouse on the southern half of the red-lined site a lowered kerb, tactile pedestrian crossing point shall have been provided opposite the emergency access to Semington Road in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

25. Prior to first occupation the roads, including footpaths and turning spaces, shall be constructed so as to ensure that 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: To ensure that the development is served by an adequate means of access.
26. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

REASON: In the interests of highway safety and the amenity of future occupants.

27. No dwellinghouse shall be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

28. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have 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.

29. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

30. No burning of waste materials shall be permitted on the site at any time.

REASON: In the interest of protecting the amenity of nearby residential properties.

31. The dwellings hereby permitted shall meet the relevant requirements of energy performance equivalent to Level 4 of the Code for Sustainable Homes. The development shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or its equivalent has been achieved.

REASON: To comply with Core Policy 41 of the Wiltshire Core Strategy 2015

32. No dwelling or its curtilage shall be located within the boundary of the predicted 300m^3 zone from the existing Wessex Water sewage treatment works as defined on Parameter Plan 3878_020_B received the 20 April 2014.

REASON: In the interest of protecting the amenity of future residents.

INFORMATIVE 1: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

INFORMATIVE 2: The applicant is encouraged to approach the lead local flood authority to discuss potential modelling of the brook and to appreciate additional flows.

INFORMATIVE 3: 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:

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

INFORMATIVE 4: 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
- wheel-washing facilities
- 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.

INFORMATIVE 5: 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 is 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 Berryfield Brook, designated a ‘main’ river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

INFORMATIVE 6: There are ordinary watercourses within or in close proximity to your site. If obstructions to the flow in the watercourses are intended (permanently or temporarily, including culverting) the prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority will be required. The Drainage Team can be contacted at the following link to discuss their requirements:

http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm

INFORMATIVE 7: With regards refuse collection, the council will only operate 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 8: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE 9: 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. Please see these websites for further information:

http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm
http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx
https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

INFORMATIVE 10: There is a low risk that Great crested newts are present on the application site. This species 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 Natural England (NE) should be contacted for advice on any special precautions before continuing, as a derogation licence may be required.