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MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

First Floor
Melksham Community Campus,
Market Place, Melksham,
Wiltshire, SN12 6ES
Tel: 01225 705700

Email: clerk@melkshamwithout-pc.gov.uk
Web: www.melkshamwithout-pc.gov.uk

Tuesday, 8 August 2023

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 invited to attend the Planning Committee Meeting which will be held on **Monday, 14 August 2023 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 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. 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 item (10a)iii) 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/2023/01205](#):** 29 Maitland Place, Bowerhill. Self contained garden outbuilding. Applicant Ben Jenkins (**Comments by 10 August**) (Extension granted on Melksham Without comments until 15 August)
 - [PL/2023/06374](#):** Raynescroft, 68C Shaw Hill, Shaw. Detached Garage with a Room Above. Applicants Mr & Mrs B A'Court (**Comments by: 25 August**)
 - [PL/2023/06263](#):** 71G School Lane, Shaw, Melksham. External timber cladding and raised roof to accommodate new roof build up. Applicant Nina Hammett (**Comments by 23 August**)
 - [PL/2023/06144](#):** Sandridge Lodge, Brick Hill, Bromham (Householder application). Proposed porch and BBQ shelter. Applicants Mr & Mrs Binsted (**Comments by 21 August**)
 - [PL/2023/06177](#):** Sandridge Lodge, Brick Hill, Bromham (Work to Listed Building). Proposed porch and BBQ shelter. Applicants Mr & Mrs Binsted (**Comments by 25 August**)
 - [PL/2023/05883](#):** Land to the rear of 52e, Chapel Lane, Beanacre. Erection of three dwellings, with access, parking, and associated works, including landscaping (Outline application with all matters reserved – Resubmission of PL/2022/06389). Applicants Ian Taylor & John Lee (**Comments by 22 August**)
 - [PL/2023/05863](#):** Beechfield House, Beanacre. Replacement of an aged and dilapidated

sewage handling tank with the installation of a new grease trap, Bioficient 55 sewage treatment plant with twin final effluent pump chamber and associated interconnecting pipework and inspection chambers. **(Comments by 25 August)**

PL/2023/06480: 26 Elm Close, Bowerhill. Single storey side extension and single storey rear extension to garage. Matt Francis **(Comments by 30 August)**

7. **Revised Plans:** To comment on any revised plans on planning applications received within the required **timeframe (14 days):**

PL/2023/04210: Pear Tree Inn, Top Lane, Whitley. Proposed Community Village Shop. Applicant Shaw & Whitley Community Hub Ltd **(Comments by 17 August)**

PL/2023/04523: Pear Tree Inn, Top Lane, Whitley. 3 Fascia signs on proposed Community Village Shop. Shaw & Whitley Community Hub Ltd **(Comments by 17 August)**

PL/2023/03257: 89 Corsham Road, Whitley. Proposed Side Extension. Applicant Nathan Hall. **(Comments by 25 August)**

8. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.

- a) **27 Newall Road, Bowerhill.** To note Planning Enforcement have been asked to investigate following concerns raised by residents
- b) **19 The Beeches, Shaw.** To note Planning Enforcement have been asked to investigate.

9. **Planning Appeal Notification:** An appeal has been lodged by the applicant against Wiltshire Council's refusal of planning application PL/2022/08504: Land South of Western Way. Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space (Resubmission of 20/08400/OUT). To note and consider a response to the Appeal due to emerging Local Plan and Neighbourhood plan since application decision

10. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.

- a) **Land West of Semington Road - Application for 53 dwellings (PL/2022/08155 Outline)**
- b) **Land West of Semington Road - Appeal site to rear of Townsend Farm for 50 dwellings (PL/2023/00808 Reserved Matters).** To note 'Call in Request' has been removed as safe walking route to new school has been addressed

- c) **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.**
- d) **Land at Verbena Court (Planning Application No PL/2023/03797): Modification of Planning Obligation Address: Land at Verbena Court, Melksham. Application to modify obligations contained within the S106 agreement relating to marketing land within the Local Centre pursuant to consented outline planning permission 04/01895/OUTES.** To consider latest update and making any further representation.

