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## MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Monday, 29 January 2024

To all members of the Council Planning Committee: Councillors Richard Wood (Chair of Committee), Alan Baines (Vice Chair of Committee), John Glover (Chair of Council) David Pafford (Vice Chair of Council), Terry Chivers, Mark Harris and Peter Richardson

You are summoned to attend the Planning Committee Meeting which will be held on **Monday 5 February 2024 at 7.00pm at Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

**TO ACCESS THE MEETING REMOTELY, PLEASE FOLLOW THE ZOOM LINK BELOW. THE LINK WILL ALSO BE POSTED ON THE PARISH COUNCIL WEBSITE WHEN IT GOES LIVE SHORTLY BEFORE 7PM.**

Click link here:

**<https://us02web.zoom.us/j/2791815985?pwd=Y2x5T25DRIVWVU54UW1YWWE4NkNrZz09>**

Or go to [www.zoom.us](http://www.zoom.us) or Phone 0131 4601196 and enter: **Meeting ID: 279 181 5985**  
**Passcode: 070920**. Instructions on how to access Zoom are on the parish council website [www.melkshamwithout.co.uk](http://www.melkshamwithout.co.uk). If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

**YOU CAN ACCESS THE AGENDA PACK HERE**

Yours sincerely,

Teresa Strange, Clerk



Serving rural communities around Melksham

## AGENDA

1. **Welcome, Announcements & Housekeeping**
2. **To receive Apologies and approval of reasons given**
3. **Declarations of Interest**
  - a) **To receive Declarations of Interest**
  - b) **To consider for approval any Dispensation Requests received by the Clerk and not previously considered.**
  - c) **To note standing Dispensations relating to planning applications.**
4. **To consider holding items in Closed Session due to confidential nature**

*Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of business where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*
5. **Public Participation**
6. **To consider the following new Planning Applications:**

**[PL/2023/11188](#):** Land at Blackmore Farm, Sandridge Common. Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii); land for primary school (class F1); land for mixed-use hub (class E/class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access). Applicant Gleeson Land Ltd (**Comments by 16 February**)

**[PL/2023/10724](#):** Mavern House, Corsham Road, Shaw. Variation of condition 2 of PL/2021/10081 - To allow acoustic screen and Air Source Heat Pumps. (**comments by 6 February**)

**[PL/2024/00631](#):** Mavern House, Corsham Road, Shaw. Proposed 1 and a half storey 4 bedroom dwelling (resubmission of PL/2022/09196). Applicant Mavern Care Limited (**Comments by 1 March**)

**[PL/2024/00198](#):** 20A Hercules Way, Bowerhill. Retention of existing builders' merchants (sui generis); change of use of adjoining land from a vehicle depot (sui generis) to a builders' yard to facilitate expansion for display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside display and storage area along with storage racking, access and servicing arrangements, car parking, perimeter fencing and associated works. Applicant Travis Perkins (**Comments by 15 February**)

**PL/2024/00359:** Land fronting 1 & 2 Mallard Close, Bowerhill. T1 Weeping Willow tree reduce to up to 0.5m below previous pollard points, to reshape with a view to future regular re-pollarding scheme, and reduce extended lateral to north by up to 4m – works to keep the tree in proportion to the site and maintain longevity. Applicant Wiltshire Council (**Comments by 20 February**).

**PL/2024/00514:** Boundary Farm, 620 Berryfield Lane, Melksham. Prior approval under Part 3 Class R: Agricultural buildings to a flexible commercial use. Applicants Jonathan & David Guley. (**Comments by 12 February**)

**PL/2024/00569:** Newlands Farm, 54 Folly Lane, Shaw. Proposed conversion of the existing barn attached to 54 Newlands Farm House to provide additional accommodation supplementary to the main house. Applicant Beverley Martin (**Comments by 22 February**)

7. **Revised Plans:** To comment on any revised plans on planning applications received within the required **timeframe (14 days):**
8. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.
  - a) **Blackmore Farm (Planning Application PL/2023/01949).** Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed use.
    - i) To note comments from Senior Planning Officer following revisions to the National Planning Policy Framework (NPPF).
  - b) **Snarlton Farm (Planning Application PL/2023/07107);** Outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works.
  - c) **Land at Pathfinder Way, Bowerhill. Reserved Matters application (PL/2023/08046)** pursuant to outline permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision).
  - d) **Land rear of 52e Chapel Lane, Beanacre (PL/2023/05883).** Erection of 3 dwellings, with access, parking and associated works, including landscaping (outline application with all matters reserved – Resubmission of PL/2022/06389)
  - e) **Land to rear of Townsend Farm for 53 dwellings (PL/2022/08155).**
    - i) To receive update following discussions with planning officer regarding recent changes to National Planning Policy Framework (NPPF).
9. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
  - a) **Buckley Gardens (PL/2022/02749).** To note correspondence from Planning Enforcement in relation to concerns raised by residents of Shails Lane/Semington Road.
  - b) **46 Belvedere Road, Bowerhill.** To note correspondence from Planning Enforcement

regarding works to tree subject to a Tree Preservation Order.

**10. Planning Policy**

**a) Neighbourhood Planning**

- i) To note draft Steering Group minutes of 17 January 2024.
- ii) To receive update on NHP#2.
- iii) To reflect on responses to planning applications for monitoring of the Neighbourhood Plan.

**b) Revised National Planning Policy Framework (NPPF)**

- i) To note Briefing Note (24-01) from Nic Thomas, Director of Planning, Wiltshire Council on the Revised National Planning Policy Framework (NPPF).

**11. S106 Agreements and Developer meetings: (Standing Item)**

**a) Updates on ongoing and new S106 Agreements**

**i) Pathfinder Place:**

- To note any update on outstanding issues and consider a way forward.
  - Highways
  - Management Company
  - Play Area

**ii) Buckley Gardens, Semington Road (PL/2022/02749: 144 dwellings)**

- To note any updates and consider a way forward.
- To note correspondence from Highways Technician in response to concerns of pooling water and road condition near Berryfield Park junction.

**iii) Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)**

- To note any updates and consider a way forward.
- To consider street name theme (and for Phase 2 PL/2022/08155) (deferred from Planning 15 January 2024)

**iv) Land South of Western Way for 210 dwellings and 70 bed care home (PL/2022/08504).**

- To note any updates and consider a way forward.
- To consider asking for footpath to rear of proposed new primary school and write a 'development brief' to go forward with what this council want to see included within the development prior to Reserved Matters application being submitted.

**b) To note any S106 decisions made under delegated powers**

**c) Contact with developers**

- i) To note feedback following pre application meeting on 31 January.

**Copy to all Councillors**

## EXTRACT FROM PLANNING COMMITTEE MEETING – 17 APRIL 2023

Melksham Without Parish Council **STRONGLY OBJECT** to proposals for 650 dwellings on this site for the following reasons:

- The proposals do not answer the strategic needs of the Melksham Neighbourhood Plan area and in fact distinctly hinder any future strategic plans for Melksham in terms of master planning via either the Neighbourhood Plan or the wider Wiltshire Local Plan.
- This is speculative and not plan led development, coming through piecemeal and not in conjunction with proposals for the adjacent site currently being consulted on by Catesby Estates for c300 dwellings <https://www.catesbyestates.co.uk/land/land-south-of-snarlton-farm-melksham> This gives an uncoordinated, disjointed approach, without the means to properly address the infrastructure needs that the impact this number of houses to the area will bring.
- The development is in the open countryside, outside the Settlement Boundary of Melksham & Bowerhill, isolated and therefore unsustainable.
- The Melksham Neighbourhood Plan was made on 8 July 2021 and therefore meets the National Planning Policy Framework (NPPF) “Paragraph 14” criteria in the light of the current lack of 5-year land supply demonstrated by Wiltshire Council. This has been confirmed by the Planning Inspector for the appeal for another site in the Parish/Neighbourhood Plan area. APP/Y3940/W/21/3285428 Land west of Semington Road 20/07334/OUT. Decision date 30th May 2022. “19. I therefore conclude that all aspects of Paragraph 14 of the Framework have been satisfied and that the JMNP forms part of the Development Plan. The JMNP complies with Paragraph 14b) of the Framework with respect to the Development Plan as a whole. In the context of the tilted balance afforded by Paragraph 11d)ii and footnote 8, the policies of the JMNP are an important material consideration.”

It is also noted that following recent consultation on the National Policy Planning Framework (NPPF) there are imminent proposed changes to the framework in Spring 2023 with regard to removing the requirement for local authorities to prove a 5-year land supply, and the extension of Paragraph 14 from 3 to 5 years.

