

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	21 January 2015
Application Number	14/07526/OUT
Site Address	Land East of Semington Road, Melksham, SN12 6DP
Proposal	Erection of up to 150 dwellings with access, new village hall and areas of open space
Applicant	Mark Chard & Associates
Parish Council	MELKSHAM WITHOUT
Division	MELKSHAM WITHOUT SOUTH
Grid Ref	390177 162643
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The application is considered to be of strategic importance for Melksham

1. Purpose of Report

The purpose of the report is to assess the merits of the planning proposal and recommend that planning permission be refused.

2. Report Summary

The main issues to consider are:

- Principle of the development
- Visual impact on the surrounding area
- Access
- Proximity to sewage treatment works
- Provision of a village hall

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 and carried forward in the emerging Core Strategy. The Western Way/A350 defines the southern 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 are located to the south of the site and the site is located within the sewage treatment works buffer zone identified in the West Wiltshire District Plan and carried forward into the emerging Core Strategy. Berryfield Brook runs along the southern boundary of the site.

The southwest corner of the site is adjacent the village policy limits of the village of Berryfield as identified in the West Wiltshire District Plan. As a small village the emerging Core Strategy will remove defined Village Policy Limits from Berryfield.

Semington Road lies to the west of the site and the western boundary of the site is separated from Semington Road by a ribbon of residential development along the eastern side of Semington Road.

The principle access to the site is located to the north of the existing Highcroft Farmhouse with a secondary emergency access located to the south of 489 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.

4. Planning History

The application was subject to a pre application submission and the submission of a formal planning application was not encouraged at the time. It was advised that the most appropriate route for pursuing development in a plan-led system would be via the Council's site allocation work or neighbourhood planning rather than a planning application.

The current application was not the subject of a formal EIA screening request. However, upon receipt the application was considered against the relevant criteria and it was concluded that this is not EIA development and no environmental statement was required with the planning application.

A screening opinion was sought in August 2012 for a larger scheme of 350 residential units and it was concluded that a scheme of the scale proposed would constitute EIA development.

The site is identified in the Strategic Housing Land Availability Assessment as site ref: 648

5. The Proposal

The proposal is for outline planning permission for up to 150 dwellings and a village hall on the land to the east of Semington Road. Only access is to be considered at this stage with all other matters reserved for future determination.

The access is located to the north of the existing Highcroft farmhouse and an indicative layout 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 landscaping. A village hall is shown in the south west of the site.

The number of units has been revised since the submission of the application mainly to address comments made by Wiltshire Council Ecologist. The access has also been altered to allow for the retention of the farmhouse and a number of Willow trees as the presence of bats has been confirmed in these locations.

6. Planning Policy

Development Plan context

It is anticipated that the Wiltshire Core Strategy (WCS) will be adopted at the special council meeting on January 20th 2015. At that time the WCS will be afforded '*Full Weight*' in planning terms. In the interim, in the light of its imminent adoption, and following publication of the

Inspector's Report in December 2014, it is the Council's policy that for the purposes of decision making "very significant weight" must be accorded to the Emerging Core Strategy.

At the time of writing this report, the situation is that:

- a. **Adopted development plan** – The West Wiltshire District Plan 1st Alteration 2004 is the adopted development plan covering the area in which the development site is located. The development plan also includes the West Wiltshire Leisure and Recreation DPD and the Swindon and Wiltshire Waste and Minerals Core Strategies and their subservient DPDs.
- b. **Emerging development plan** – The emerging Wiltshire Core Strategy 2014 will supersede a number of the policies in the West Wiltshire District Plan.
- c. **Neighbourhood Planning** - There is a Melksham Town and Melksham Without parish neighbourhood plan area – this includes Berryfield. The neighbourhood area has been officially designated and has an established steering group but it is at a very early stage of preparation. There is no draft plan at this stage and therefore little weight can be afforded to the neighbourhood plan.

National Planning Policy context

The **National Planning Policy Framework (NPPF)** was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking.

