

Date of Meeting	10 May 2023
Application Number	PL/2022/02749
Site Address	Land at Semington Road, Melksham, Wiltshire
Proposal	Reserved matters (Following Outline Permission 20/01938/OUT) for development comprising the erection of 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road.
Applicant	David Wilson Homes
Town/Parish Council	Melksham Without Parish Council
Electoral Division	Melksham Without West & Rural – Cllr Jonathon Seed
Grid Ref	389-162
Type of application	Approval of reserved matters
Case Officer	Steven Sims

Reason for the application being considered by Committee

The application has been called into committee at the request of Cllr Jonathon Seed to consider the following issues –

- Lack of school access or places, particularly primary school places
- Inappropriate design – too many cul-de-sacs off a single spine road.
- Poor mix of housing and not consistent with the outline permission
- Inappropriate placing of affordable housing
- Lack of access to community facilities –a footbridge is required with lights to cross the ditch and allow easy access to Berryfield Village Hall

1. Purpose of Report

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that reserved matters approval should be **GRANTED** subject to conditions.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development.
- Appearance/Landscaping/Layout/Scale
- Highway issues
- Drainage issues
- Ecology issues
- S106 contributions

3. Site Description

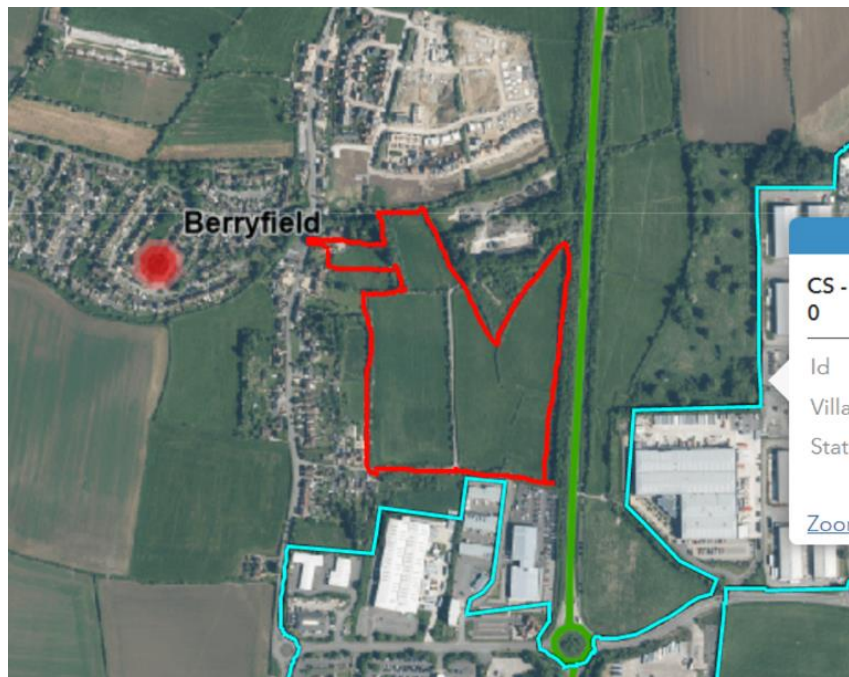
The application site comprises approximately 8.2 hectares of agricultural land (categorised as within mainly grade 3b agricultural land which is considered moderate quality land) separated into three irregular shaped fields divided by an existing access road that runs north from Shails Lane to the Bowerhill Sewage Treatment Works, and the site is consequently location within lies within the Sewage Treatment Works buffer zone.

The site is located in close proximity and to the east of Berryfield, south of Melksham and west of Bowerhill. Residential properties bordering Semington Road are located to the west while the A350 borders the site to the east. Commercial development (Hampton Business Park) is located to the south on the opposite side of Shails Lane.

New residential development for 150 dwellings (approved under application 16/00497/OUT and reserved matters application 17/12514/REM) is located to the north of the site. Bordering the site to the northeast is the Bowerhill Sewage Treatment Works. The main access to the proposed development would be taken from Semington Road, at the north-western corner of the site. Access to the aforesaid treatment works would be rerouted from Shails Lane to the south to the new access off Semington Road.

Along the western boundary of the site is the route of the old Wiltshire and Berkshire Canal. The site is located within the landscape character area 'Open Clay Vale'. Berry Brook is located directly to the north of the site.

The application site (highlighted in red) is located outside the settlement boundary; however it benefits from outline planning permission (granted under 20/01938/OUT) and abuts existing residential development to the west and commercial development to the south. The site is in close proximity to the settlement boundary of Melksham and Bowerhill and the Small village of Berryfield, although it should be noted that since the aerial photo was taken, residential development has been approved and is well underway in terms of construction on the land to the north.



Application site in relation to the village of Berryfield (west), Melksham and Bowerhill and approved development (17/12514/REM) to the north



View across site looking North towards the Sewage Treatment Plant



View across site looking South towards the Business Park



Proposed access off Semington Road



Existing access off Shails Lane leading to Sewage Treatment Works

4. Planning History

- PL/2023/02193 – Discharge of conditions 10, 11, 12 of planning application 20/01938/OUT (Outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off

Semington Road. All matters reserved except for principal means of access). – No decision at time of writing report

- PL/2023/01160 – Discharge of Condition 13 on 20/01938/OUT (Outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road. All matters reserved except for principal means of access.) – No decision at time of writing report
- PL/2023/01159 – Discharge of condition 5 of planning application 20/01938/OUT (Outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road. All matters reserved except for principal means of access). – No decision at time of writing report
- PL/2022/07183 – Non-Material Amendment application for amended vehicular access to vary approved application reference 20/01938/OUT to serve up to 144 dwellings – Approved
- PL/2022/05085 – Discharge of condition 22 (archaeology) of planning application 20/01938/OUT (Outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road. All matters reserved except for principal means of access). – Approved
- PL/2022/05550 – Discharge of conditions 14 and 15 (LEMP/CEMP details) of 20/01938/OUT – Approved
- PL/2022/04606 – Discharge condition no. 8 (Travel Plan) of 20/01938/OUT – Approved
- PL/2022/03805 – Discharge of conditions 17 and 20 (Construction Method Statement and details of Ultra Low Energy Vehicle infrastructure) of 20/01938/OUT – Approved
- PL/2022/03015 – Discharge of Condition 22 (Archaeological Investigation) of planning application 20/01938/OUT (Outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road. All matters reserved except for principal means of access). – Approved
- 20/01938/OUT – Outline planning permission for up to 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road. All matters reserved except for principal means of access. – Approved and subject to a s106 Legal Agreement
- W/89/01780/FUL – Relocation of 9 mobile homes – Refused
- W/81/00193/HIS – Change of use from agricultural land to formal recreation - Approved
- W/74/00359/HIS – Erection of single agricultural dwelling – Refused

5. The Proposal

This is a reserved matters application that seeks permission for the appearance, landscaping, layout and scale of 144 houses approved at outline stage (to which application reference 20/01938/OUT refers). The approved development is located within the site parameters approved as part of the outline consent.

The total number of dwellings proposed is 144 houses which would include 8 x 1 bedroom units, 23 x 2 bedroom units, 58 x 3 bedroom units, 31 x 4 bedroom units and 24 x 5 bedroom units.

A total of 43 dwellings would be affordable (comprising affordable rent and shared ownership).

Access to the site would be via a new vehicular access located off Semington Road approved under the outline permission (20/01938/OUT) which would also provide access to the sewage works adjacent and to the northeast of the site.

The detailed scheme would include 3.2 ha of open space including the provision of a local equipped area for play (LEAP) and outdoor gym.

Additional tree and hedgerow planting is proposed throughout the site and along the boundaries of the site.

During the processing of this application, revised plans were received detailing an amended access - which was approved under application PL/2022/07183 (s96 application for a non-material amendment).

Through the discharge of planning condition process, several suspensive planning conditions imposed at outline stage have been discharged, namely:

Condition 8 (submission of a travel plan) 17 (Construction Method Statement), 20 (scheme of Ultra Low Energy Vehicle infrastructure) and 22 (archaeology details) of outline permission 20/01938/OUT were discharged under applications PL/2022/04606, PL/2022/03015, PL/2022/03805 and PL/2022/05085.