11. Planning Policy

a) Neighbourhood Planning

- i) To note minutes and confidential notes from Steering Group meetings held on 7 June and 26 July
- ii) Update on the Neighbourhood Plan Review and to consider any time critical requests before the next Steering Group meeting.
- iii) Update on Neighbourhood Plan site selection.
- b) **Wiltshire Council's Design Guide.** To note response sent in reply to the consultation and useful things to note when considering applications
- c) Feedback on meeting with **NHS** on 30 June 2023.
- d) Local Plan. To note Factsheet for Large Villages and Local Service Centres.

12. **Goods Vehicle Operator's Licence.** Broughton Transport Solutions have applied to use Hangar 7, Lancaster Road, Bowerhill as an operating centre for 15 goods vehicles and 30 trailers. To consider submitting a response to the application.

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

a) To note update on ongoing and new S106 Agreements

i) Hunters Wood/The Acorns:

- To note any updates on footpath to rear of Melksham Oak School.

ii) Pathfinder Place:

- To note update on outstanding issues, including play area transfer. To note comments raised by resident regarding drop kerbs at Maitland Place.

iii) Buckley Gardens (144 dwellings on Semington Road)

- To note any updates.

b) To note any S106 decisions made under delegated powers

c) Contact with developers

- i) To note feedback on meeting with DPP Planning held on 9 August regarding proposed new primary school at Pathfinder Way and to consider a formal response to the pre application consultation (under delegated powers)
- ii) Care Home planning applications/pre apps. To consider a response to the various applications/pre apps.

Copy to all Councillors

PREVIOUS COMMENTS FROM PLANNING COMMITTEE MEETING HELD ON 28 NOVEMBER 2022

[PL/2022/06389](#): Land to the rear of 52E Beanacre, Chapel Lane, Beanacre. Erection of three dwellings, with access, parking, and associated works including landscaping (outline application with all matters reserved).

Members raised a number of concerns about the proposal and the impact it could have of the existing development.

Comments: The Parish Council object to this planning application for the following reasons:

- The site is outside the settlement boundary and is in the village of Beanacre, which is classed as a “Small Village” in the Core Strategy. Please also refer to Policy 6: Housing in Defined Settlements of the made Melksham Neighbourhood Plan regarding development in the small villages of Beanacre and Berryfield. The site is not a Rural Exception site and makes no reference to any affordable housing. The site therefore conflicts with Core Policy 2 of the Wiltshire Council Core Strategy as it is outside the defined limits of development and has not been brought forward through the Site Allocations DPD or the Melksham Neighbourhood Plan.
- Whilst the developer’s Planning Statement makes reference to the current lack of 5-year land supply, it does not mention that the protection of paragraph 14 in the NPPF is valid with a current adopted Melksham Neighbourhood Plan less than 2 years old. The Melksham area has exceeded the number of dwellings required by the Core Strategy by 2026.
- Highway Safety Concerns. The site is located on a narrow single track lane. Vehicles at present have no facility to turn around to exit Chapel Lane without impinging on someone else’s land and this application will exacerbate the situation.

The exit/entrance to Chapel Lane is currently a hazard. If drivers on the A350 can run into the rear of vehicles waiting to turn into Westlands Lane, the same can be said for vehicles waiting to turn into Chapel Lane, particularly those travelling from the North.

The exit of Chapel Lane is not naturally at right angles to the carriageway and therefore from a highway point of view it would be undesirable to increase traffic on Chapel Lane onto the A350.

- The impact the proposed dwellings will have with regard to drainage in the area.

The area is known to have flooded previously with follow up site visits by the parish council and the Wiltshire Council Drainage engineers and attention is drawn to the application form where it states there has been no previous flooding. Whilst there may not have been incidences of flooding on the proposed

development site, there had been incidences of flooding in the close vicinity and run off from the properties could exacerbate the situation.

There is a soakaway which runs to the rear of Westlands Lane and joins the stream near Rose Cottage, Chapel Lane and reappears to the rear of properties east of Beanacre. The gully has been excavated to enable extra flow to the soakaway for improved surface water drainage.

There are various difficulties with drainage in the area and additional run off will need to be attenuated. There does not appear to be proposals to retain surface water, therefore there will be drainage issues with this application.