The NPPF is clear in stating that '*planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 17 of the NPPF sets out the core planning principles and paragraphs 18-219 constitute what sustainable development means in practice. The sections of the NPPF that are considered relevant to this pre-application, as well as paragraphs 14 and 17, are:

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Delivering a wide choice of high quality homes
- Conserving and enhancing the natural environment

Planning Practice Guidance (PPG) has been prepared by to assist with interpretation of the policies contained within the NPPF

7. Consultations

Melksham Without Parish Council – Support. The parish council originally objected to the application but withdrew this objection following correspondence and additional information provided by the applicant. The Parish Council responded positively to the revised scheme. The response advises that the council welcome the provision of a village hall and a play area and identified this site as suitable for residential in their review of the SHLAA sites.

Wiltshire Council Spatial Planning Team – Object as the proposal is contrary to Policies H1 and H19 of the adopted West Wiltshire District Plan and Core Policy 1 and Core Policy 2 of the emerging Wiltshire Core Strategy. The response sets out the status of the development plan and confirms that the council can demonstrate a five year housing land supply for the Housing Market Area.

Wiltshire Council Urban Design Officer – Object as the proposal will double the size of Berryfield and the visual effects of the scheme will extend beyond the site boundaries having a negative impact on the character and appearance of the area. The layout of the scheme is unsatisfactory and overwhelmed by urban style terraced housing. Much of the open space is functional rather than useful and the village hall would be better sited in a more prominent position near the entrance to the site. *(However, it should be remembered that the application is in outline format this stage)*

Wiltshire Council Landscape Officer – Object. The application does not comply with the requirements of Core Policy 51 as the application falls short in its assessment of landscape and visual effects.

Wiltshire Council Highways Officer – No objection subject to securing the implementation of a residential travel plan through a Section 106 legal agreement and conditions to ensure adequate access to the site, provision of a dropped kerb with tactile paving and the provision of two bus shelters along Semington Road. Access is considered to be satisfactory and the development would not put unacceptable pressure on the surrounding transport network.

Wiltshire Council Environmental Health Officer – No objection. Advised that a precautionary condition be put in place regarding contamination. Satisfied following correspondence with Wessex Water and the applicant's specialist on odour that a residential development in this location would be acceptable in terms of odour and proximity to the treatment works.

Wiltshire Council Ecology Officer – No objection following amendments and subject to conditions. Amendments were sought to retain natural features on site, to retain the existing farmhouse and the provision of ecological enhancements.

Wiltshire Council County Archaeologist – No objection subject to conditions. The historic line of the Wilts and Berks canal is considered a heritage asset and requires further mitigation which can be secured through condition.

Wiltshire Council Environmental Services Team - no objection subject to

1. The Open Space and Play provision accords with Planning Policy LP4
2. The Open Space and Play is secured in perpetuity.
3. A financial contribution is secured for the expansion of Melksham Cemetery

Wiltshire Council New Housing Team – No objections. The response sets out policy requirements for affordable housing and provides an indication of likely affordable housing requirements.

Wiltshire Council School Places Team – No objection subject to financial contributions towards school places.

Wiltshire Council Drainage Team – No objection subject to conditions

Wiltshire Council Arts Service – No objection subject to financial contribution to secure public art in the development and liaison with the service to discuss how this might be achieved.

Wiltshire Council Waste Core Strategy – No objection following the provision of a Waste Audit

Wiltshire Council Library Operations manager – No objection subject to a financial contribution towards enhancing Melksham library's book stock

Royal Society for Protection of Birds – No objection. A LEMP should be provided at the next stage of the planning process. Pleased to see more trees and hedges retained in the revised layout. Recommend that bird boxes are incorporated into the development.

Environment Agency – No objection subject to conditions relating to surface water drainage and contamination.

Natural England – No objection. Standing advice provided.