Application PL/2022/05550 relating to the discharge of conditions 14 and 15 (submission of a CEMP and LEMP) has also recently been approved.

Applications PL/2023/02193, PL/2023/01159 and PL/2023/01160 are still with the Council pending determination with regards the discharge of outline conditions 5, 10, 11, 12 and 13 (relating to the submission of site infrastructure details, bus shelter and zebra crossing layout details at Semington Road and drainage details).



Proposed site location plan (drg no. P21-3414_5 rev S)

6. Planning Policy

National Planning Policy Framework 2021 (the Framework)

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 15: Spatial Strategy – Melksham Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 43: Providing affordable housing; Core Policy 45: Meeting Wiltshire’s Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire’s Vulnerable and

Older People; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network, 67: Flood Risk.

West Wiltshire District Local Plan (saved policies)

U1a Foul Water Disposal, U4a Sewage Treatment Works, U5 Sewage Treatment Works Buffer Zone and I2 Arts

The made Joint Melksham Neighbourhood Plan 2020-2026

The Wiltshire Local Transport Plan 2011- 2026

Wiltshire Housing Sites Allocations Plan adopted Feb 2020 (WHSAP)

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

Wiltshire and Swindon Waste Core Strategy 2006-2026 (Policy WCS6)

7. Summary of Consultation Responses

Melksham Without Parish Council:

Comments dated 8/2/23 – “Whilst noting the small changes made, the Council wished to reiterate their previous comments made, particularly the need for an impermeable fence to the Southern boundary in order to stop residents of the development from accessing Shails Lane from the site. Members noted proposals for a new gate to the Southern boundary, allowing access onto Shails Lane but were unclear as to why this has been included. Therefore, Members requested the Clerk contact David Wilson Homes to discuss the revised plans and to reiterate there should be no access to Shails Lane, as it is a private road and to ask as a gesture of good will, they might like to fund a suitable gate across Shails Lane, in order to discourage people accessing the lane, with a suggestion a suitable location would be near the canal bridge.

Members confirmed they still wished the committee ‘call in’ to remain as there remain aspects of the application that the Parish Council are not satisfied with.

The revised change in the housing mix to more smaller units, are however welcomed.

Members wished to reiterate previous comments made as follows.

Comments dated 22/12/22 – The Affordable housing is clustered throughout various locations of the development, which conflicts with Wiltshire Council’s Core Strategy Policy 43 – which seeks to create mixed, balanced and inclusive communities, and affordable housing units should be dispersed throughout a development and designed to be high quality, so as to be indistinguishable from other development.

Members request the inclusion of 2 affordable accessible bungalows as stated in the Section 106 Agreement and to construct 2 x 2 bed bungalows to the Lifetime Homes Standards, so as to be wheelchair accessible and adaptable.

Several refuse collection points appear to be located on private driveways/unadopted roads, with a concern that these bins will not be collected and therefore it is requested provision is made for bin collection points adjacent to the adopted highway and large enough for at least 2 bins per dwelling.

Concern was raised at potential for vehicles to speed along the straight spinal road proposed for the development. Therefore, it is requested some form of natural traffic management is installed, in order to slow vehicles down.

The Parish Council have previously asked for the provision of two bus shelters tall enough and with a power supply to enable real-time information, proper seating (not a perch), side panels and kerbs etc to match that at the adjacent Bowood View development. However, there does not appear to be provision for a bus stop for the South bound bus service; whilst outside the red line of the application it is understood that the current bus layby will be filled in as part of the visibility splay/access works with no indication of a replacement bus stop on drawings.

Members support the concerns raised by residents of Shails Lane at the lack of visitor parking proposed and the need for this to be increased.

Members also support concerns raised by residents of Shails Lane at contractors persistently accessing the site from Shails Lane to date. It was asked that from the start of any work on site contractors are made aware they should only access the site from the proposed access on Semington Road.

Members wished to repeat their request for a non-permeable fence, to be shielded by hedging treatment, between the development and Shails Lane, in order to discourage residents trespassing onto the private lane.

Members reiterated their previous request, following concerns raised by residents of Shails Lane for consideration to be given to some form of barrier/gate to be installed at the entrance to Shails Lane, in order to discourage residents from the development and those who use the lane for fly tipping from accessing the lane. To be situated on the lane once past the entrance to 514d Shails Lane.

There is still no provision for a cycle route within the development, despite Semington Road having been designated a National Cycleway (NCN 403) several years ago. Page 93 of the Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP) which was recently out for consultation, shows the cycle routes etc of the Melksham area, clearly showing the National Cycle Network NCN 403 and the Hilperton to Melksham Active Travel route along the Semington Road with access to the proposed development.

Requests that additional developer contributions are sought for a footbridge to connect the adjacent development (Bowood View), and provision is made for a footpath to join the proposed circular footpath to the north of the development.

The provision of bird, bat and bee bricks, reptile refugia and hibernacula within the development, in order to increase biodiversity should also be secured.

Wiltshire Council Spatial Planning: No comments

Wiltshire Council Landscape Officer: No comments

Wiltshire Council Drainage Team: Support subject to conditions

Condition 13 imposed on the outline application (20/01938/OUT) requires details of surface water drainage to be submitted to the LPA prior to commencement of development. Drainage details have been submitted pursuant to discharge of conditions application PL/2023/01160.

Wiltshire Council Urban Design Officer: Initially raised concerns with regard to the housing mix (and the disproportionate number of 5 bed properties) and the design. These issues were satisfactorily resolved following negotiation with the applicant and the submission of revised plans and housing mix (see section 5 summarising the revised housing layout and mix).

Wiltshire Council Ecology Officer: No objection subject to condition

Wiltshire Council Waste (Refuse & Management) Team: Initially advised that refuse collection points needed to be identified. Amended plans submitted identified these points and no additional comments were provided by the waste collection team.

Wiltshire Council Public Protection Team: No comments

Wiltshire Council Housing Enabling Team: Initially raised concerns with regard to the accessibility of the proposed maisonette, the layout and parking provision for units 40-44 and 91. However these issues were resolved following negotiation and the submission of amended plans.

Wiltshire Council Archaeology Officer: No objection. The application is subject to an archaeological condition imposed at outline stage – which is being appraised separately to this submission.

Wiltshire Council Education Team: No comment

Wiltshire Council Public Open Spaces Team: The development requires the following Public Open Space onsite requirements -

Public Open Space - 4078.08 SQ.M

Sports - 3398.40 SQ.M

Play -169.92 SQ.M

These requirements have been met and were secured by s106 agreement at outline stage (see section 10 'Planning Obligations' below).

Wiltshire Council Highways Team: No objection subject to conditions

Wiltshire Council Rights of Way Team: No comments

Natural England: Confirmed having no comment.

Environment Agency: No objection and confirmed that The Environment Agency's interests were addressed at the Outline Planning Stage.

Canal and River Trust: No comment

Police Liaison Officer: Initially raised concerns with regard to the proposed layout which were satisfactorily resolved following negotiation with the applicant and the submission of revised plans. No further comments were received following a re-consultation with the police liaison officer.

NHS Wiltshire: No comments

Wessex Water: No objection

8. **Publicity**

This application was publicised via the display of a site notice as well as individually posted letters that were sent to neighbouring properties within close proximity of the site. As a result of the publicity, 30 representation letters were received commenting on the application and raising the following summarised concerns:

- Poor access
- Inaccurate drawings
- Conditions on outline not complied with
- Adverse impact on root system of adjacent trees
- Ongoing boundary dispute issues
- Swift boxes are required
- Barrier required between Shails Lane and application site
- Safety issues regarding newly improved cycle way from Hilperton to Melksham
- Additional traffic/highway safety issues
- Additional pollution
- A proper cycleway along Semington Road should be installed
- Additional traffic calming measures should be installed along Semington Road
- No right of access by contractors along Shails Lane
- Shails Lane is a private road
- Rear gardens of properties fronting Semington Road should be adequately screened
- Fencing/ barrier should be installed along A350
- Highway/pedestrian safety issues with regards access to A350

- Issue of ground contamination
- Structural damage to adjacent houses due to depth of proposed footings
- Loss of light/overshadowing
- Adverse impact on local wildlife
- Loss of hedgerows
- Poor parking
- Lack of local facilities/ infrastructure
- Adverse impact on existing landscape

9. Planning Considerations

9.1 Principle of Development

The principle for the construction of 144 dwellings at this site with vehicular access was established by the granting of outline planning permission 20/01938/OUT. The approval of the outline application was endorsed by strategic planning committee on 27 January 2021 subject to conditions and the completion of a s106 agreement. The legal agreement was completed, and the decision notice was issued on 10 September 2021.