- The proposals are not part of any housing allocation in the current Melksham Neighbourhood Plan. The Steering Group are looking to allocate a meaningful number of houses (200-250) as part of the Neighbourhood Plan Review and are currently undertaking a site selection process. The Local Plan Review (2021) detailed the proposal for a requirement of 3,950 homes for the period 2016-2036, when the number of houses built and in the pipeline is deducted it leaves a further 2,585 houses to be accommodated up until 2036 (now revised to 2038). With both the planned allocations in these two plans that are due for formal consultations in the Summer, there is a clear plan for future plan led housing. The Wiltshire Housing Site Allocations Plan adopted February 2020 confirms that there is no current housing requirement for Melksham in the period 2006 -2026, in fact it has exceeded the

current requirement in the Core Strategy. The number of houses allocated in the Core Strategy was 2,370 with 2,235 houses completed 2026-2021 and deliverable commitments of 594 for 2021-2026 (as per the Housing Land Supply Statement in April 22). Since that period there have been several planning applications for large developments in the NHP area.

- The proposals do not adhere to policies within the adopted Neighbourhood Plan, particularly policies 1, 6, 8, 11 and 18 with regard to sustainable design and construction, housing in defined settlements, infrastructure phasing and priorities, sustainable transport & active travel and local distinctive, high-quality design, respectively.
- There is a lack of connectivity with the surrounding area and lack of connection to the distributor road Eastern Way. The only vehicle access proposed is off the A3102. It was noted in response to a Scoping Document request, that the Planning Officer had stated 'despite the large size of potential development it is not proposed to include land to the East of the development at Eastern Way as a means of access, Eastern Way is effectively a by-pass that has been presumably designed to accommodate future growth of the Eastern side of Melksham and included a roundabout with anticipated access to go further east towards your site.'
- Highway safety concerns with two entrances/exits close together proposed on Sandridge Road, at the bottom of a steep hill and on a bend, with several accidents having taken place along this stretch of road over the years. Whilst it is noted it is proposed one of the entrances/exits will be a roundabout, some of the arrangements for pedestrians around the roundabout are unsatisfactory, particularly as it is noted there is no means of crossing the main road via a central island to access the bus stop on the North Western side of A3102 outbound.

There is a concern at the impact this development will have on the narrow country roads to the North of the site. A large number of residents will be tempted, as drivers from East of Melksham currently do, to use country lanes such as New Road (single track with passing places), Forest Road and through the National Trust village of Lacock via a single-track medieval bridge to pick up the A350 to access Chippenham and the M4. The bridge at Lacock is often closed due to flooding.

- Concern was raised at potential flood risk, noting this had been raised as a concern by several people commenting on the application. Although there will be attenuation, once full, the run off will go into the water courses and unless these are more than adequate, there could be flooding issues.

Concern was expressed at an inaccuracy within Appendix 9.1 of the Flood Risk Assessment & Drainage Strategy (Part 1) as it stated 'the nearest Environment Agency (EA) designated main river to the site is Clackers Brook, a tributary of the River Avon, which passes through Melksham and the neighbouring village of Shurnhold'. Shurnhold is not a village; it is part of Melksham bordering South Brook about half a mile to the West of the River Avon, whereas Clackers Brook flows into the river from the East. There is therefore concern about the accuracy of other aspects in the report.

- The proposal for a single form entry primary school does not meet Wiltshire Council's criteria of two form entry school provision; confirmed by the draft School Places Strategy in March 23. Any school needs to be in place as soon as residents move in. If not, children will be taken by vehicle to other schools in the Melksham area causing additional traffic, which does not conform with Wiltshire Council policy.

Paragraph 94 of the National Planning Policy Framework (NPPF) states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. The WC draft School Place Strategy (page 17) states: "Wiltshire Council believes that: Parental preference is a key consideration and ability to access a school place close to home within the local community is an important factor.

The draft School Places Strategy (page 89) states: "At present, there are clearly insufficient primary school places available in the town to cater for the proposed Local Plan housing". It also adds that the closest primary school, Forest & Sandridge, has a capacity of 420 and is full, with a s106 contribution secured to expand the school to 2.5FE. With only 5% of urban primary school capacity at present, it is clear that there are no spaces for the children moving into this proposed development in the current schools; let alone choice of schools.

- Early years: Within the Planning Statement it says that a children's nursery could be accommodated within the community venue. There needs to be a firm plan for the early years provision and s106 contributions to provide for the new young children that this development will bring to the area. Page 21 of the draft School Places Strategy states: "WC believes that where additional school places are needed because of new housing development, as far as possible the costs should fall on the landowners and/or developers, by way of contributions falling within the concept of planning obligations". This should apply to Early Years provision too.

- For secondary education, the draft School Places Strategy document states "The number of pupils attending Melksham Oak is forecast to grow significantly over the next few years as larger cohorts being to feed through from primary schools and as new housing is completed. The recent expansion means that the school now has a PAN of 300 which will be sufficient to meet the needs of current housing. If the proposed Local Plan houses are taken forward, there would be a significant shortfall of secondary places. Whilst the school site is large, expanding the school over 12FE would make it the largest school in the Country and would probably be considered too large to operate from one site". Again, there is evidence that the secondary school places are only sufficient for the current housing in the pipeline, and not for any new school places being generated by speculative development. This is why any future development needs to be planned strategically.



- Concern was raised at the safety of children wishing to access Melksham Oak School, as they would need to use Eastern Way and compete with the traffic, particularly as there is still no rear access to the school. There are already many concerns raised at the number of pupils on the A365 pavement, both pedestrians and cyclists, and evidence of regular accidents and near misses as the flow of children at school opening and finishing times is wider than the pavement can cope with.
- Due to the piecemeal approach of this development, although it shows a primary school on the plans, there is no access to the school from adjoining land, which are in the SHELAA (Strategic Housing & Employment Land Availability Assessment), form part of a wider site in the Local Plan Review in 2021 and have a current public consultation for 300 dwellings with a planning application planned shortly.
- Whilst there is a proposal to have a pedestrian/cycle access using part of Browns Lane bridleway on Eastern Way, there is still no other means of connecting to existing development and services East of Melksham.
- In order to facilitate access to this development a number of farm building and facilities are due to be demolished and removed. There is concern whether this will allow for the continued viability of the farm holding as 50% of the farm would remain as open land. This is also a loss of agricultural land.
- The Melksham Neighbourhood Plan is currently under review and has a number of emerging evidence documents to underpin revised and new policies. The draft AECOM Site Assessment report 2023 has assessed this site. It excluded it from the initial first sieve of sites, at Stage 1, with the following comments: “The site is removed from the settlement boundary. The site may be appropriate to be developed alongside Site 3678, 3683, 3701 and 3525 as a large urban extension of Melksham which connects to the Melksham Bypass. The site contains deciduous woodland which have priority habitats. The site also includes the designated heritage assets of Blackmore House. The site is exposed to views across from Sandridge Hill.” When the report has been validated by the NHP Steering Group we will forward the published version to the Planning Officer.

Whilst the parish council strongly object to the proposals, the parish council ask that the following be included, if it were to be approved:

- Adherence to policies of the current Melksham Neighbourhood Plan and those of the emerging review of the Plan, including evidence documents as they come on stream, such as the Housing Needs Assessment, Design Guide etc <https://www.melkshamneighbourhoodplan.org/np2-evidence-base>
- Whilst noting it is proposed one of the access/exits will include a roundabout, the parish council would like to see the second entrance/exit also as a roundabout, in order to ease traffic flow.

- The Parish Council seek the provision of play equipment, above that required by the West Wiltshire District Council saved Policy in the Core Strategy, which is also imaginative to encourage active play.
- They believe that the size of the development will warrant both a LEAP (Local Equipped Area of Play) and a NEAP (Neighbourhood Equipped Area of Play) and a MUGA (Multi Use Games Area) so that there is a range of suitable equipment for all ages; children and teenagers.
- The Parish Council also wish to enter into discussions to be the nominated party for any proposed LEAPs & NEAPs and seek the following:
  - A maintenance sum in the s106 agreement for continued maintenance of the play areas.
  - Safety Surfacing extended beyond the play area fence line (by at least 30 cm) and for the whole area to be surfaced as such, with no joins to prevent future expansion gaps, and no grass that will require maintenance
  - Tarmac paths provided not hoggin.
  - No wooden equipment provided.
  - Dark Green Metal bow top fencing provided.
  - Clean margins around the edges, no planting.
  - Bins provided outside the play areas.
  - Easy access provided for maintenance vehicles.
  - Public access gates painted red.
  - No inset symbols provided in the safety surfacing, which should be one solid surface.
  - Public Open Space which is regularly mown and not all for wildflower areas, to allow for children to kick a ball around informally.
- Equipment installed for teenagers (it is noted this is proposed within the site, which is welcome).