Wiltshire Police Comments – No objection – hope that development will aspire to secure by design status

NHS England – No objection subject to a financial contribution towards health practices in Melksham

Wiltshire Fire and Rescue Service – No objection. The applicants attention is brought to the requirements identified under B5 of Approved Document B relating to The Building Regulations 2010 and recommendations to improve safety and reduce property loss in the event of fire

Wessex Water – No objection subject to development respecting easements and contributing to upgrading the capacity of Wessex Waters infrastructure to meet the demands of the development. Satisfied that the odour assessment carried out by the applicants adequately demonstrates satisfactory living conditions for residents of the proposed development.

Wiltshire Wildlife Trust – No comment

Wiltshire Museum – Object as their museums do not have the capacity to store finds and archaeological archives that are created during an assessment, watching brief or excavation, as their stores are full.

8. Publicity

The application was advertised by letter, site notices and by press advertisement.

16 neighbours responded objecting on the following summarised grounds:

- Loss of agricultural land
- Pressure on infrastructure such as schools and health services
- Double Berryfield turning it into a suburb of Melksham rather than a separate village.
- High Density low cost housing giving rise to noise and disturbance
- Additional traffic on Semington Road
- Noise
- Loss of privacy
- Loss of light
- Access on a bend
- No pavement on this side of Semington Road
- Not part of the development plan
- Wildlife such as deer, adders, squirrels and bats observed in application site
- Access will conflict with the planned access for the canal
- Other available sites are more suitable including brownfield sites
- The site location between busy roads and sewage treatment works is not suitable for residential development
- The parish council identifies another site as their preferred site

- A village hall is included within the Melksham Link planning application in a more suitable location.
- Displacement of wildlife
- Development superfluous to housing requirements
- Disproportionate increase to village
- Completeness of habitat survey
- Influx of housing will turn Melksham into a commuter town for Swindon, Bath and Bristol.
- No decision yet on canal application submitted over two years ago which had the support of the local community
- Council must decide on one scheme over another. Both cannot be accommodated.
- Disregards sewage treatment works buffer zone
- Footpath should be provided
- Noise and disturbance from village hall the existing properties
- Parking from village hall likely to spill onto Semington Road
- Number of units proposed would result in a cramped form of development
- The application should not be decided until a sensible review of housing provision in Melksham is undertaken along with infrastructure needs
- 50 houses maximum would be more appropriate
- Too close to the houses on the eastern side of Semington Road
- Development will be economically beneficial for the area
- Change character of the village
- Lack of drainage
- Development should cut back or remove trees from the northern boundary of the 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 Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan for Wiltshire Council is currently in a period of transition as the Wiltshire Core Strategy approaches adoption. At the time of writing the emerging Wiltshire Core Strategy can be given very significant weight as the Planning Inspector examining the Core Strategy has submitted his final report to the council and has found the Core Strategy to be sound, opening the way for the council to proceed towards adoption. The adoption of the Core Strategy is scheduled to be discussed at the Council meeting scheduled for the 20th January 2015.

The policies in the adopted West Wiltshire District Plan are still relevant until the adoption of the Core Strategy but very significant weight can be given to those in the emerging Core Strategy at its current advanced stage. A number of detailed policies within the West

Wiltshire District Plan will not be superseded by the Core Strategy and will continue to be relevant following adoption.

The Development Plan also consists of the Wiltshire and Swindon Minerals and Waste Core Strategies and subservient DPDs and proposals map and the Leisure and Recreation DPD 2009.

NPPF paragraph 49 identifies that relevant policies for the supply of housing, should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. The latest assessment of housing land supply in Wiltshire demonstrates that a sufficient land supply exists for the North and West Housing Market Area (HMA). The Wiltshire Core Strategy Examining Inspector's report also confirms a five year housing land supply. Therefore paragraph 49 of the NPPF is not engaged and development plan policies are considered to be up to date.

9.2 Principle of the development

Core Policies 1: Settlement Strategy, 2: Delivery Strategy and 3: Infrastructure Requirements, of the emerging Wiltshire Core Strategy set out how the Core Strategy will deliver the spatial strategy for Wiltshire.