With the principle of development being established, and this application seeking reserved matters approval, the principle issues relating to the housing development and the detailed consent granted for the vehicular access are not open for re-consideration, and nor is it open for the Council to reconsider or add additional developer obligations that are enshrined within the completed and sealed s106 legal agreement.

As was the case at the time of reporting the outline application to the SPC meeting, the Council still cannot demonstrate a 5-year housing land supply. The deficit, whilst not considered significant, remains a material planning consideration and the adopted WCS core policies which seek to restrict housing such as CP1, CP2 and CP15 cannot be afforded full weight in the planning balance.

This is an application for approval of reserved matters pursuant to the appearance, landscaping, layout and scale. Adopted Core Policy 51 of the WCS states that new development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Core Policy 57 of the WCS requires a high standard of design in all new development and that it should respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape.

9.2.1 Appearance

The proposal comprises a 2 and 2.5 storey housing development adjacent to Bowerhill and Melksham. The scheme for 144 dwellings would create a new housing development off Semington Road located between existing residential and commercial development and to the west of the A350. The development would have a mix of 1, 2, 3, 4 and 5 bed dwellings located off the main access road in a series of small cul-de-sacs. Public open space would be located to the north and east of the housing development.

Wall materials would include red brick, reconstituted stone and render, roof materials would be grey and brown tiles. Screening walls would be constructed using red concrete brick, or reconstituted stone. Plots would be defined using a combination of 1.8-metre-high walls, timber or close boarded fencing. The site boundaries would consist of mainly existing hedgerows and a 1.8-metre-high timber or close boarded fencing.

A 3-metre-high acoustic fence would be located to the rear of plots 81-92 on the southern boundary of the site and would extend across the width of the Bowerhill Sewage Treatment Works access where it intersects with Shails Lane.

The following street scene section through the site illustrates that variation in design is provided through the use of a number of different house types that would have different form and subtle variations in appearance and scale.



STREET SCENE A - OUTER EDGE



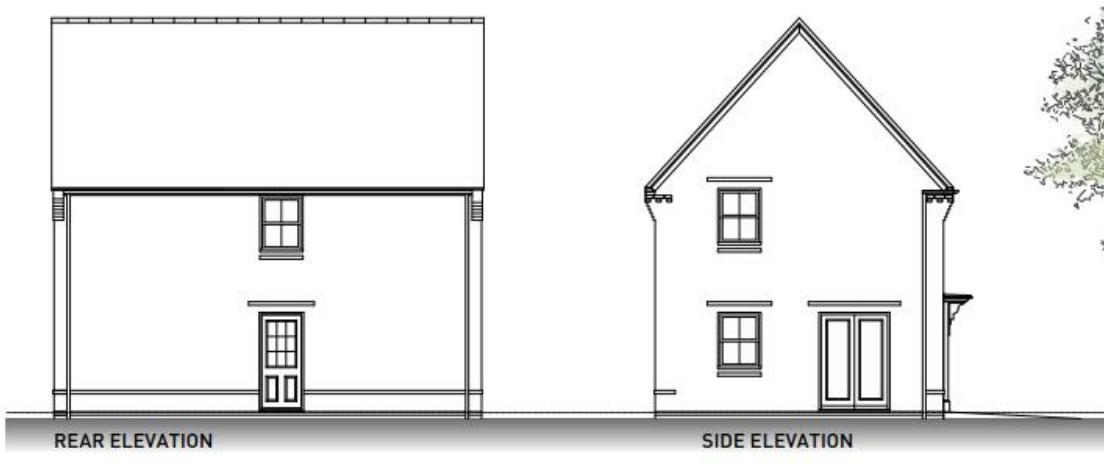
STREET SCENE B - CORE



STREET SCENE C - OPEN SPACE EDGE



Illustrative street scene plans (drg no. P21-3414_03 Rev D)



Example 3 bed dwelling (drg no. P21-3414_13-1.10 Rev C (HADLEY [341] _BRICK))

In response to the Council's request, revised plans were submitted, and the design concerns raised by the council's urban design officer were addressed. As revised and negotiated, it is considered the development represents a quality scheme in terms of the design, scale, massing and proportions. In addition, the suburban context of the site is emphasized through use of materials which reflect local character.

9.2.2 Landscaping

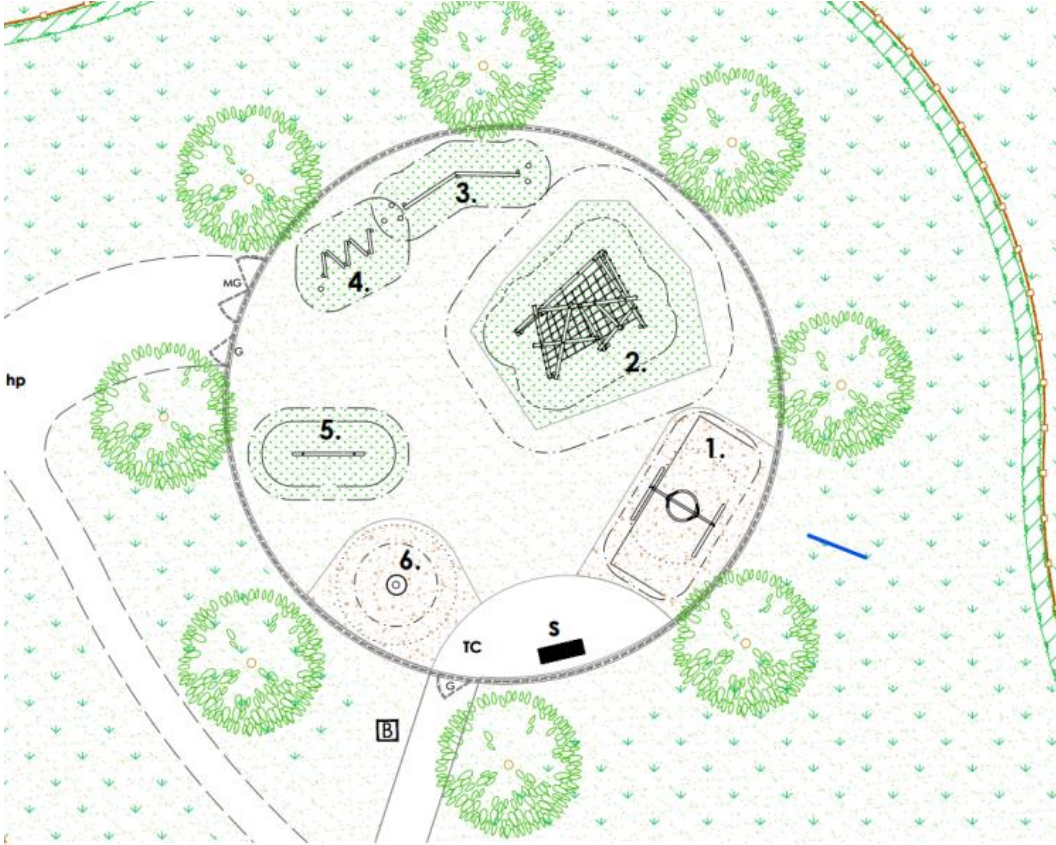
The site comprises approximately 8.2 hectares of agricultural land currently formed as three irregular shaped fields which is dissected by an existing access road that runs north from Shails Lane to the Bowerhill Sewage Treatment Works – which is clearly illustrated in the aerial view below. The site is located outside of a settlement boundary, but does abut recently implemented new housing development to the north and well-established houses to the west, with commercial development to the south. The A350 is located to the east.



The proposed housing scheme includes about 3.2 hectares of public open space located to the north and east of the site. In addition, the scheme includes an outdoor gym located in the northern part of the site and a Local Equipped Area for Play (LEAP) in the open space to the east.