Whilst proposals to include allotments is welcomed, the Parish Council ask that these are fenced in, with access to water, as well as a car park provided and security measures installed.

- Circular pedestrian routes around the site.
- The provision of benches and bins where there are circular pedestrian routes and public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
- Connectivity with existing housing development.
- There are practical art contributions, with the Parish Council being involved in public art discussions
- Speed limit within the site is 20mph and self-enforcing.

- The development is tenant blind. The parish council draw attention to the recent Housing Needs Assessment undertaken as part of the Melksham Neighbourhood Plan Review, which reflects the current needs of the Melksham area.  
[https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117\\_4c8411b64439472fbfcf8e856799e2c9.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117_4c8411b64439472fbfcf8e856799e2c9.pdf)
- Given the development is adjacent to existing dwellings on Sandridge Common and Lopes Close, the design is such that the layout is garden to existing garden. The design layout should also take account of the impact on any potential new dwellings on the strip of land to the West of this site adjacent to Eastern Way and to the South.
- The road layout within the development is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- Contribution to educational and medical facilities within the Melksham area.
- There is visible delineation between pavement and roads. Shared spaces which are easily identifiable.
- Tree planting is not adjacent to property boundaries, in order they do not cause issues later on with growing over the boundary to resident's properties or causing shade on gardens.
- Whilst the parish council welcome a contribution to enhance public transport, the proposals did not go far enough, particularly as reference is made to existing bus services which do not serve Melksham Railway Station, with the nearest bus stop being some distance away from the Railway Station.
- Members welcome the provision of bus shelters with the capabilities for real-time information and therefore ask that proposed bus shelters are tall enough with a power supply to enable this. To give good shelter from the weather, shelters are provided with sides, with a bench seat rather than a perch seat.
- Significant land be set aside to enable a functional community hub to serve the whole community. The parish council request a community centre large enough to include additional health facilities (with room for GP clinics, as well as complimentary services like physio, chiropodist, osteopath etc.) as well as associated facilities to service and provide a 3G pitch.
- Provision of a Local Centre, similar to nearby Verbena Court, with the provision of electric car charging points (in line with Policy 4 of the Neighbourhood Plan). Contribution towards green initiatives i.e., provision of charging points, local green energy production and battery storage for the community hub.
- Whilst noting and welcoming proposed improvements to pedestrian access to Praters Lane from Sandridge Road around Lopes Close, the parish council have a concern at surfacing Praters Lane as this may be open to abuse by 4 x 4s and motorbikes; this could be overcome by installing gates, bollards or horse stiles for instance. The parish council seek improvements to existing Rights of Way in the area, which are understood to have been submitted by Wiltshire Council's Rights of Way Team as part of their response to the proposals at public consultation stage and

ask that Right of Way MELW30 becomes a bridleway to connect up bridleways at MELW40 & 41, particularly as there are many stables in this area.

- Ecological measures such as bird and bat boxes, bee bricks, reptile refugia and hibernacula with all these enhancements (types, numbers, position etc) marked on plans and drawings.

### **EXTRACT FROM PLANNING COMMITTEE MEETING 4 SEPTEMBER 2023**

Whilst the Parish Council have previously submitted comments relating to the above application, Members wish to submit the following additional comments after reviewing the Highway comments recently submitted and noting the site has been included in the draft Local Plan:

Whilst still objecting to this application, particularly, given concerns of the 2 accesses/egresses proposed off the A3102, to submit the following additional comments:

- Any highway requests as recommended in the Highway Officer comments, should be in place prior to first occupation and not the 400th as indicated.
- The proposed accesses/egresses within the planning application are a direct contradiction to the accesses/egresses proposed in the draft Local Plan.

Concern is raised if there were to be an accident near one of the accesses/egresses currently proposed in the planning application, this could block off the other access/egress, therefore, a completely separate access in a different location is required as suggested in the draft Local Plan.

Attention is drawn to Paragraph 110 of the National Planning Policy Framework (NPPF) which states: new developments must ensure safe and suitable access to the site can be achieved for all users.

## **EXTRACT FROM PLANNING COMMITTEE MINUTES 19 DECEMBER 2022**

Melksham Without Parish Council object to this application on the grounds of:

- Overdevelopment of the site.
- The detrimental impact it will have on School Lane with regard to additional traffic on a private lane with a substandard entrance onto Corsham Road.
- The affect it will have on the amenity value of all residents of School Lane with an increase in vehicles accessing the lane.
- The extra refuse bins which will be left on Corsham Road, as the Refuse Collection lorry will not use School Lane due to difficulties in negotiating the lane. This part of Corsham Road is regularly used by school children accessing Shaw Primary School.
- It was noted School Lane had previously suffered flooding and this dwelling could exacerbate any future flooding in the lane.



## The Town and Country Planning Act 1990

### Refusal of Full Planning Permission

Application Reference Number: PL/2022/09196

Decision Date: 09 February 2023

**Applicant:** Mr Peter Madden  
Mavern House Nursing Home, Carter Hughes Davie, 14  
Queen Square, Bath, SN12 8EH

**Particulars of Development:** Proposed 2 Storey 4 Bedroom House  
**At:** MAVERN HOUSE, CORSHAM ROAD, SHAW,  
MELKSHAM, SN12 8EH

**In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.**

**In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):**

#### **Refusal Reason(s): (1)**

- 1 The proposed dwelling by reason of the plot size, building size and layout, design and roof form would fail to effectively integrate into its immediate setting and fail to make a positive contribution to the character of the immediate area. By reason of its location 1 metre from the boundary to number 76 School Lane together with its height and location of a first floor bedroom window on the side elevation, the proposed dwelling would be overbearing and result in overshadowing and overlooking to the occupants of this neighbouring property both towards their dwelling and their primary amenity space which is located to the front of their property. The proposal would therefore fail to comply with Core Policy 57 namely parts iii, vii of the Wiltshire Core Strategy, Policy 6 of the Joint Melksham Neighbourhood Plan and paragraphs 130, 134 of the NPPF.

*Parvis Khansari* ~ Corporate Director, Place

## NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - [Appeal a planning decision: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-a-planning-decision-overview)).



**WILTSHIRE COUNCIL**

<b>Application No:</b>	<b>PL/2024/00514</b>
<b>Application Type:</b>	<b>Prior approval Part 3 Class R: Agricultural buildings to a flexible commercial use</b>
<b>Proposal:</b>	<b>Prior approval under Part 3 Class R: Agricultural buildings to a flexible commercial use</b>
<b>Site Address:</b>	<b>BOUNDARY FARM, 620 BERRYFIELD LANE, MELKSHAM, SN12 6EF</b>
<b>On behalf of:</b>	<b>Jonathan &amp; David Guley</b>

**Assigned Officer:** Russell Brown  
**Direct Line:** 01225 770257  
**Comments to be received by:** 12 February 2024

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Plans are available to view on our website at <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z00001CGVn5>

Please be aware that supporting documentation for the application will be available to view online within 24 hours.

**Please note – you will not be receiving a paper copy of these plans, you will need to view these on the website.**

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At a meeting held on ..... the Parish/Town Council considered the above application/amend plans and has the following response to make:

- No Comment**
- Support**
- Support subject to conditions (please set out in box below)**
- Object (for reasons set out in box below)**
- No Objections**

<b>Suggested special conditions/reasons for decision based on local knowledge</b>

**Date** .....

Please return the completed form to [developmentmanagement@wiltshire.gov.uk](mailto:developmentmanagement@wiltshire.gov.uk) or alternatively you can give us your comments using the online comment facility on the website.

**This application is for determination as to whether the prior approval of the local planning authority will be required for the following matters only:**

Class R – agricultural buildings to a flexible commercial use

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site

## Lorraine McRandle

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**From:** Teresa Strange  
**Sent:** 17 January 2024 17:27  
**To:** David Pafford; Alan Baines; John Glover; Mark Harris; Richard Wood; Terrence Chivers; Peter Richardson  
**Cc:** Lorraine McRandle; Nick.Holder@wiltshire.gov.uk  
**Subject:** FW: Additional comments for Blackmore Farm (Planning Application PL/2023/01949 from Melksham Without PC)

Dear Planning Committee& Cllr Holder

Again, for the next Planning meeting, but sounds very promising – especially as this one felt a weaker argument as on the site of a draft Local Plan allocation!