9.2.1 Core Policy 1: Settlement Strategy

Core Policy 1 sets out the settlement strategy for Wiltshire identifying four tiers of settlement namely:

- Principal Settlements
- Market Towns
- Local Service Centres
- 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 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 changes which have happened since they were first established. It will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan. This approach is supported by the Core Strategy Examining Inspector.

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 and the emerging Wiltshire Core Strategy will remove the village policy limits for small villages. 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.

9.2.2 Core Policy 2: Delivery Strategy

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.

An indicative requirement of 2370 has been identified for the Melksham community area. The target is expressed as a 20 year target covering the period from 2006 to 2026. The most recent Housing Land Supply Statement July 2014 identifies a requirement for a further 600 dwellings over the plan period.

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 at 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, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

It further advises that at the Small Villages development will be limited to infill within the existing built area and only where they meet a number of further criteria set out in the policy.

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 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 purpose of this policy in this case is to ensure that the housing required in Melksham is delivered in a plan-led way that identifies the most sustainable sites for development.

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 Strategy Policy 2 pertaining to development at the small villages.

Neither does the proposal comply with any of the exception policies which allow for development outside of settlement boundaries.

It is also necessary to consider whether there are any other material considerations that should be taken into account in considering the principle of development on this site at this time. One of these is the question of five year housing supply. If the council cannot demonstrate a five year housing land supply, the NPPF advises that planning policies for housing should not be considered up to date, and planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'. Currently, the council considers that it has a five year land supply for the housing market area within which the site sits. This has been endorsed by the findings of the Core Strategy Inspector. The provision of the NPPF therefore does not engage and the in principle objection to the scheme is maintained.

In addition the application proposes the erection of a new village hall for Berryfield. This would replace the existing temporary village hall which is located on land safeguarded for the reinstatement of the Wilts and Berks Canal.

Whilst this is undoubtedly a benefit of the proposal and the provision of a new community facility would be supported by the NPPF, the emerging Wiltshire Core Strategy and the West Wiltshire District Plan, it is considered that the provision of a village hall would not outweigh the principle objections to the scheme.

Core Policy 2 and the exceptions policies will supersede Policy H1: Further Housing Development within Towns, Policy H17: Village Policy Limits and the exception policies contained with the West Wiltshire District Plan. The site is outside the settlement boundaries identified for Melksham and Berryfield, and as such the proposed development would also be contrary to policy H1 and H17 which require new development to be within the existing settlement boundaries.

9.2.3 Core Policy 3: Infrastructure Requirements

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. In ensuring the timely delivery of infrastructure, development proposals must demonstrate that full regard has been paid to the council's Infrastructure Delivery Plan and Schedule and all other relevant policies of this plan. Joint working with adjoining authorities will be encouraged to ensure that wider strategic infrastructure requirements are appropriately addressed'*.

The scale of this development does not give rise to new infrastructure requirements but it would put pressure on existing infrastructure.

Relevant infrastructure providers have been consulted on the application and financial contributions and conditions have been requested to mitigate the impacts of development. The figures requested have been agreed by the applicant and are set out in the table below:

Infrastructure	Mitigation required						
Sustainable transport measures	Implementation of the residential travel plan including green travel vouchers of £250/£150, information packs for each household, appointment of a travel plan co-ordinator for 5 years, monitoring, targets and £7500 for travel plan monitoring (£1500 pa).						
Sustainable transport measures	Prior to first occupation of any dwelling 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.						
Sustainable transport measures	Prior to occupation of the 20 th dwelling two sets of cantilever type bus shelters with perch seat, and high access kerbs shall have been provided in accordance with details to be first submitted to and approved by the Local Planning Authority. One set at the existing bus stop layby northbound on Semington Road, and one set adjacent to number 491B Semington Road (southbound buses).						
Leisure and Recreation Provision	Environmental Services have requested the following financial contributions towards indoor recreation facilities <table border="0" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 70%;">Pools</td> <td style="text-align: right;">£38,901</td> </tr> <tr> <td>Halls</td> <td style="text-align: right;">£44,577</td> </tr> <tr> <td>Indoor Bowls</td> <td style="text-align: right;">£5,597</td> </tr> </table>	Pools	£38,901	Halls	£44,577	Indoor Bowls	£5,597
Pools	£38,901						
Halls	£44,577						
Indoor Bowls	£5,597						