Additional tree and hedge planting are proposed throughout the site and along the site boundaries. Hoggin footpaths will be located throughout the site allowing access to the open spaces. A pedestrian and green corridor running north/ south though the site and comprising the existing waste works access would remain. This corridor would consist of the existing tarmac track and existing hedgerow (with gaps in the hedgerow to be planted up). Details of lighting of this corridor and throughout the site, would be confirmed following the discharge of suspensive planning condition 16 as attached to the outline permission (20/01938/OUT) which requires the submission of a lighting strategy for the site.



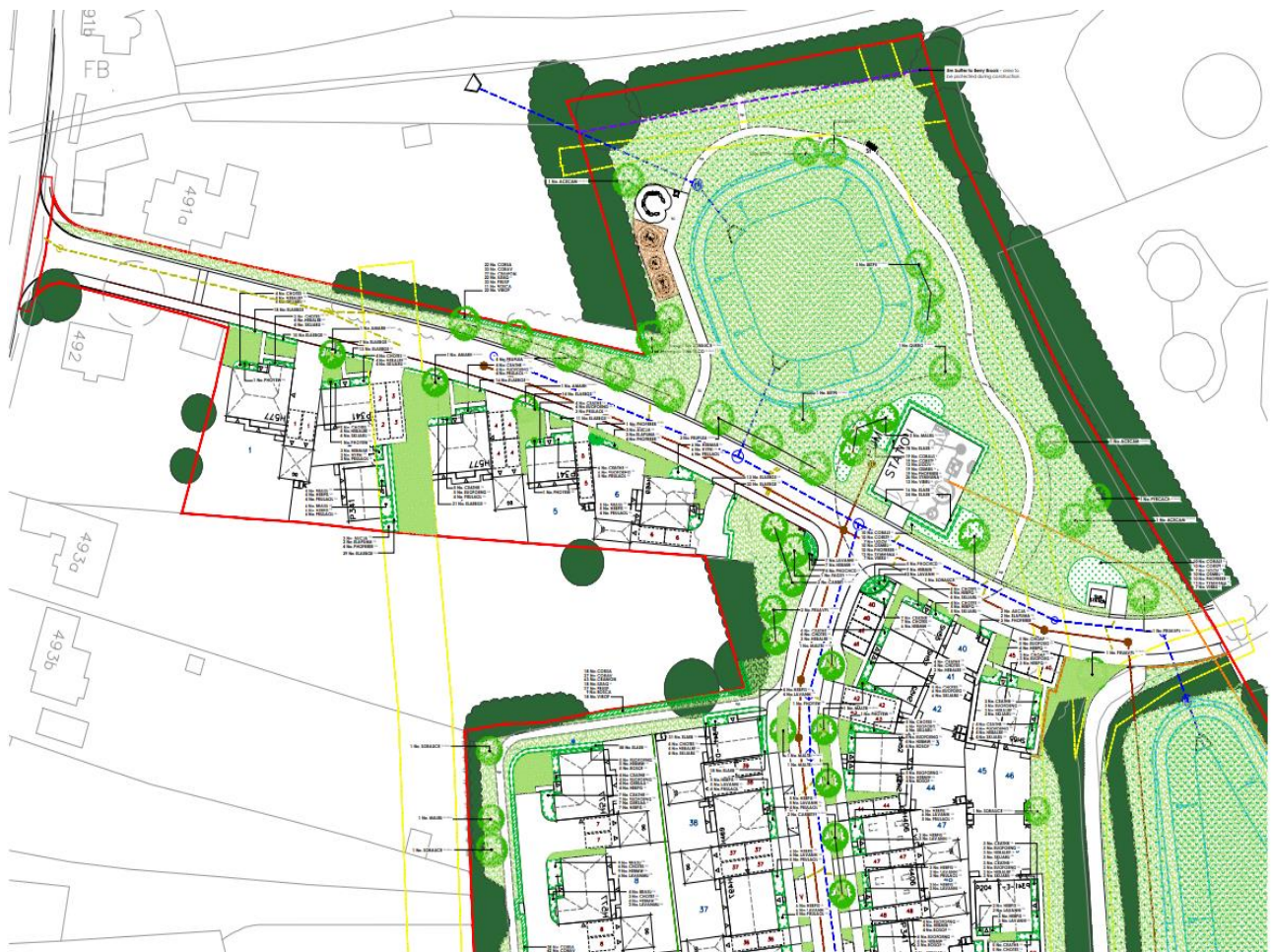
Local Equipped Area for Play (LEAP)



Pedestrian and green corridor running north/ south though the site

Third parties have raised the issue of creating a pedestrian access from this development site northwards to connect with the new housing development approved at 'Land East of Semington Road, Melksham' (to which consented outline application 16/00497/OUT and reserved matters application 17/12514/REM refer) to allow pedestrian access to the new village/ community hall from the proposed development.

Amended plans received detail the provision a footpath leading off the circular footpath to the north of the on-site attenuation basin (as illustrated below) which could be further extended, should separate planning permission be granted for a footbridge over Berry Brook, and with the appropriate funding, this scheme could connect with the scheme to the north. For the avoidance of any doubt, it is not something that can be imposed as a developer requirement for this reserved matters application since the time for identifying and imposing s106 obligations has passed following the determination of the 2020 outline application.



Proposed landscaping – northern part of the site (Drg no. GL1768 01G) – including attenuation basin and outside gym facility



Proposed landscaping – northeast part of the site (Drg no. GL1768 05G) including LEAP and habitat protection area



Proposed landscaping – southwest part of the site (Drg no. GL1768 003G)

The concerns raised by third parties and the Parish Council have been duly noted with regard to access onto Shails Lane from the development site. To restrict such access, a 3-metre-high acoustic fence is proposed along this section of the southern boundary as detailed on the landscape plan above. A gate is proposed in this fence to allow continued access to services (such as water, mains sewers, gas and telecommunications) that exists under the access road serving the sewage treatment works site and details of the gate would be conditioned on any approval.

9.2.3 Layout

The proposed 144 dwellings at this site would be provided as 2 and 2.5 storey properties located off a new access road off Semington Road. This road would also link Semington Road with the sewage treatment works which is sited to the northeast of the site. The scheme would consist of a mix of 1, 2, 3, 4 and 5 bed properties and would include 43 affordable dwellings (to be provided as 28 affordable rented and 17 shared ownership), which has been secured

through the s106 legal agreement that binds the outline approval and as can be seen from the following plan the provision of affordable housing would be spread throughout the site where there is a mix of affordable rent and shared ownership properties.



Affordable housing provision (Drg no. P21-3414_09 rev E) with red coding representing A/H rent and blue coding representing shared ownership properties.

Market dwellings (101 units) –

4 x 2 bed houses
44 x 3 bed houses
29 x 4 bed houses
24 x 5 bed houses

Affordable dwellings (43 units) –

Affordable Rent (26 units)

8 x 1 bed 2 person Maisonettes (including 4 adaptable units)
9 x 2 bed 4 person Houses
7 x 3 bed 5 person Houses
2 x 4 bed 6 person Houses

Shared Ownership (17 units)

10 x 2 bed 4 person Houses
7 x 3 bed 5 person Houses

In total the 144-unit scheme would provide –

8 x 1 bed units (5%)
23 x 2 bed units (16%)
58 x 3 bed units (40%)
31 x 4 bed units (22%)
24 x 5 bed units (17%)

It should be noted that the original submission included a housing mix consisting of 38 x 3 bed and 63 x 4 bed properties which resulted in objections from officers and consultees. However, following officer led negotiations, the housing mix was revised, and the mix detailed above, is considered acceptable and compliant with adopted Core Policy 45 – which seeks new housing development to provide a range of different types, tenures and sizes of homes to create mixed and balanced communities.

The revised scheme would provide 58no. 3 bed dwellings representing 40% of the proposed housing mix. In total the development would provide 81 (56%) 2 and 3 bed properties, with 24no. houses being 5 bed units.