All the best, Teresa

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**From:** Sims, Steven <Steven.Sims@wiltshire.gov.uk>  
**Sent:** 17 January 2024 08:54  
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Cc:** Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>  
**Subject:** RE: Additional comments for Blackmore Farm (Planning Application PL/2023/01949 from Melksham Without PC)

Dear Tesesa

Thank you for the comments below which are noted.

Officers have just received a briefing note from senior managers on the issue of the revised NPPF. In the case of the above development we are likely to request they withdraw the application in the first instance and move to refuse if the application is not withdrawn.

I trust the above is acceptable.

Kind Regards

Steven Sims  
Senior Planning Officer  
Place Directorate  
Wiltshire Council  
Tel: 01225 770238

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**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** Tuesday, January 16, 2024 3:53 PM  
**To:** Sims, Steven <[Steven.Sims@wiltshire.gov.uk](mailto:Steven.Sims@wiltshire.gov.uk)>; Developmentmanagement <[Developmentmanagement@wiltshire.gov.uk](mailto:Developmentmanagement@wiltshire.gov.uk)>  
**Cc:** Holder, Nick <[Nick.Holder@wiltshire.gov.uk](mailto:Nick.Holder@wiltshire.gov.uk)>; Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: Additional comments for Blackmore Farm (Planning Application PL/2023/01949 from Melksham Without PC)

With attachment

---

**From:** Teresa Strange  
**Sent:** 16 January 2024 15:48  
**To:** Sims, Steven <[Steven.Sims@wiltshire.gov.uk](mailto:Steven.Sims@wiltshire.gov.uk)>; [developmentmanagement@wiltshire.gov.uk](mailto:developmentmanagement@wiltshire.gov.uk)

Cc: [Nick.Holder@wiltshire.gov.uk](mailto:Nick.Holder@wiltshire.gov.uk); Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>

Subject: Additional comments for Blackmore Farm (Planning Application PL/2023/01949 from Melksham Without PC

Dear Steve

We understand that Wiltshire Council will shortly be issuing a statement following the recent changes to the NPPF that were announced just before Christmas.

In the meantime, and to be specific to this planning application, the parish council would like to make the following comments in addition to those previously submitted.

**Blackmore Farm (Planning Application PL/2023/01949).**

**Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed use.**

As this planning application is not based on the allocation in the draft Local Plan (Policy 18), and therefore does not meet the policy terms – particularly due to the number of dwellings which it exceeds by some 225 and the lack of access via the Eastern Way distributor road; and different land holdings; the parish council feels strongly that this application should now be refused as not plan led and outside the settlement boundary.

The new NPPF guidance means that such development can be refused as Wiltshire Council now have over a 4 year land supply and have met the condition to have undertaken a Reg 19 Local Plan consultation within 2 years. In addition, the Melksham Neighbourhood Plan (adopted in July 2021) now has the full paragraph 14 protection until July 2026..

We attach the recent Planning Appeal decision which at point 23 gives a recent opinion (12/1/24) that Wiltshire Council meets the 4 year housing land supply criteria, with a published 4.6 year position.

In addition, point 10 also applies to this site as there are no buses to the site, and the Inspector considered this to mean a site was not accessible and would result in the reliance upon the need to travel by car, which is contrary to Core Strategy Policies 60 and 61, which also applies to this site.

We look forward to hearing from you in due course,

With kind regards,

Teresa

Teresa Strange

Clerk & Responsible Financial Officer

Melksham Without Parish Council

First Floor

Melksham Community Campus

Market Place, Melksham

Wiltshire, SN12 6ES

01225 705700

[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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Want to keep in touch?

Follow us on facebook: [Melksham Without Parish Council](#) or Teresa Strange (Clerk) for additional community news

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## Lorraine McRandle

---

**Subject:** FW: update Shails Lane

From: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>  
Sent: 18 January 2024 14:21  
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
Cc: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>  
Subject: update Shails Lane

Dear Both,

I wanted to update you on Shails Lane following a meeting.

There have been two vehicles incorrectly using Shails Lane and the developers apologise for this. Both times were genuine mistakes.

In relation to works beginning before approved hours. This is been strongly denied by the site manager, if there is any evidence of this please can it be provided so I can put this forward. However, the current weather would make it dangerous to operate machinery any earlier.

In relation to the following comment 'there is an exit point next to the lane vehicles are either using the lane to enter, or exit'.

To enable workers to safely operate the site, they are using the existing track on their land as a temporary road to access the southern parcel of the development whilst the permanent road is under construction. They are not using Shails Lane and have no intention to but they are unable to block it off due to its continuous use by Wessex Water and the telecoms mast operator which is bound by a legal agreement (to which they are not party to as previously explained)

In terms of moving forward I can confirm that the following will be completed soon.

- \* New signage will be installed on site showing that vehicle must not exit via Shails Lane
- \* Site Access Plan will be supplied to all of the appointed suppliers to ensure that they make no attempt to enter or exit via Shails Lane
- \* The installation of DWH branded signed will be brought forward at the formal site entrance to make it more obvious that is the correct entrance/location.
- \* Increased DWH Site Management presence on site to manage traffic flows and deliveries.
- \* Signage to the entrance of Shails Lane (on Semington Rd) has now been installed.

I will continue to monitor when I am in the local area.

Regards

Natalie

Natalie Rivans  
Planning Enforcement Officer  
Planning Enforcement Team

## Lorraine McRandle

---

**From:** Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>  
**Sent:** 29 January 2024 08:34  
**To:** Lorraine McRandle  
**Subject:** RE: 46 Belvedere Road, Bowerhill, SN12 6AJ - ENF/2024/00071

Thanks Lorraine,

It would have been the way tech support read the email when setting up the case. I understand the issue.

Regards

**Natalie Rivans**  
Planning Enforcement Officer  
Planning Enforcement Team

**Wiltshire Council**

External Tel: 01225 770502  
E-mail: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)  
Website: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
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**From:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>  
**Sent:** Friday, January 26, 2024 12:04 PM  
**To:** Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>  
**Subject:** FW: 46 Belvedere Road, Bowerhill, SN12 6AJ - ENF/2024/00071

Hi Natalie

Thanks for the Enforcement Notice.

I am just checking, as our concern is that unsympathetic pollarding work seems to have taken place without permission, as the oak is subject to a TPO.

However, the notice below states unauthorised felling of the oak tree to the rear of 46 Belvedere Road.

Apologies, if my email was misleading as I mentioned the applicant had previously sought to fell the tree, however, it was subsequently refused.

Please can you clarify.

Lorraine

Lorraine McRandle  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**From:** Wiltshire Council <[planning@sf.wiltshire.gov.uk](mailto:planning@sf.wiltshire.gov.uk)>  
**Sent:** 26 January 2024 11:49  
**To:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** 46 Belvedere Road, Bowerhill, SN12 6AJ - ENF/2024/00071



<b>Reference No:</b>	ENF/2024/00071
<b>Site Location:</b>	46 Belvedere Road, Bowerhill, SN12 6AJ

<b>Complaint:</b>	Unauthorised felling of T1 - Oak tree (TPO W/92/00006/IND relating to refusal of PL/2022/00900
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Thank you for your recent communication in respect of the above.

The Council prioritises the investigation of alleged breaches of planning control according to the seriousness of the breach. We aim to visit most sites within ten working days of registration of the enquiry and advise you of our initial findings. However please note that in general, the case officer will not be able to respond to you until they have established whether there is a breach of planning control, as this is likely to delay their investigation.

The case officer will also contact you once the investigation is completed, however, please note that in some instances enforcement action may be prolonged and take several months to conclude, but be assured that every effort will be made to remedy any breach of planning control as quickly as possible.

For further information on planning enforcement, please visit our website at:

[www.wiltshire.gov.uk/planning-enforcement](http://www.wiltshire.gov.uk/planning-enforcement)

Yours faithfully,

Officer: Natalie Rivans

Direct Line: 01225 770502

Officer Email: [natalie.rivans@wiltshire.gov.uk](mailto:natalie.rivans@wiltshire.gov.uk)

Enforcement Officer

[ ref:a0hQ3000000QCiHIAW;69bc6bbb7de2436245121d94c3483337:ref ]

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**Date: Wednesday 17<sup>th</sup> January 2024**

**Start: 6.30pm**

**Present:**

**Steering Group Members Present**

Councillor David Pafford Chair (MWPC)

Councillor John Glover (MWPC)

Councillor Graham Ellis (MTC)

Councillor Mike Sankey (WC)

Councillor Pat Aves (MTC)

John Hamley (MTUG)

Shirley McCarthy (Environment)

Mark Blackham (Bowerhill Residents Action Group)

Chris Holden (Melksham Community Area Partnership)

**Officers**

Teresa Strange (MWPC)

Lorraine McRandle (MWPC)

Andrew Meacham (MTC)

**Task Group Members**

Councillor Mark Harris

**Planning Consultants**

Vaughan Thompson (Place Studio)

**MTC Melksham Town Council**

**MWPC Melksham Without Parish Council**

**WC Wiltshire Council**

**MTUG Melksham Transport User Group**

**MINUTES**

**1. Welcome & Housekeeping**

Councillor Pafford welcomed everyone. Teresa advised that the meeting was being recorded and would be available on YouTube until the minutes were approved. She also outlined fire escape route.