	Artificial Turf Pitches	£5.557
Leisure and Recreation Provision	Environmental Services have requested that the onsite Open Space and Play Areas should be secured in perpetuity.	
Cemetery Provision	Environmental services have requested a financial contribution of £3,750 towards cemetery provision in the area	
Education	The school places team has requested a contribution of £670,720 to fund 40 primary places and £534,532 to fund 28 secondary places arising from the development.	
Archaeology	The County Archaeologist has suggested a condition to ensure the significance of the historic line of the Wilts and Berks Canal is enhanced by the proposed development and that provision is made for the recording and storage of archaeological remains.	
Libraries	A contribution £8,500 is sought to enhance the existing book stock at Melksham Library	
Health	NHS England has requested a capital payment of £76,087 based on 150 houses in order to support the development of local practice's premises.	
Utilities	Wessex Water has advised that a contribution will be required from the developer which can be included in Section 41 (Water Industry Act) arrangements.	
Community Safety	Wiltshire Police anticipate that the development would aspire to achieve Secure by Design status.	
Flooding	Sustainable drainage systems and ongoing management of area set aside for balancing ponds.	
Public Art	Wiltshire Council Arts Service have requested an indicative contribution figure (based on £300 per dwelling) of £45,000 for 150 dwellings and would expect that no more than 10% of this figure would be spent upon the production of a public art plan.	
Village Hall	Erection of a new village hall	

Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that planning obligations must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

It is considered that the planning obligations sought meet these three tests.

The PPG specifically mentions Public Art as a type of contribution which is not necessary to make a development acceptable. However, in the specific circumstances of this case a public art contribution could be used to enhance the significance of the historic line of the Wilts and Berks canal is considered justified in this instance.

With regards to the proposed village hall it is considered that this would be a piece of community infrastructure. There is an existing village hall in Berryfield but this only has temporary permission as it is sited on a route safeguarded for the Melksham Link project.

As mentioned previously the development is seen as an extension to Melksham but would also adjoin the village of Berryfield. The scale of the development would effectively double the size of Berryfield which is a small village with limited facilities. The applicant is of the view that the provision of a village hall would contribute to community cohesion and link the new development with the existing settlement of Berryfield. The provision would extend to donating 0.1 ha of land and funding construction up to £250,000.

The merits of other aspects of the scheme are discussed under the relevant headings in the report.

9.2.4 Melksham Area Strategy

The Area strategy for Melksham is contained within Core Policy 15: Melksham Community Area and Core Policy 16: Melksham Link Project. Core policy 16 is mainly concerned with the safeguarding of land for the Wilts and Berks Canal.

In relation to Core Policy 15, the Core Strategy Inspector supports the Council's analysis of the hierarchy of settlements. He notes that the Core Strategy would enable the emerging Wiltshire Site Allocations DPD and neighbourhood planning process to facilitate the provision of the required level of housing. He states that in the short term, *'there appears to be sufficient commitments to ensure an adequate supply of housing land for the town'*, whilst acknowledging *'that there is a notable degree of uncertainty for the latter part of the plan period'*. However, he goes on to say that *'the Council acknowledged...the scope for a Sites DPD to assist in delivering such housing, which....seems to be the most pragmatic and efficient way of complementing the neighbourhood planning process to ensure the provision of sufficient housing to meet identified needs in a timely fashion...by such means it will be feasible to deliver the housing numbers shown within modified Core Policy 15 as necessary'*. He concludes that *'overall...the CS does take a justified approach towards the Melksham Community Area and will be effective in terms of delivery'*.

Thus the situation is that whilst the Core Strategy will direct more growth towards Melksham, there is currently no proposed allocation that selects the proposal site and there is a clear mechanism in the Strategy to deliver the housing growth required through the Site Allocations DPD and neighbourhood plan.