The request made by the Parish Council pursuant to the provision of affordable bungalows within the scheme has been noted, but this was not identified as a requirement at s106 stage, and the REM submission has evolved from that legal agreement, and provision is made for 4 x 1 bed ground floor 'adaptable' maisonettes within the scheme. Coupled with the lack of an objection to the revised and negotiated housing mix from the Council's housing enabling team, the local request for alternative affordable housing provision is not considered reasonable or necessary, and its omission would not be defensible grounds to base a refusal.

The development includes a significant amount of public open space in the northern and eastern reaches of the site and a wildlife buffer would be provided along the northern and western boundary that would also extend along part of the southern boundary of the site. The

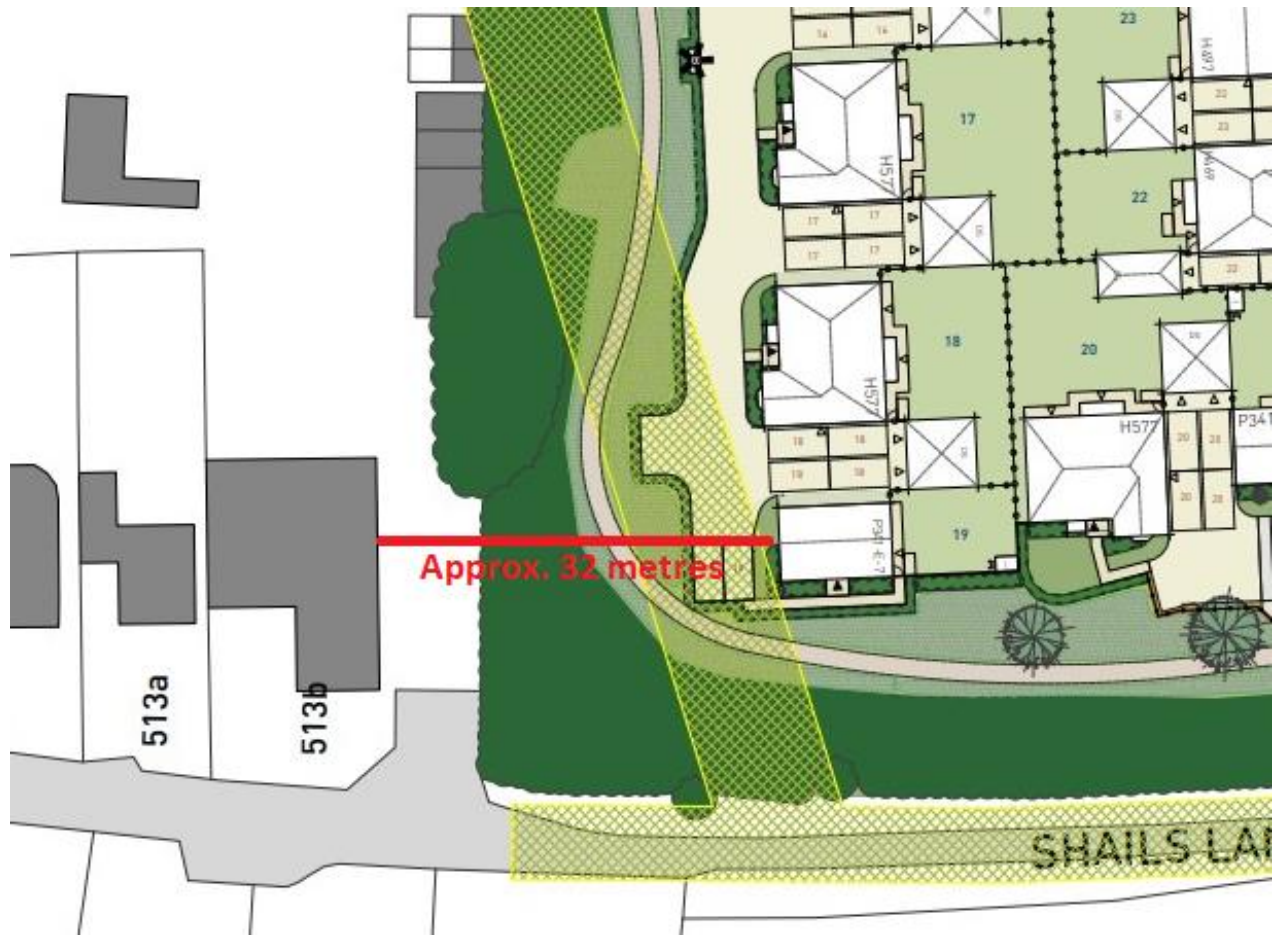
northeast section of the site would form a habitat protection area consisting of retained grassland. A LEAP would be located within the eastern designated parcel of open space which would be connected to the housing development by a series of footpaths.

The existing access to the sewage treatment works that dissects the site on a north-south axis needs to be safeguarded as a utility easement area and would, in the main, be a pedestrian zone and green corridor through the central part of the site bordered by hedgerows on either side of the existing tarmac track.



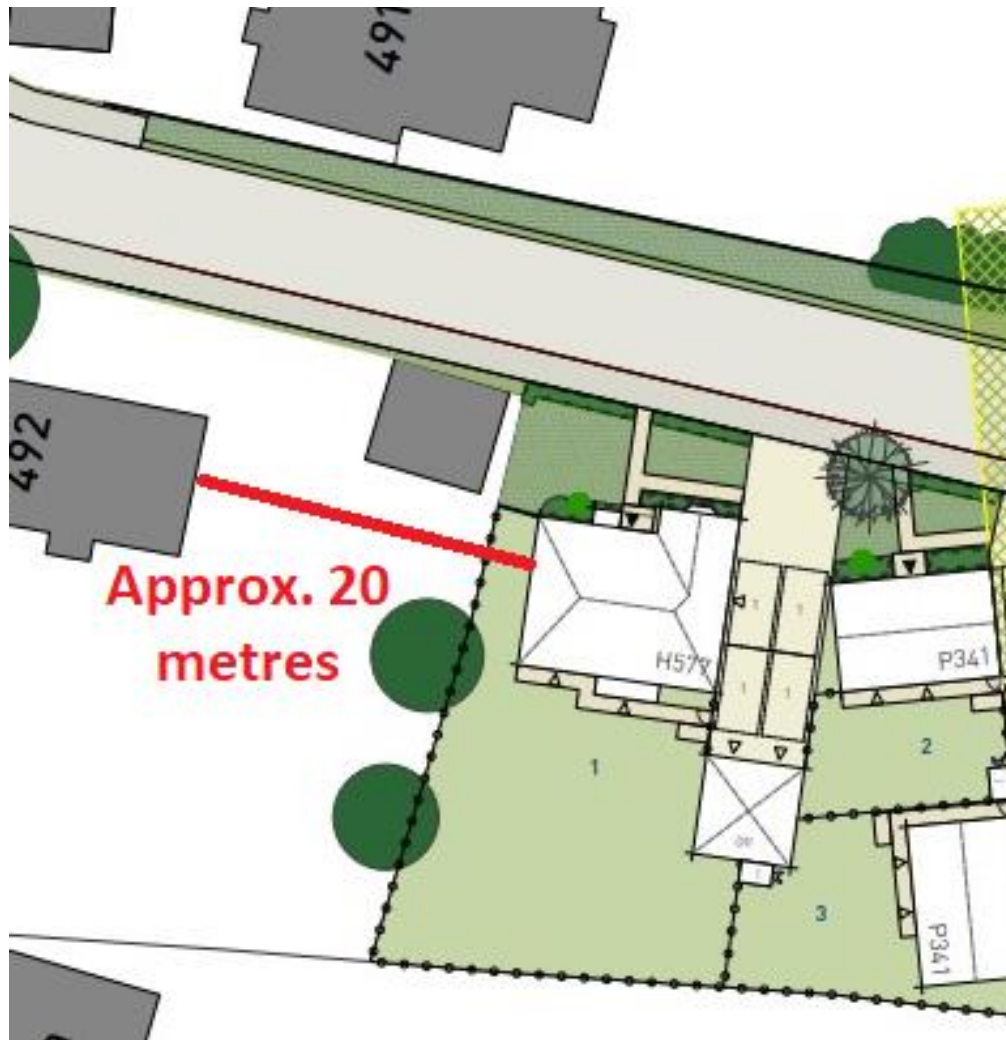
In terms of neighbouring amenity impacts, the separation distance between the proposed western elevations of plots 7 to 17 along the western boundary of the site and the rear

elevations of the existing houses fronting Semington Road measures approximately 80 and 95 metres. In terms of proposed plots 18 and 19, the distance to the side elevation of No. 513b Semington Road as illustrated below is approximately 32 metres. The separation distance between the west facing elevation of proposed plots 18 and 19 and the eastern garden boundary of No. 513b Semington Road is approximately 24 metres. In all cases, it is considered that the proposed development (as revised) would not result in substantive overlooking or overbearing concerns, and there would be no material loss of light or privacy for local residents.