**2. To note apologies**

There were no apologies.

### 3. Declarations of Interests

Chris Holden advised he was involved with the Melksham Green Space Group.

### 4. Public Participation

One member of the public was present.

### 5. Minutes of Last Meeting

**Resolved:** To approve and for the Chair to sign the minutes of the meeting held on 27th September.

### 6. Changes to NPPF

Vaughan felt it was too early to make decisions or discuss alternatives. It was suggested there be a Working Group meeting to look at the changes, especially around site allocations.

Vaughan referred to his written summary about changes and outlined the most important changes that affected the Joint Melksham Neighbourhood Plan (JMNP) Paragraph 11. Local Authorities with a local plan that has got to Regulation 19 only need to demonstrate a 4-year rather than 5-year land supply. This protection lasts until 19<sup>th</sup> December 2025. Wiltshire Council's ability to show a 4-year housing supply will probably face a legal challenge.

Neighbourhood Plans that allocate sites towards meeting identified housing need and are less than 5 years old will be protected by Paragraph 14. JMNP1 is therefore protected but there is a need to be mindful of how strong the protection is.

Steering Group now has three options for progressing JMNP2 – slow the process down, continue as previously suggested, or a middle route whereby we continue as previously planned but can slow down if required. Vaughan outlined potential problems - a fragility in the 4-year housing supply, fragility in Paragraph 14 protection, failure by Wiltshire Council to adopt its Local Plan before the expiry of the two-year protection. Members asked questions.

Chris Holden – Would we be able to ask Wiltshire Council for progress reports? There would be opportunities to do so.

John Glover – If protection was challenged would proceeding with the proposed sites in JMNP2 be of help? Of some relevance but not of help until adopted.

David Pafford – Housing required to 2026 has already been built. Does this count for anything? May be enough to protect from speculative development but after December 2025 is a period of greatest danger.

Teresa noted that if Wiltshire Council turn down speculative development, they may not be able to demonstrate a four-year land supply later on.

**Resolved:** To carry on as previously planned but to slow down if necessary.

### 7. Technical Support Packages/Evidence Document

- a) SEA – There were a couple of factual errors and Teresa has advised AECOM.
- b) HRA – not required.
- c) Car Park Audit – Survey indicated Melksham had more parking than was needed. John Glover pointed out that the survey classed Waitrose as public when it was private. Graham Ellis pointed out that the station was

going from private to public. Vaughan was of the opinion that the survey supported the allocation of Lowbourn car park and long term could support the Town Centre masterplan.

- d) Plan Health Check – Equalities Impact Statement may be needed. Comments on site allocations with suggestions on how to improve clarity. Comments on Green Wedges.
- e) Viability Assessment - Middle Farm not part of the assessment as more straightforward than the other sites. Waiting for the completed report. Dovetails with the work being undertaken by Anthony Keown.
- f) Cooper Tires Site – Anthony Keown providing insight on amount of development possible on the site. Working with Viability consultant and will be providing information shortly. Anthony and Vaughan have met with Wiltshire Council and are working to produce a Concept Statement/Framework Masterplan to sit with Cooper Tyres Policy. This may take some time.

Teresa noted that the work was agreed by MTC and MWPC at £6000.

## 8. Highlights of Regulation 14 Consultation Responses

### Overview

92 responses to online questionnaire, of which 2 were statutory consultees. Questionnaire asked if responder supports the policy, weren't sure, or did not support the policy. All pie charts almost completely blue (support) or green (not sure). Most statutory consultees sent brochures by email. Responses will be extracted and community email responses will be input to online questionnaire. Will then have two reports, one showing community views and one showing stakeholders' views.

### Wiltshire Council (WC) comments.

Commented on whole of plan, Steering Group may, in light of WC comments, wish to look at some policies previously not updated.

WC felt plan undertaken with good community engagement, was well presented and well laid out.

Room for more consistency with Core Strategy and Emerging Local Plan

Sustainable Construction/Renewable Energy – Need to be more flexible.

Policy 6 – W.C Housing team do not support figures in AECOM study. Wish JMNP to be consistent with approach set out for Wiltshire. Affordable Housing is 30% under Core Strategy and 40% under JMNP.

### Allocations

- Cooper Avon - Comments on flood risk and access. Acknowledge that work is being done to resolve these.
- Library – A request that it be used for care rather than older-age accommodation. Engagement with Wiltshire Council has started.
- Middle Farm – no substantial comment.
- Whitley Farm – WC Heritage Service. Cannot support because of, in their view, the lack of evidence on change of use and poor heritage assessments.

Will need to look at the allocations again.

Bio-Diversity – Request to set a target of 20% net gain.

Local Green Space – Provided an appendix and critique. Focusing on those in W.C ownership. Feel that additional Local Green Space should be considered.

Green Wedges – Object as obstructive to types of sustainable development, outside of housing development, which are supported by core strategy policies (community facilities and employment). Will need to look at Green Wedge Policies again. The consent granted on appeal for land south of Western Way also provides planning permission for the land identified as a Green Wedge. No alternative but to withdraw the Green Wedge.

WC will welcome discussions on any of the objections raised.

Some questions of clarification were asked. Vaughan advised that a Neighbourhood Plan must be in general conformity with the adopted Local Plan or Core Strategy at the time of examination. Some core strategies out of date. JMNP2 will show conformity with Core Strategies but also show where it has regard to up to date policies.

### Landowners

Mainly replied with booklets produced by consultants with a view to promoting alternative sites. Main points put forward

- JMNP2 should be behind the Local Plan, not ahead of it.
- JMNP2 is unsound as quality of evidence on allocations is not good, reasons for allocation are not sufficiently justified and there are mistakes in assessments.
- Lack of deliverability, particularly of brownfield strategy.
- Library does not have capacity for 50 dwellings.
- Particular site being promoted by the respondent would be an ideal alternative to solve the issues raised.

Vaughan commented that these are serious challenges that strike at the heart of plan and must be dealt with properly. Will be dealt with in detail at workshop.

## **9. Local Green Spaces**

- a) A number of requests received for Cooper Tires Plot B/Site 1000 to be designated Local Green Space. Land in ownership of Cooper Tires but requests must be considered and assessed by the proper criteria.

Chris Holden noted for information that Plot 2 is being promoted as building land.

It was noted by David Pafford and Mike Sankey that there were a considerable number of requests. Vaughan advised there was a duty to assess regardless of how many representations were made. David Pafford urged members to make a visit to the site before the next meeting. John Glover left the meeting at this point (8pm).

John Hamley asked about the status of the site if not assessed as Local Green Space. Vaughan advised it was in the country, not the town and was greenfield land that had never been developed. No presumption it can be used as an infill site. Also, a large part of the land is a high flood risk zone so there would be considerable constraints to development. The

possibility of use for Environment Agency River Management was raised. This can be further discussed in working group meetings.

- b) Former Golf Course site, Bowerhill. Owned by WC who want to build a depot and will not support Local Green Space designation. David Pafford asked if it is WC land can they not do what they want with it? Vaughan advised if it is designated as Local Green Space and the JMNP2 is sound and well made, WC can make representations but the plan would proceed to examination.

There was discussion on community use of the land. It was noted that it was used by dog walkers but Mike Sankey confirmed there was no public right of way. Chris Holden felt it would make an ideal green space. The member of the public present felt WC should be challenged.

Vaughan confirmed that as the Local Green Space proposal was in draft reg 14 plan the assessment has concluded that the land does qualify as a potential Local Green Space. The Steering Group must consider WC objections and consider whether the alternative use has greater benefits to the wellbeing and economy of Melksham.

## 10. Working Groups

Workshop 1: Development Management Policies  
Wednesday 7 February 2024, 6pm.

Steering Group  
Wednesday 28<sup>th</sup> February 2024, 6:30pm

Workshop 2: Site Allocations and Local Green Spaces  
To be confirmed

Steering Group  
Wednesday 3<sup>rd</sup> April 2024, 6:30pm

## 11. Resources

MWPC have employed temporary support to deal with work to be done as are filling in for the lack of MTC officer support at present. This means that the MWPC Clerk is attending meetings etc that would have been attended by the MTC Clerk as relating to sites in the town.