The supporting text to this policy refers to the functional relationship between the villages of Bowerhill and Berryfield with the Town of Melksham but points out that these villages have strong individual characteristics which should be maintained.

The effect of the development of the characteristics of Melksham and Berryfield is discussed under Core Policy 51: Landscape

9.3 Addressing Climate Change

Core Policy 41 of the emerging Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods.

The applicants will be required to demonstrate compliance with this policy at reserved matters stage.

This policy will supersede Policy C34a: Resource Consumption and Reduction, in the west Wiltshire District Plan

9.4 Providing everyone with access to a decent affordable home

Core Policy 43 sets out when affordable housing provision will be required and indicates the proportions which will 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. The applicant has agreed to provide the required level of affordable housing. A tenure split of 80% affordable rent and 20% shared ownership would also be required. The location and mix of units is not for consideration now and would be determined under a reserved matters application. However, the consultation response from housing sets out their indicative requirements advising that further discussion should be had prior to the submission of the relevant reserved matters application.

Core Policy 43 will supersede Policy H2 of the West Wiltshire District Plan which also requires 30% affordable housing at nil subsidy on this site.

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

Core Policy 46 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.

9.5 Protecting and enhancing the natural historic and built environment

9.5.1 Core Policy 50: Biodiversity and Geodiversity

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. An extended Phase 1 Habitat Survey prepared by Chalkhill Environmental was submitted with this application and reviewed by the council's ecologist. Further reports and surveys were requested as well as alterations to the site layout to ensure further retention of the existing hedgerows. These changes to the layout and reports and surveys were duly prepared by the applicant. At this point it was noted that the existing farmhouse which was due to be demolished had not been adequately surveyed for bats and that the optimum time of year for undertaking this survey is the summer months. To overcome this objection the applicant has moved the access to allow for the retention of the farmhouse and the willow trees. As a result of these changes the application is considered to be in accordance with Core Policy 50 subject to conditions.

Mitigation and enhancement has also been provided to the satisfaction of the council's ecologist and in accordance with Core Policy 50.

This policy supersedes aspects of a number of policies in the West Wiltshire District Plan including C1: countryside Protection, C6: Areas of high ecological value, C6a: Landscape Features, C9: Rivers, C10: Local Nature Reserves.

9.5.2 Core Policy 51: Landscape

Core Policy 51 seeks to protect, conserve and enhance Wiltshire's distinctive landscape character. The term 'landscape' in this policy is used to refer to both the built, historic and natural environment in urban and rural areas.

The policy advises that proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies

- ii. The locally distinctive character of settlements and their landscape settings
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe
- iv. Visually sensitive skylines, soils, geological and topographical features
- v. Landscape features of cultural, historic and heritage value
- vi. Important views and visual amenity
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion
- viii. Landscape functions including places to live, work, relax and recreate, and
- ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

The site is in agricultural use within the open countryside and the proposed development would result in a change effect from rural to urban. However this is likely to be true of any of the sites coming forward for housing delivery in Melksham in the future and does not in itself result in an in principle objection to the scheme. The site is not in a sensitive landscape location and does not have any landscape designations. The indicative layout shows the retention of many of the natural features on site as well as landscape features of historic and heritage value such as the historic route of the Wilts and Berks canal.

However it is considered that the proposal does not meet with the third criterion of the policy which refers to the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe. The separate identity of settlements is also referred to Core Policy 15: Spatial Strategy for Melksham Community Area.

The Landscape and Design Team have advised that the application falls short in its consideration of landscape and visual effects and advised that an appraisal of landscape and visual effects would be required to fully assess the visual impacts.