Approximate separation distance from side elevation of plot 19 to side elevation of No. 513b Semington Road (Southwest corner of site)

The proposed separation distance between the west elevation of proposed plot no.1 and the rear elevation of No. 492 Semington Road measures approximately 20 metres.



Distance between the west elevation of plot 1 and the rear elevation of No. 492 Semington Road

Mindful of the above separation distance and proposed property orientation, officers have undertaken a sun cast shadow assessment and have concluded that a section of the rear garden of the No.492 Semington Road property would be in shadow in the early hours as the sun rises, but this impact would be limited in its extent and temporary as the sun moves on its orbit and the level of overshadowing would reduce to no impact as the day progresses.

In terms of overlooking or loss of privacy to No.492, no side windows at first floor level are proposed for plot 1 on its western elevation, which can be secured by condition.

On the basis of the above, the development is considered CP57 and NPPF compliant. The revised site layout adequately addresses issues of residential amenity. The aforesaid separation distances between existing and proposed properties and their relative orientation leads officers to conclude that residents would not be materially overlooked and there would be no significant loss of privacy to justify a refusal of reserved matters. In addition, sufficient outdoor garden/amenity space is allocated for the 144-house scheme.

The site has been well designed in terms of highway considerations with access to individual plots. The junctions have been designed with adequate visibility and the Council's minimum car parking standards have been complied with. There is an appropriate level of visitor parking throughout the site (29 spaces) and submitted vehicle tracking details confirm adequate provision for refuse and emergency vehicles. Pedestrian permeability through the development is considered to be good – with the layout respecting the living conditions of existing and future occupiers and would provide a good level of permeability. The layout design also makes allowances for the necessary highway safety and drainage infrastructure.

9.2.4 Scale

The scale of the development is compliant with the parameters set out at outline stage and would provide a mixed tenure 144 house development. The scheme would mainly comprise 2 storey dwellings with 19 no. being 2.5 storey that would provide articulation and variety in the street scene (as detailed in the building heights plan below).



Building heights plan (Drg no. P21-3414_10 rev E)

Overall, the proposed density at 28.8 dph (across the developable land parcel) is considered acceptable and would constitute as an efficient use of the site and would enable the developer to retain existing boundary landscaping, and provide a significant quantum of public open space, play provision and enhanced landscape planting.

The scheme provides for a range of dwellings across the site of varying sizes, in order to accommodate a variety of housing needs and would satisfy adopted local plan policy CP45.

The scheme provides a hierarchy of dwellings from larger detached properties, through to smaller terraced properties creating variety in the streetscape which is CP57 compliant.

The scale of the proposed development is considered acceptable which accords with the outline approval and policy requirements.

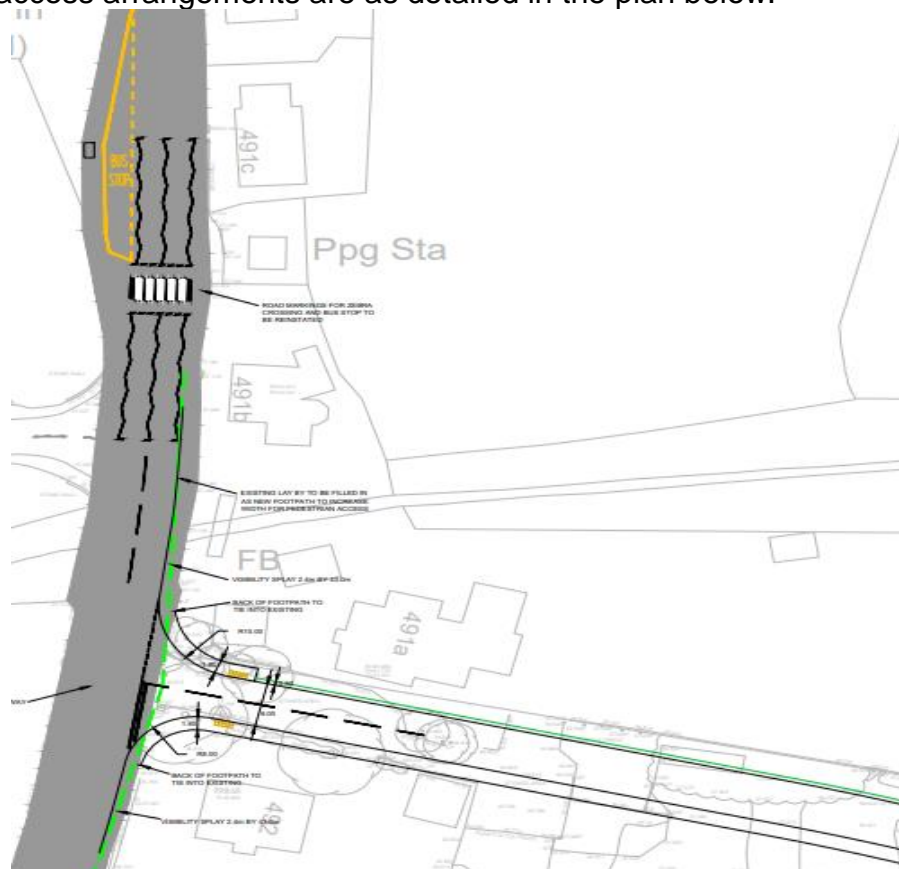
9.3 Highway Issues

The wider highway impacts of the proposed housing development on the local road network were fully assessed at outline application stage with detailed consideration given to the vehicular access. With the means of access of Semington Road benefitting from detailed consent, it does not form part of this REM appraisal.

For the avoidance of any doubt, the access has been designed as a standard priority junction with a carriageway width of approximately 6 metres.

Following the grant of outline permission, a subsequent application removed the pedestrian footpath on the north side of the new access (under application PL/2022/07183) following a detailed consultation and agreement with the Council's local highway authority.

The approved access arrangements are as detailed in the plan below.



Approved revised access (Drg no. P21-3414-PEG-XX-XX-DR-C-040-S2-R01)

The internal road layout would deliver a new vehicular access to the Bowerhill Sewerage Treatment Works. The internal access road has been designed to accommodate waste and delivery vehicles and the application is accompanied by refuse vehicle and fire tender swept path analysis plans which have been reviewed by internal consultees and found to be acceptable. A parking strategy plan has also been submitted which the local highways authority is supportive of being in accordance with Wiltshire Council's current car parking standards. There is an appropriate level of visitor parking throughout the site (29 spaces).



Partial plan extract using the Building Heights Plan showing the new vehicular access to the sewage treatment works.

The scheme also includes the provision of a new northbound cantilever bus shelter and new zebra crossing along Semington Road to the north of the proposed access.

In addition, the existing south bound bus lay-by located just north of the proposed access would be reconstructed to widen the existing footpath and incorporate raised bus kerbs.

These works were secured by condition at outline stage and details have been submitted as part of the discharge of conditions under application PL/2023/02193 (which is still pending separate officer review at the time of writing this report).



Semington Road – north of access - location of proposed new cantilever bus stop (left) and new zebra crossing road marking.



Semington Road – north of access – reconstructed lay-by to widen the existing foot path.

The additional request made by the Parish Council pursuant to the provision of cycle paths through the site has been duly noted. However, given the quantum of housing being proposed and the predicted low traffic speeds through the 144- house scheme, dedicated cycle paths through the site are not justified. In any event, such a developer obligation should have been identified at outline stage to establish the developer burdens and the site/development parameters.

In terms of the NPPF and paragraphs 110 and 111, the revised proposals raise no highway based concerns, and local plan policies and parking standards would be satisfied.