Changes to NPPF will result in additional work and therefore additional cost from Place.

## 12. Finance

It was proposed by Councillor Pafford, seconded by Shirley McCarthy and

**UNANIMOUSLY RESOLVED** to approve payment of the Place invoice 6088 for £3025 plus VAT.

The meeting closed at 8.35pm    signed.....  
Chair

## Revised National Planning Policy Framework

### Briefing Note 24-01

**Service:** Planning  
**Further Enquiries to:** Nic Thomas, Director of Planning  
**Date Circulated:** 16 January 2024  
**E-mail:** [nic.thomas@wiltshire.gov.uk](mailto:nic.thomas@wiltshire.gov.uk)

#### Introduction

On 19 December 2023 the government issued a revised National Planning Policy Framework (NPPF), as well as a number of other policy guidance documents. This new NPPF (subject to a further minor revision on 20 December 2023) proposes some key changes that immediately impact upon the council's statutory planning function.

While this note focuses on changes relating to Housing Land Supply, there have been lots of other changes introduced within the new NPPF. Planning Resource has summarised the changes into 30 key points (structured according to whether the changes originally proposed are being taken forward). These 30 changes are attached as an Appendix to this document.

#### Housing Land Supply

For housing supply and delivery, the revised NPPF contains two important new paragraphs which are relevant to planning decision making in Wiltshire (parts relevant to this note are highlighted in bold text):

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, **or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.** The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*
226. *From the date of publication of this revision of the Framework, for decision-making purposes only, **certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing** (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This*

*policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has reached an advanced stage, it is now 'only' required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of **four years'** worth of housing, rather than five years.

The council's most recent Housing Land Supply Statement (published May 2023) sets out the number of years' supply against our local housing need - 4.60 years. It is likely that this figure is a little higher than 4.6 years because the NPPF has removed the need to apply a 'buffer' to authorities that 'deliver' housing sites. As these figures exceed the four-year threshold, the planning balance is now 'level' rather than 'tilted'. In other words, the changes to the NPPF mean that there is now a lower threshold in place for being able to justify the refusal of planning applications. Pragmatically, this means that fewer 'speculative' residential planning applications are likely to be granted, until such time as the council's housing land supply dips below four years.

### **Neighbourhood Plans**

An additional change to the NPPF is paragraph 14. This relates to situations where planning applications for housing are being determined in areas that have neighbourhood plans in place (less than five years old) and where those neighbourhood plans contain policies and allocations to meet that area's housing requirement. Where this situation applies, the 'tilted' balance will not apply, meaning that speculative housing planning applications are less likely to be recommended for approval where there is conflict with the neighbourhood plan.

### **Impact on Current (Undetermined) Planning Applications**

All undetermined planning applications must have regard to any new 'material planning considerations' before decisions are made. The changes to the NPPF, relating to housing land supply, is a material planning consideration that must be taken into account.

In some situations, this will mean that planning applications that have already been considered by committee, but where decisions have not yet been issued (such as where a S106 agreement is required) will need to be reported back to committee. In that situation, Members will be asked to consider the changes set out in the new NPPF and any implications that this might have to the original decision to grant planning permission.

Decisions about if and when specific planning applications will be reported back to committee will be made on a case-by-case basis.

### **Impact on Current (Undetermined) Planning Appeals**

Some planning applications are subject to live planning appeals. Again, the changes to the NPPF will be a material consideration that an Inspector will need to take into account before a decision is made. The council will be submitting comments to the Planning Inspector on the impact of the new NPPF on each planning application that is subject to an undetermined appeal. The appellant is also likely to be invited to provide comments on their appeal.

## **Other Matters**

While the changes to the NPPF in respect of housing land supply are broadly welcome, there are a number of issues that need to be borne in mind:

- Developers whose planning applications are at appeal are likely to want to challenge the council's four-year housing land supply figure. While the council will robustly defend its position, any successful challenge could impact on the council's published figure.
- The changes to rules relating to the four-year housing land supply are time-limited (maximum of two years). It is therefore very important that the council gains the support of local communities to secure the adoption of its new Local Plan as soon as possible as this will provide a much longer period of 'protection'.
- The council's housing land supply figure can only be retained during the two-year period if suitable planning applications for housing development continue to be granted. If the council refuses too many planning applications, housing supply will drop to below four years and the 'tilted' balance in favour of approval will once again apply.
- While the responsibility for maintaining a housing land supply rests with the council, the evidence that underpins whether sites can be relied upon for delivery rests with developers. The council's powers to encourage developers to bring forward sites are limited.
- The changes introduced by the new NPPF have not been tested through appeals or in the courts. Some of the wording is not as clear as it could be and may therefore be open to interpretation and challenge.



## Appendix

### Extract from 'Planning Resource' Published Article (21 December 2023) "30 things you need to know about the new NPPF"

Planning Resource' analysis of the 30 things to know about the new NPPF:

#### Points where the NPPF differs significantly from what was proposed in December 2022

**1 In a change to the proposed text, the NPPF makes clear that local authorities are not required to review their green belt boundaries during plan-making, but does not explicitly link this issue to housing supply.**

In December last year the government proposed that authorities would not need to review their green belts, even if meeting housing need would be impossible without such a review. However, while the new text in paragraph 145 continues to make clear there is "no requirement for Green Belt boundaries to be reviewed or changed", it does not explicitly state that this trumps meeting housing need. It also adds that councils can still choose to review boundaries "where exceptional circumstances" justify it.

**2 In a change to the proposed text, the NPPF drops suggested changes to paragraph 11 which would have meant that the need to avoid development seen as "uncharacteristically dense" for an area would have outweighed the requirement for authorities to meet local housing need.**

Instead, the government has inserted new paragraph 130, setting out the objective to protect the character of local areas. This states that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be "wholly out of character with the existing area". The consultation response makes clear the proposal applies to plan-making only, and any resulting policies should be evidenced by local design codes.

**3 In a change to the proposed text, the government has dropped plans to allow councils to be able to take past over-delivery of housing into account when assessing housing need as part of plan-making.**

The consultation draft had suggested that in authorities where the number of granted permissions exceeded the provision made in the existing plan, that surplus may have been deducted from what needed to be provided in the new plan. However, the government's consultation response said it had received "little support for accounting for past 'over-delivery'".

**4 In a change to the proposed text, the department has ditched proposals to water down the test of soundness required for local plans to be adopted.**

The consultation draft had proposed that plans would no longer be required to be 'justified', and instead simply have to meet need 'so far as possible', taking into account other policies in the NPPF. The majority of consultees opposed the suggestion and the government said in its response that "as a result, we have decided not to proceed with the change". However, it said that it was still committed to streamlining evidential requirements for plan-making.

**5 In an addition to the proposed text, the new NPPF includes a new clause in paragraph 70 instructing authorities to support small sites to come forward.**

The new text says councils should use policies and decisions to support small sites for community-led housing and self-build and custom build housing, and makes a new reference to permissions in principle as a way to enable this.

**6 In a change to the proposed text, the NPPF includes a change effectively dropping the previously existing “entry-level exception sites policy” and replacing it, in paragraph 73, with an exception site policy for community-led housing.**

The NPPF says authorities should support the development of exception sites for “community-led development” on sites that would not otherwise be suitable as rural exception sites.

**7 In a change to the proposed text, the NPPF includes a new definition of ‘community-led development’ in the glossary contained within Annex 2 of the Framework.**

The definition states that community-led developments must be instigated and taken forward by a not for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members.

Points where the NPPF has been taken forward largely or entirely as proposed in 2022

**8 Authorities with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply.**

In this case, ‘up-to-date’ means where the housing requirement as set out in strategic policies is less than five years old, the document says. The proposal takes effect from the date of publication of the revised National Planning Policy Framework.

**9 Councils will no longer have to provide five-year housing land supply buffers of 5 per cent or 10 per cent.**

Standard additional ‘buffers’ of five and ten per cent - in certain cases – which local authorities have to apply to their five-year housing land supply calculation, have been scrapped. However, in a change to what was consulted upon last year, the 20 per cent buffer which can be applied consequent of failure to hit targets under the Housing Delivery Test, will still apply.

**10 Local planning authorities can include historic oversupply in their five-year housing land supply calculations.**

The Framework has been amended to include a reference to the “circumstances in which past shortfalls or over-supply can be addressed”. The government’s consultation response said the department will produce additional planning practice guidance in due course to offer further clarification on how this can be done.

**11 Some authorities with emerging local plans will benefit from a reduced housing land supply requirement.**

For the purposes of decision-making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocations towards meeting housing need, those authorities will only have to demonstrate a four-year housing land supply requirement.