The proposed development would physically link the separate settlements of Melksham and Berryfield effectively making Berryfield a suburb of Melksham rather than a small village as it is currently identified in the settlement strategy. Housing in Melksham to the north of the A350 is visible from the site and it is likely that the proposed housing would be visible from within the current policy limits of Melksham. Semington Road which is the main route between the town of Melksham and Berryfield currently consists of loose knit ribbon development in relatively shallow plots along its eastern boundary. Views of the application site are readily visible from the road giving Semington Road a rural character. The development of the site will remove this rural buffer between the settlements of Melksham and Berryfield. Therefore the character of Semington Road will be completely altered as layers of development will be clearly visible and the footprint of the village would be almost doubled. The visual effects of the scheme would extend significantly beyond the boundaries of the site and have an impact on the character of the locality.

The application documentation submitted does not refer to the coalescence of Melksham and Berryfield or set out how the site layout contributes to maintaining the separate identity of the settlements. In later correspondence the applicant refers to the role of the village hall in providing a cohesive link between the existing and new development.

Given the above it is considered that the proposed development would have a negative impact on the landscape as it results in the coalescence of Melksham and Berryfield and fails to preserve the important individual characteristics of these settlements contrary to Core Policy 15 and Core Policy 51 of the emerging Core Strategy. Whether this impact should be accepted if the site turns out to be one of the most sustainable choices for helping meet the needs of Melksham is a matter that should be properly addressed through the DPD.

This policy supersedes aspects of policies C1: Countryside Protection, and C9: Rivers in the West Wiltshire District Plan.

9.5.3 Core Policy 52: Green infrastructure

Core Policy 52 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 this 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.

This policy supersedes policies C1: Countryside Protection, C9: Rivers, C10: Local Nature Reserves, H1: Further Housing within Towns, of the West Wiltshire District Plan.

9.5.4 Core Policy 53: Wiltshire's Canals

This policy 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 (see Core Policy 16: Melksham Link Project). However, the historic line through Melksham can still be followed, and the council will support its identification and historical significance by signage where appropriate. 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 will support the development of a footpath network based on a restored canal towpath linking with other appropriate rights of way where the canal has been lost under development.

The policy advises that proposals will 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 enhancement of the setting and appreciation of the canal line can be secured by condition.

This policy replaces policy WR3: Wilts and Berks Canal in the West Wiltshire Leisure and Recreation DPD.

9.5.5 Core Policy 56: Contamination

Policy 56 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 condition is proposed.

This policy supersedes Policy C37: contaminated Land in the West Wiltshire District Plan

9.6 Core Policy 57: Ensuring High Quality Design and Place Shaping

This policy addresses the design of new developments.

Whilst the detailed design is reserved for future consideration observations are made on the positive and negative impacts of the indicative layout provided.

Policy 57 states that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality. The policy set out that applications for new development must

be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through meeting the criteria set out in the policy. The indicative layout is assessed against these criteria below:

i. Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced

The development of the application site would remove a rural buffer that separates the settlements of Melksham and Berryfield and would double the size of Berryfield. It is considered that these effects of the scheme would be contrary to the above requirements.

ii. The retention and enhancement of existing important landscaping and natural features, (for example trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development

Natural features on the site such as hedgerows and watercourses are to be retained and biodiversity enhancements are included to the satisfaction of the council's ecologist.

iii. Responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate the building into its setting

Only an indicative layout has been provided but this shows the use of terraces and car parking courts to achieve the number of units proposed. It is considered that the predominance of urban terraces is not in keeping with the semi rural nature of the site.

iv. Being sympathetic to and conserving historic buildings and historic landscapes

The site layout preserves the historic line of the Wilts and Berks Canal.

v. The maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41

There is no evidence to suggest that the building have been orientated to maximise benefit from sunlight or passive solar gain, but this is a detailed matter.

vi. Making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area

This is a matter to be resolved at any reserved matters stage.

vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)

The Bowerhill Sewage Treatment works adjoin the site to the south. An odour assessment has been carried out to the satisfaction of the council. This aspect of the development is considered further under Policy U5: Sewage Treatment Works Buffer Zone.

A noise assessment was also submitted in support of the application and found that noise from the surrounding road network would not have an unacceptable impact on the scheme.