9.4 Drainage/Flooding Issues

The drainage impacts of the development were considered at outline application stage and a suspensive planning condition (no.13) requiring the submission of surface water drainage details was attached to the outline approval (which is currently pending separate officer assessment under application PL/2023/01160).

It should be noted that both Wessex Water and the Council's drainage team raise no objections to the development subject to conditions.

NNPF Paragraph 161 establishes the sequential, risk-based approach to the location of development, and requires decision makers to consider all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property.

Paragraph 162 of the Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Paragraph 167 states when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere; and where appropriate, applications should be supported by a site-specific flood-risk assessment.

The current application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy dated February 2023 with accompanying plans and a Geo-Environmental Assessment Report.

The site is located entirely within flood zone 1 – which constitutes as land with the lowest probability of flood risk. Most of the site is at low to very low risk from surface water flooding however within the far northern part of the site adjacent to Berry Brook, is subject to some surface water flood risk as detailed in the extract reproduced on the next page.



Environment Agency – surface water flood risk map

The submitted FRA considered all forms of flooding including fluvial flooding from rivers and streams, pluvial flooding from overland surface water, ground water flooding from elevated groundwater levels or springs, flooding from sewers and artificial sources of flooding. The FRA concludes that the risk of flooding from fluvial and artificial sources is very low and similarly from pluvial, groundwater sources and sewers, the risk of flooding is considered low.

The site is located entirely within flood zone 1 and the submitted FRA advises that there is a low to very low risk of flooding from all sources of flooding including groundwater flooding. In addition, as can be seen from the Environment Agency surface water flood risk map, the areas at most risk of surface water flooding are located primarily in the northern section of the site, adjacent Berry Brook, where no housing is proposed. As such it is considered the development has been designed as having the least risk of flooding and accordingly, the development complies with national and local plan policy.

Most of the site is currently greenfield and in recognition that the proposed development would increase the amount of impermeable ground surfacing with the introduction of roads, footpaths and buildings, significant attention has been given to various sustainable urban drainage systems.

With the support of technical consultees, the developer proposes to direct all surface water runoff to be collected by a traditional gravity fed drainage system for the proposed buildings and tarmacked highway. Surface water disposal would be via attenuation basins within the site and public open space with the resulting discharge via the existing watercourse running along the northern boundary of the site. The applicants advise that the watercourse is within their riparian ownership and can be suitably secured for this application, although separate land drainage consent would be required from the Council's drainage team.

In terms of foul water disposal, a new foul water drainage system would be installed across the site with the agreement of Wessex Water.

9.5 Ecology Issues

Most of the site comprises semi-improved grassland fields, bound by hedgerows and tree lines, with pole and wire fencing. One field located within the northwest section of the site has in recent years been grazed by livestock. Mature broadleaved woodland borders the site to the east, separating the site and the A350.

Evidence of greater crested newts (GCN) was found in water bodies within the 50 metres of the site to the south and west.

The site has been assessed as having low potential for roosting bats with the trees located along the site boundaries having negligible bat roosting potential. The boundary features comprising the hedgerows, stream and woodland are expected to be used by commuting and foraging bats within the local area in recognition that the site is well connected via surrounding tree lines and hedgerows. No bat roosts or badger setts have been found within or immediately near to the site. Although, the wider landscape does have the potential and suitability for these species, and it is possible that bats and badger may infrequently use the site for foraging and commuting purposes.

In terms of water vole and otter, the site has negligible value due to the lack of water bodies or features being located within the site itself. Numerous bird species were recorded during the submitted site surveys however these represented common species associated with the habitat onsite, and no concerns are raised subject to the imposition of a planning informative citing the Wildlife and Countryside Act safeguards.

Grass snake and slow worm were identified using the site and the site was assessed as supporting populations of both. The ecological impacts of the scheme were considered at outline application stage and suspensive planning conditions were imposed relating to the impact of the development on local biodiversity/ ecology during construction works and the long-term ecological management of the site. Condition 14 required the submission of a Construction Environment Management Plan (CEMP) and condition 15 required the submission of a Landscape Ecological Management Plan (LEMP) prior to the commencement of site clearance or construction works.

In addition, a condition requiring the submission of a lighting strategy was imposed under condition 16.

The Council's ecologist concluded that the development, subject to the implementation of the mitigation measures proposed in the Ecological Impact Assessment which includes the creation of a 'Habitat Protection Area' would result in no net loss of biodiversity.

The Landscape Ecological Management Plan (LEMP) dated March 2023 submitted to discharge condition 15 of the outline permission, establishes the biodiversity measures to be

implemented to include the retention and enhancement of existing hedgerows through the centre of the site to create a green corridor and commuting route for the benefit of wildlife. Existing grassland, hedgerows and trees would be managed to maintain their value for reptiles and amphibians. Meadow grassland would be created on the edges of the development - which would maintain foraging and commuting routes through the site for wildlife. The addition of attenuation ponds to the north of the site would also provide open water habitat and associated flora for a range of species.

On site mitigation measures would also include the provision of a habitat protection area and creation of reptile log piles and hibernaculum and the introduction of bat boxes and bird boxes throughout the site. The watercourse to the north of the site would be buffered with the introduction of a 5-metre buffer to limit development effects and to protect flora and fauna in this area.

It should be noted that no objections are raised by the Council's ecologist to this scheme.



Biodiversity features plan (drg no. GL1768 Fig 1A) LEMP Appendix A – submitted under discharge of conditions application PL/2022/05550

9.6 Other Issues

In response to the concerns expressed by local residents about land contamination, the application is supported by a Geo-Environmental Assessment Report that concludes a localised contamination of the soil was found in the area of the backfilled canal area. Remedial mitigation measures would apply pursuant to a planning condition imposed as part of the outline approval (condition 18) requiring details of remediation measures to be submitted to the Council for its written approval. It should be noted that no objections are raised by the public protection team who are tasked with appraising land contamination matters.

Landownership disputes with regard to the site access is not a material planning issue. The developer has assured officers that the appropriate notices have been served and that the applicant can implement the development lawfully. In terms of the legal rights of the applicants and contractors to use Shails Lane to access the site, this is also not a planning issue and is considered a private civil matter.

Third party concern raised with regard to the accuracy of the submitted plan drawings have been fully reviewed and officers consider the submitted details to be sufficient and accurate to illustrate what is being proposed and the application is supported by sufficient evidence and material to enable the Council to reach a decision.

10. **Planning Obligations**

In accordance with Core Policy 3 of the adopted WCS, the approved outline development generated a requirement for the following summarised developer infrastructure contributions which were agreed and enshrined within a s106 legal agreement dated 10 September 2021:

- Early years contribution of £297,874
- Primary education provision of £337,644
- £200,000 towards upgrading the double pelican crossing on the A350 with associated footway and cycle way. However, it the understanding of officers that these improvements were undertaken using another source of money and have been completed. The applicants have agreed to allow the money to be spent on other relevant projects on the area. This will require a deed of variation to be entered into by relevant parties to amend the original s106 legal agreement. The council's highway team are currently reviewing other relevant highways projects.
- £4000 for the improvement of pedestrian signage between the development and Melksham town centre
- Canal restoration contribution of £500 per dwelling
- Provision of a 100m anti-pedestrian fence along the western side of the A350
- Healthcare provision of £137,000 towards cost of supporting primary care
- Public arts contribution of £300 per dwelling
- Waste and recycling provision of £91 per dwelling
- Establishment of a management company to manage and maintain the open space and play area

Comments from the Parish are noted with regards the request for additional funds for a footbridge to the adjacent development (Bowood View) over Berry Brook. However, the construction of a footbridge over Berry Brook was not considered necessary to make the development acceptable in planning terms at the outline stage when planning obligations were negotiated and secured, and it is no longer reasonable or within the scope of the Council to impose additional obligations on the developer. Reopening principle matters would be ultra vires and would constitute as being unreasonable behaviour and would most likely expose the Council to a substantive costs claim for any delayed or refused permission.

11. **Conclusion (The Planning Balance)**

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

The principle of development for the erection of 144 dwellings at this identified site has been approved by this Council through the issuing of outline permission under application 20/01938/OUT.