**12 Protection against development that conflicts with neighbourhood plans has been extended to older such plans.**

The NPPF previously said that the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to outweigh the benefits, but not if that plan is more than two years old. The government has now extended that protection to plans that are up to five years old. It has also removed tests which had meant local planning authorities needed to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test in order that Neighbourhood Plans benefited from the protection.

**13 The new NPPF confirms that the standard method for calculating housing need is an “advisory starting point” for local authorities in generating housing numbers.**

The government’s consultation response makes clear this simply confirms explicitly in national policy the existing status as set out in guidance. The response also confirms the department plans to review the implications for the standard method of new household

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projections data based on the 2021 Census, but said these are now not due to be published until 2025.

**14 More explicit indications are given of the types of local characteristics which may justify the use of an alternative method of assessing housing need.**

The new NPPF says “exceptional circumstances, including relating to the particular demographic characteristics of an area” may justify an alternative approach to assessing housing need other than the standard method. It adds a footnote with an example of “islands with no land bridge that have a significant proportion of elderly residents.”

**15 The NPPF retains the uplift of 35 per cent to the assessed housing need for the 20 largest towns and cities in England.**

The NPPF has been amended to state that the uplift should be accommodated within those cities and urban centres themselves, except where there are voluntary cross boundary redistribution agreements in place. Neither the NPPF nor the government’s consultation response gives any further detail on the alignment test which is due to replace the Duty to Co-operate between authorities.

**16 Authorities will be expected to take particular care to ensure that they meet need for retirement housing, housing-with-care and care homes.**

The government added a specific expectation to new paragraph 63 in the NPPF.

**17 Authorities will be encouraged to use planning conditions to require clear details of a scheme’s design and materials.**

The document now says in new paragraph 140 that relevant planning conditions should refer to “clear and accurate plans and drawings which provide visual clarity about the design of the development”, and which are “clear about the approved use of materials” to make enforcement easier. The new NPPF also includes a number of other smaller changes, as previously proposed, designed to embed the government’s “beauty” agenda.

**18 The section promoting mansard roof extensions stays in the final version.**

The government has stuck with proposals designed to promote mansard roof extensions, despite criticisms the plans were too locally specific to be put in a national policy document. The NPPF says authorities “should also allow mansard roof extensions on suitable properties” where they harmonise with the original building.

**19 The availability of land for food production should be considered when allocating agricultural land for development.**

A new footnote to paragraph 181 states that when agricultural land must be used, poorer quality land should be preferred over higher quality land. It states: “The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”

**20 The NPPF is amended with a new paragraph 164 to give “significant weight” to the importance of energy efficiency through adaptation of buildings.**

The NPPF says that where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply relevant policies.

**21 The starting point for creating National Development Management Policies (NDMPs) will be existing national policy on development management.**

The government’s consultation response said it had heard concerns from consultees that the creation of an NDMP could prevent authorities including a given topic in their plan. However it said it will remain possible for locally-produced policies to address matters of particular local importance, provided that they are not inconsistent with or repeat NDMP policy.

## Points where the government plans to bring forward consultation proposals at a later date

### **22 In a change to the proposed NPPF text, the new framework does not proceed with reforms which would have meant that evidence of sufficient deliverable permissions would have saved councils from Housing Delivery Test sanctions.**

However, the government says it still backs the idea. The original consultation had suggested 'switching off' the application of 'the presumption in favour of sustainable development' as a consequence of under-delivery against the Housing Delivery Test, for those authorities which had delivered more than 115 per cent of required permissions. The consultation response this week said there was no consensus from respondents as to how the policy should work, and the complexity of the policy meant it was not being taken forward at this time. But it added that "the government will continue to consider ways in which this approach could be introduced in a future policy update."

### **23 Past "irresponsible planning behaviour" by applicants could in future be taken into account when applications are being determined.**

The government consulted upon different options of sanctions for developers that persistently breach planning controls or fail to "deliver their legal commitments to the community". However, its consultation response showed consultees were split over the way forward, and it said it will now merely "consider these [responses] carefully in any future policy development" but didn't commit to anything further.

### **24 Government to push ahead with measures designed to speed up build out of sites, but only after further consultation.**

Last year, the government had proposed three interventions, namely: that data will be published on developers of sites over a certain size who fail to build out according to their commitments; that developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a scheme's absorption rate; and that delivery will become a material consideration in planning applications. This week in its consultation response, the government said it wanted to take all three proposals forward, but that they would be subject to "full consultation on them and related issues of build-out".

### **25 The government will continue to consider the proposal that planning for provision of social rent homes be given higher priority in the NPPF.**

The consultation response said consultees views "will be used to inform policy development as we consider this proposal further as part of any future updates to the Framework."

### **26 Government to explore how small-scale interventions for nature can be promoted in any future updates to the National Planning Policy Framework.**

The original consultation had said the government was looking to clamp down on the use of artificial grass by developers in new development and the 'gaming of biodiversity net gain rules'. However the response included no specific policies which are to be worked up.

### **27 The possibility of embedding a broad form of carbon assessment in planning policy will be explored in a future review of national planning policy.**

The original consultation had said the department was interested in whether effective and proportionate ways of deploying a broad carbon assessment existed and, if so, what they should measure. However, this week's response said: "we intend to review national planning policy in due course to make sure it contributes to climate change mitigation as fully as possible."

### **28 Plans to review policy for climate change adaptation and flood-risk management are also delayed.**

The consultation response said the government intended to review national planning policy "in due course" to make sure it contributes to climate change adaptation as fully as possible, and that responses will be used "to inform any future consultation on the National Planning Policy Framework."

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Points from the 2022 consultation which have already been answered or responded to

**29 Proposed changes to the NPPF text around onshore wind power schemes to enable sites that have not been designated in the local plan to be approved have already been confirmed.**

The government in September published changes to the NPPF that responded to the specific proposals contained in the December 2022 consultation designed to unblock the planning system for onshore wind project applications.

**30 The intended timeline for changes and transitional arrangements for the move to the new local plan system had already been confirmed this summer.**

The department proposed transitional arrangements for the new local plan system set out under the Levelling Up and Regeneration Act in its consultation last year, and has already said how it intends to proceed. In July it said the latest date for plan-makers to submit local plans, minerals and waste plans, and spatial development strategies for examination under the current system will be 30 June 2025, with these plans needing to be adopted by 31 December 2026. This same document also said the department will have in place the regulations, policy and guidance to enable the submission of new plans by autumn 2024.

## Lorraine McRandle

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**From:** Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>  
**Sent:** 30 January 2024 08:37  
**To:** Teresa Strange  
**Cc:** Lorraine McRandle; Cleave, Julie; paul@tonicconstruction.co.uk; Renfrew, Stuart; Baker, Dean; Rose, Martin  
**Subject:** RE: Resident concerns re Buckley Gardens, Semington Road

Hi Teresa,

Thanks for your email, your concerned resident is correct in that I only focussed on the access to the development, because that being my priority. I'm hopeful now that the Contractors have overcome the issues with 'mud on road' recent wet weather not helping matters. Also any White Lining issues, defects within the 278 Agreement will be resolved pending a RSA Stage 3 Safety Audit, prior to issuing a Final Certificate for the Work.

Work was undertaken to install 'Kessel Kerbs on the 'Southbound' carriageway, heading to Trowbridge. The pictures the resident has sent indicate issues with the Bus Stop on 'Northbound' carriageway heading to Chippenham. I don't believe the Contractor, Tonic Construction were responsible for installing these kerbs in this Bus Stop.

However I've cc'd a number of colleagues into this email in the hope they are able to shed some light on the issue for you.