The impact from a detailed layout on existing properties would be examined at the reserved matters stage.

viii. Incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site

The Design and Access statement advises that the development would seek to achieve Secure by Design Status.

ix. Ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible; in accordance with Core Policy 66 – Strategic Transport Network

Some of the open spaces provided on site are functional and are there to respect easements rather than to create a sense of place. It is considered that the siting of important building such as the village hall and play space could be better located to provide improved legibility and sense of place.

x. The sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials

No signage proposed at this point.

xi. Taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future

The use of standards such as Building for Life and Lifetime Homes would be welcomed in the design of the proposed houses.

xii. The use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm

This is indicated in the Design and Access Statement but can be controlled as part of a reserved matters application.

xiii. In the case of major developments, ensuring they are accompanied by a detailed design statement and master plan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place.

A Design and Access statement was included with the application

Overall it is considered that whilst there are some concerns, details could be dealt with through a reserved matters application and it is the principle that needs to be addressed at this stage. This policy supersedes policies C30 Skylines, C31a: Design, C32: Landscaping, C35: Light Pollution, C38: Nuisance, H1: Further Housing Development within Towns and H24; New Housing Design of the West Wiltshire District Plan.

9.7 To ensure that essential infrastructure is in place to support our communities

9.7.1 Core Policy 60, 61, 62, 64: Transport

Core Policy 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 frequent bus service 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. National cycle route 403 passes the site entrance.

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 was submitted with the application and officers are content that it is a robust assessment. The access to the site was altered during the course of the application and officers are satisfied that the proposed access would meet the requirement for safe access to the highway.

Sustainable transport improvements include new bus shelters on Semington Road. A resident travel plan is included as part of the application including green travel vouchers and an information 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 a significant impact on the surrounding transport network.

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 and is reserved for future consideration.

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

These policies replace Policies T9: Bus Services, T10: Car Parking, T11, Cycleways and T12: Footpaths and Bridleways of the West Wiltshire District Plan.

9.7.2 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 will 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 will 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.

The application was accompanied by a Flood Risk Assessment which identified that the majority of the site was 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 shows the area identified as at risk from flooding would be given over to landscaping and sustainable drainage measures which are compatible uses in areas at risk of flooding.

The Environment Agency raised no object to the development and were pleased to see a corridor set aside for balancing ponds, the detailed design of which can be dealt with during the reserved matters application.

Wiltshire Council Drainage officers also commented on the application and raised no objection subject to conditions and informatives. Officers advised that further modelling of Berryfield Brook should be undertaken before Reserved Matters applications are submitted.

It is considered that the proposal would meet the requirements of Core Policy 67 subject to conditions and further details to be addressed at Reserved Matters stage.

This policy replaces Policy U2 of the West Wiltshire District Plan.

9.8 Sewage Treatment Works Buffer Zone

The application site is located with the sewage treatment works zone identified for the Bowerhill Sewage Treatment Works. Policy U5 of the West Wiltshire District Plan advises that proposals for housing or other development which is sensitive to odour pollution would 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 will not be superseded by the Core Strategy and remains in effect post adoption.

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 a proposed development within a buffer zone can reasonably co exist with the existing sewage treatment works.

To demonstrate this the applicant prepared an Odour Assessment in consultation with Wessex water who operate 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 objection is raised to the proposal in this regard.

10. Conclusion

The proposal conflicts with the Development Plan for the area and would have an adverse impact on the landscape, leading to a coalescence in physical and visual terms of the settlements of Melksham and Berryfield and a consequent impact on their individual characteristics. There is nothing in the emerging Wiltshire Core Strategy that would point to a more favourable consideration of the development of this site compared to others around Melksham, and there are no overriding reasons justifying the grant of planning permission. Whilst land needs to be identified in Melksham for housing growth in the latter part of the plan period to meet the requirements of the emerging Core Strategy, this should be done through a properly planned process, as required by Policy CP2, enabling the merits of different sites to be considered and the community to be engaged. A decision can then be made on whether the adverse impacts identified here should be accepted if the site is identified through the plan process as one of the most sustainable.

RECOMMENDATION

Refuse, 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.**