Attention is drawn to Policy 3 of the Neighbourhood Plan: Where development proposals are in areas with known surface water flooding issues, they should include appropriate mitigation and construction methods, including where appropriate, contributions towards wider catchment projects. Major development should include provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking.'

- The current plan for mains drainage in Beanacre are still ongoing and still await formal Business Case approval by Wessex Water. The scheme does not extend to include Chapel Lane. Therefore the proposed development will start life on septic tanks with a significant possibility of pollution of surface water drainage from any private sewage system.
- There are no facilities in Beanacre, other than a church hall and play area, but no shop for example and therefore for additional residents in Beanacre access to public transport is important for it to be a sustainable development. Attention is drawn to the developer's Planning Statement which states that there are frequent bus services, r whilst this may be the case during the day, there is no evening or Sunday service.

The site has been assessed by AECOM as part of the site assessment process in the Melksham Neighbourhood Plan with the following comments stated 'the main constraints to development surrounded the access issues, its location away from the main built-up area of Melksham, possible changes to the village-scape, and the potential ecological importance of the site. Nonetheless, it is potentially suitable for development if the constraints can be resolved". See report here https://www.archivemelkshamneighbourhoodplan.co.uk/files/ugd/fcc864_42541f173bbe45d8a6aeebf95124c6b0.pdf Site 21 on page 30.

- In the draft Strategic Environmental Assessment (SEA) Scoping report currently being prepared by AECOM for the review of the Melksham Neighbourhood Plan it states that this site was in an area of good agricultural land (3a) and classed as Best Most Versatile Land.

It was agreed to ask Councillor Phil Alford to call in this application and to contact residents at the meeting on the definition of a call in. It was also agreed to keep residents informed of progress on the application.

Councillor Baines stated at a recent North Operational Flood Working Group meeting he had made the Drainage Team at Wiltshire Council aware of the application.

Teresa Strange

From: Joo Foo <Joo.Foo@wessexwater.co.uk>
Sent: 20 February 2023 15:14
To: Teresa Strange
Subject: RE: Beanacre - mains drainage

Hi Teresa,

Thanks for your email. I rang up the hotel and explained our scheme and unfortunately he won't be able to connect as it is a pressurised main.

They'll be looking to construct a new private sewerage treatment plant.

Thanks
Joo

From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: 09 February 2023 11:22
To: Joo Foo <Joo.Foo@wessexwater.co.uk>
Subject: FW: Beanacre - mains drainage

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognise the sender and know the content is safe.

Hi Joo

Please see correspondence below from the hotel on the other side of the road to Westlands Lane. I didn't want to copy the gentleman in to correspondence with you without your approval.

You will see he is seeking timings for any plans for mains drainage at his location.

With kind regards, Teresa

From: [REDACTED]
Sent: 09 February 2023 11:19
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Cc: Terrence Chivers <terry.chivers@melkshamwithout-pc.gov.uk>; John Glover <john.glover@melkshamwithout-pc.gov.uk>; David Pafford <david.pafford@melkshamwithout-pc.gov.uk>
Subject: RE: Beanacre - mains drainage

Dear Theresa,

Thank you very much for the update.

I am investigating a new sewage treatment plant to bring our plant up to current standards as our existing plant is quite old now.

Clearly this involves a very significant investment for us, which is not ideal in the current financial climate, and which would be redundant if the mains were shortly be available to connect to.

I would very much appreciate it if you could investigate further timescales and plans for connections to the remainder of Beanacre road with Wessex Water and perhaps copy me in.

EXTRACT FROM PLANNING COMMITTEE MINUTES DATED 15 MAY 2023

[PL/2023/03257](#): 89 Corsham Road, Whitley. Proposed side extension.

Comments: The Parish Council **OBJECT** to this application on the following grounds:

- The proposed side extension is out of scale with the host property.
- Proposals are not sympathetic to the design, nor reflect features of the host property and therefore are incongruous.
- Proposals are in front of a row of cottages, including No 88 Corsham Road at the Northern end, adjacent to the site.
- Impact on the streetscene.
- It is unclear what the proposals are for the first storey of the extension.
- The impact the extension will have on neighbours at 88 Corsham Road, due to the loss of privacy, given proposals for windows to both the side and rear elevations.
- Concern at the impact proposals will have on existing flooding experienced in the area and to adjacent properties.
- It is unclear if the proposals will result in the removal of mature trees.