Kind Regards,

*Andy.*

**Andy Thompson**  
**Highways Technician**  
**Section 38 & 278 Works**  
Local Highways  
Highways and Transport  
Mobile 07976 343887  
Email [Andy.Thompson@wiltshire.gov.uk](mailto:Andy.Thompson@wiltshire.gov.uk)

**Wiltshire Council**

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**From:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Sent:** Monday, January 29, 2024 4:07 PM  
**To:** Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>  
**Cc:** Lorraine McRandle <office@melkshamwithout-pc.gov.uk>; Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>; paul@tonicconstruction.co.uk  
**Subject:** RE: Resident concerns re Buckley Gardens, Semington Road

Hi Andy

This is the further response from the resident:

Thanks Teresa but I think they have the wrong end of the stick They sound like they are talking about the entrance to the site and not berryfield park junction I have spoken to a few bus drivers and they agreed it is impossible to get onto the raised landing stage therefore rendering it unusable to disabled wheelchair users and parents with pushchairs As for the state of the main road there has been no sign



of the road sweeper all day the clay from the lorry wheels have made it like a skid pan An accident waiting to happen At least they could put up warning signs (mud on road) If this was a farmer he would be prosecuted for it I hope there's not a serious accident that highways could help to avoid Something really needs to be done now Maybe call the police to see if they can put signage up Thanks for your help

Sorry for all the photos but this is what I mean about the buses not being able to get side on to the raised platform The problem is caused by the pavement holding the zebra crossing

Thanks, Teresa

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**From:** Thompson, Andy <[Andy.Thompson@wiltshire.gov.uk](mailto:Andy.Thompson@wiltshire.gov.uk)>  
**Sent:** 22 January 2024 15:23  
**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Cc:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>; Cleave, Julie <[Julie.Cleave@wiltshire.gov.uk](mailto:Julie.Cleave@wiltshire.gov.uk)>; [paul@tonicconstruction.co.uk](mailto:paul@tonicconstruction.co.uk)  
**Subject:** RE: Resident concerns re Buckley Gardens, Semington Road

Hi Teresa,

Thank you for forwarding on the Email.

The Junction into the new development is not the finished article. The Bellmouth is currently built to Binder course, as it serves as a Construction access. Temporary Works have also been carried out by Wessex Water, installing new 'Mains' into the Site. As far as I'm aware no Contractor is using Shails Lane for access into the Site, however Wessex Water may be accessing the Sewage Works, which I believe they have the Right to do.

The recent heavy Rains have caused problems for the Site, with the Contractors working to install the Storm Water drainage, this should help alleviate the problem. The Site continues to engage in its 'muck away' program, clearing excess Soils & Clay away from Site, to this aid Contractors have engaged the continued use of a Road Sweeper in the process of helping keep the adjacent roads clean.

With the heavy use of HGV's the White Lining is subject to come under some heavy and constant traffic pressure, particularly when turning etc and as leaving or entering Site. All White Lining will be subject to a RSA Safety Audit undertaken prior to Adoption and subject to being 'refreshed' This could happen on repeated occasions if the need was warranted. Local Busses should be able to pick up / drop off as they always have, no work has been done to shorten the Bus Stops.

I'll call on Site later this week to ensure all is as it should be with particular attention to the Gullies located in the Bellmouth, ensuring they are working correctly and getting any surplus surface water away.

Kind Regards,

*Andy.*

**Andy Thompson**  
**Highways Technician**  
**Section 38 & 278 Works**  
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Highways and Transport  
Mobile 07976 343887  
Email [Andy.Thompson@wiltshire.gov.uk](mailto:Andy.Thompson@wiltshire.gov.uk)

**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** Monday, January 22, 2024 2:50 PM  
**To:** Thompson, Andy <[Andy.Thompson@wiltshire.gov.uk](mailto:Andy.Thompson@wiltshire.gov.uk)>; Cleave, Julie <[Julie.Cleave@wiltshire.gov.uk](mailto:Julie.Cleave@wiltshire.gov.uk)>  
**Cc:** Lorraine McRandle <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** Resident concerns re Buckley Gardens, Semington Road

**20/01938/OUT & PL/2022/02749 reserved matters**  
**Land at Semington Road**  
**144 dwellings and associated works**

Hi Andy and Julie

I assume that are involved with the new Buckley Gardens site on Semington Road, by David Wilson Homes. We are already in touch with planning enforcement about working times on site, and access to the site via the private road Shails Lane.

I have had this from a resident this morning:

Hi Teresa just wondering if you could help with this one As you will be aware we have a new building site opposite us on berryfield The contractor has done some works on our junction into berryfield park now we have puddling water worse than before the road condition after they finished Friday was really bad covered in mud nearly caused me to have an accident sliding on the road nearly hitting a parked car I think the works carried out are very poor at best The newly lined junction and. Zebra crossing are wearing badly already The new bus shelter is a great addition it's a shame the buses can't pull up to the newly raised pavement as it obviously wasn't measured out correctly Is there anything the parish council can do about this shoddy work Thanks







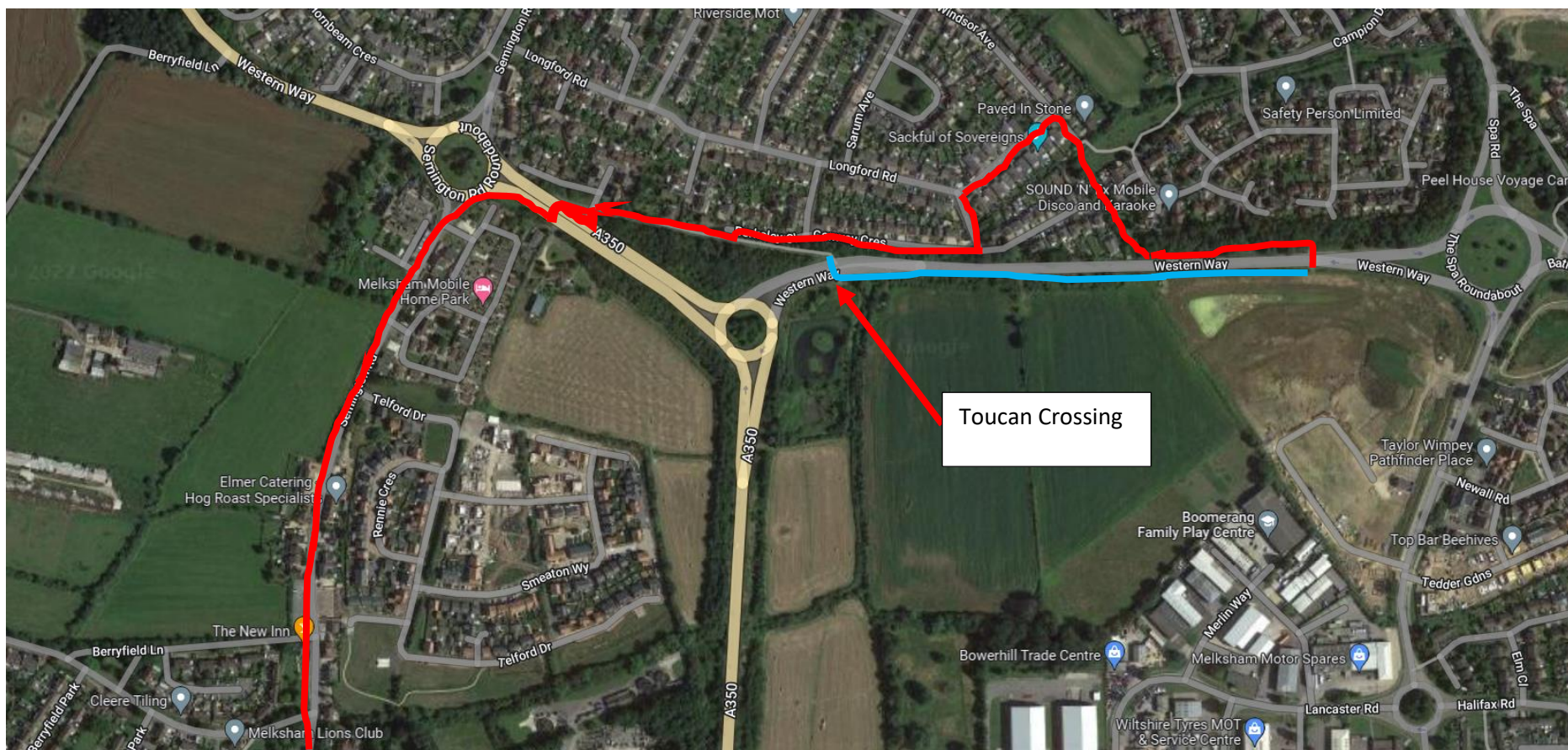
Any comment?  
Thanks, Teresa

Teresa Strange  
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**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?  
Follow us on facebook: [Melksham Without Parish Council](#) or [Teresa Strange \(Clerk\)](#) for additional community news  
On twitter: [@melkshamwithout](#)  
On Instagram: [melkshamwithoutpc](#)

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Walking route for those children coming from the following developments on Semington Road to access proposed new school at Pathfinder Place in RED:

- 17/12514/REM: 150 dwellings (Bowood View) (now built); PL/2022/02749 144 dwellings (Buckley Gardens – construction starting);
- PL/2023/00808: 50 dwellings (approved awaiting construction) and PL/2022/08155: 53 dwellings (awaiting decision)

**Request for Section 106 Funding to be used to provide Toucan Crossing and create footpath along Western Way to proposed Pathfinder Place School in BLUE**