It is accepted that the site is located outside defined settlement boundaries and comprises land within the open countryside although, it is material to acknowledge that the application site is in close proximity to existing residential and commercial development.

As was the case when the outline application was reported to the elected members of the Strategic Planning Committee in January 2021, the Council remains unable to demonstrate a 5-year housing land supply. At the time of writing, a supply of 4.72-year is the accepted Council position. The deficit, whilst not significant, is nevertheless a material planning consideration and if approved, this REM scheme would further support the much-needed additional housing delivery to redress the deficit in the coming years.

Adopted WCS core policies CP1, CP2 and CP15 in this case cannot be afforded full weight in the planning balance, and it remains the case that planning judgement should be applied in terms of the appropriate weighting to be afforded to these policies.

In this case the proposed development would provide 144 dwellings (including 43 affordable dwellings), which, would make a significant contribution towards addressing the housing shortfall. In spatial terms, the site is very well connected with existing residential and commercial development which deserves significant weight in the planning balance.

There would be some short-term benefits secured through the construction phase of the development with direct and indirect job creation and the future householders of the properties contributing to future Council Tax revenues. In addition, the development would contribute towards CIL infrastructure funding in the area, with 25% of the total sum going to the local parish in recognition that there is a made Neighbourhood Plan in place. These benefits should cumulatively be given moderate weight in the planning balance.

In terms of neutral impacts, the supporting information demonstrates that the proposed residential development would be a sufficient distance from neighbouring residential properties and officers are satisfied that the site can accommodate 144 dwellings without adversely impacting the living conditions and amenities of existing local residents.

The density of the scheme is considered appropriate for the site and the submitted site location plan demonstrates that the level of development can be satisfactorily accommodated on site in terms of landscape, character and visual impacts.

Subject to mitigation measures, the development would cause no harm to local biodiversity interests.

The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety, and sufficient parking provision throughout the scheme would be secured and drainage issues can be adequately dealt with.

The proposed development is therefore recommended for approval, subject to conditions.

RECOMMENDATION: Approve subject to conditions

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

P21-3414_03D ILLUSTRATIVE STREETSCENES
P21-3414_06H SITE LOCATION PLAN
P21-3414_07G MATERIALS PLAN
P21-3414_08G EXTERNAL WORKS
P21-3414_09E AFFORDABLE HOUSING
P21-3414_10E BUILDING HEIGHTS
P21-3414_11E REFUSE STRATEGY
P21-3414_12F PARKING STRATEGY
P21-3414_13F HOUSEPACK
P21-3414_14G ADOPTION & MANAGEMENT
P21-3414_15S SITE LAYOUT
P21-3414_16A ENCLOSURE DETAILS
P21-3414_19C BAT AND SWIFT BRICKS LOCATION PLAN
P21-3414_20 ENTRANCE WALL
P21-3414-PEG-XX-XX-DR-C-001 – Drainage Strategy – Sheet 1 – R06
P21-3414-PEG-XX-XX-DR-C-002 – Drainage Strategy – Sheet 2 – R06
P21-3414-PEG-XX-XX-DR-C-003 – Drainage Strategy – Sheet 3 – R06
P21-3414-PEG-XX-XX-DR-C-010 – Levels Strategy – Sheet 1 – R07
P21-3414-PEG-XX-XX-DR-C-011 – Levels Strategy – Sheet 2 – R07
P21-3414-PEG-XX-XX-DR-C-012 – Levels Strategy – Sheet 3 – R07

P21-3414-PEG-XX-XX-DR-C-020 – Fire Tender Tracking – Sheet 1 – R02
P21-3414-PEG-XX-XX-DR-C-021 – Fire Tender Tracking – Sheet 2 – R02
P21-3414-PEG-XX-XX-DR-C-022 – Fire Tender Tracking – Sheet 3 – R03
P21-3414-PEG-XX-XX-DR-C-023 – Fire Tender Tracking – Sheet 4 – R02
P21-3414-PEG-XX-XX-DR-C-025 – Refuse Tracking – Sheet 1 – R02
P21-3414-PEG-XX-XX-DR-C-026 – Refuse Tracking – Sheet 2 – R03
P21-3414-PEG-XX-XX-DR-C-027 – Refuse Tracking – Sheet 3 – R02
P21-3414-PEG-XX-XX-DR-C-030 – Visibility Splays Junctions – R03
P21-3414-PEG-XX-XX-DR-C-035 – Bend Visibility Splay – R02
P21-3414-PEG-XX-XX-DR-C-040 – Access General Arrangement – R01
GL1768 01G Detailed Landscape Proposals (Sheet 1 of 5)
GL1768 02H Detailed Landscape Proposals (Sheet 2 of 5)
GL1768 03G Detailed Landscape Proposals (Sheet 3 of 5)
GL1768 04G Detailed Landscape Proposals (Sheet 4 of 5)
GL1768 05G Detailed Landscape Proposals (Sheet 5 of 5)
GL1768 06C Play Proposals
Flood Risk Assessment & Surface Water Drainage Strategy by Pegasus Planning Group Ltd
dated February 2023

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

2. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

3. No dwelling shall be occupied until the parking spaces together with the access thereto for that dwelling, have been provided in accordance with the approved plans.

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

4. Where plots 1 - 6 (detailed on site layout plan number P21-3414_15S) have frontage or side elevations to the road, no vegetation shall be allowed to grow above 600mm above carriageway level, over the frontage or side elevations (as appropriate) of the dwelling, within a 1-metre-wide strip parallel and adjacent to the adjacent footway edge.

REASON: In the interests of highway safety.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roof slopes of the dwellings hereby permitted.

REASON: In the interests of residential amenity and privacy and to protect the character of the built environment.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

7. Before the plots hereby permitted and listed below are first occupied, the windows in the elevations as detailed shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall thereafter, be maintained with obscure glazing in perpetuity:

- First floor west elevation side window to bathroom plot 45
- First floor south facing window to plot 22
- First floor west elevation windows plot 20
- First floor south elevation window to plot 108
- First floor east facing window to plot 109

REASON: In the interests of residential amenity and privacy.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the west elevation of plot 1 above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

9. All soft landscaping comprised in the approved details of landscaping for each plot shall be carried out in the first planting and seeding season following the first occupation of the dwelling on the plot. All hard landscaping comprised in the approved details of landscaping for each plot shall be carried out prior to the first occupation of the dwelling on the plot.

All soft landscaping comprised in the approved details of landscaping for the areas of open space and structural tree planting shall be carried out in the first planting and seeding season following the first occupation of the any dwelling or in accordance with a timetable to be submitted to and agreed in writing with the Local Planning Authority.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

10. The acoustic fence hereby approved (as detailed on plan 'External Works' drg no. P21-3414_08 Rev G) shall be erected prior to the first occupation of plots 81 to 96. The approved fencing shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of residential amenity.

11. Notwithstanding the submitted plans and prior to the first occupation of the development hereby approved details of the proposed gate (to be no lower than 2 metres in height) to the Shails Road/sewage works access shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of pedestrian and highway safety.

Informatives to Applicant –

1. Your attention is drawn to the conditions and Section 106 Legal Agreement imposed on the outline planning permission reference 20/01938/OUT, dated 10th September 2021.

2. Flood Risk Activity Permit - Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of a designated main river. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Please contact Blandford.frap@environment-agency.gov.uk with details of permitted works and include the planning application reference. Further details and guidance are available on the [GOV.UK](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits) website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

3. The following relevant comments have been received from Wessex Water – The applicant will need to agree protection arrangements for the existing 200mm and 225mm diameter rising main, and the 300mm and 400mm public foul sewers which crosses the site (3m easement either side). Also, the 12” distribution main (5m easement either side). Any damage to our apparatus by third parties will result in a compensation claim.

Water Infrastructure – For 144 dwellings a minimum 125mm size for size connection is required. This is available from the 12” spun iron main which runs through the site boundary near to the site entrance. A secondary connection can be made to the 8” cast iron main running along Semington Road and is recommended to provide operational flexibility with the appropriate cross connections between the existing mains and proposed site mains as required.

4. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) 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 Natural England's website for further information on protected species.