Lorraine McRandle

From: Teresa Strange
Sent: 31 July 2023 16:51
To: Lorraine McRandle
Subject: FW: 27 Newall Road Bowerhill Melksham SN12 6XH - ENF/2023/00654

From: Wiltshire Council <planning@sf.wiltshire.gov.uk>
Sent: 31 July 2023 13:52
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: 27 Newall Road Bowerhill Melksham SN12 6XH - ENF/2023/00654



Reference No:	ENF/2023/00654
Site Location:	27 Newall Road Bowerhill Melksham SN12 6XH
Complaint:	Alleged unauthorised running of business and parked trailers.

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:

Yours faithfully,

Officer: Natalie Rivans

Direct Line: 01225 770502

Officer Email: natalie.rivans@wiltshire.gov.uk

Enforcement Officer

[ref:a0h3z00000jeIQAA2;13303caaffb5d90d42fd4d51a4a56da5:ref] 

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Lorraine McRandle

Subject: FW: 27 Newall Road Bowerhill Melksham SN12 6XH - ENF/2023/00654

From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Wednesday, August 2, 2023 3:44 PM
To: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Cc: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: FW: 27 Newall Road Bowerhill Melksham SN12 6XH - ENF/2023/00654

Dear Natalie

Further to this enquiry, please note that I met with the police, Wiltshire Councillor Nick Holder and a representative of BRAG (Bowerhill Residents Action Group) and the new Pathfinder development residents association yesterday – about speeding on the estate – but was able to have a quick chat about this too.

The Pathfinder residents association are aware of who made the anonymous complaint to us, and will feed back to them.

The police have also stepped up patrols there re the uninsured car reported as they have to see it being driven to be something that they can action; its no longer SORN.

Remus who are the management company have just written to the residents about commercial vehicles on the development, as against the rules.

See below, from their Pathfinder facebook group.

The Residents Association have confirmed that Curo housing have not be engaging on the issues raised.

Hope it helps for background/context info.

Kind regards,

Teresa

15:30

🔔 📶 📍 4G 📶 31% 🔋



Tuesday, 27 August 2025



Units D & E Stanley Court
Glenmore Business Park
Telford Road
Salisbury
Wiltshire
SP2 7GH

T 01722 428000
E salisbury.admin@remus-mgmt.co.uk



I am writing to all residents regarding vehicles and parking at Pathfinder Place, however we appreciate that this is isolated to a few individuals and appreciate this is not everyone so please disregard if it doesn't apply to you. It has come to my attention that there are some individuals parking along the road and not in their allocated spaces or on their driveways at Pathfinder Place. I have also noted commercial vehicles around the estate. Can I please remind you that this is not permitted on the development as it is stated in your TP1. If you do have any visitors, then I would like to encourage to use visitor bays that are located around the estate.

- 6. Not to park or permit to be parked on the Property or the Estate any commercial vehicle caravan house on wheels boat or trailer whatsoever except that:-
 - (a) light motor vans (having an axle weight of no more than 1.5 tonnes) may be parked in the garage or upon any drive forming part of the Property; and
 - (b) vehicles delivering or collecting goods may be parked temporarily but in no event may goods vehicles lorries or similar vehicles be parked or allowed to remain on the Property or the Estate overnight

I would like to encourage that all commercial vehicles, caravan, pickup, mobile home, camper van or boat are parked/stored somewhere else and to encourage you all to park correctly within the estate. While I was on a site visit it came to my attention that the bins are not being kept in the correct allocated areas. It is important we maintain to this as it could cause trip hazards and be unpleasant for other occupiers. Can I please remind you that this is not permitted on the development as it is stated in your TP1.



www.remus.uk.com

Head Office: Fisher House, 84 Fisherton Street, Salisbury SP2 7QY
Registered Office: 15 Galena Road, Hammersmith, London W6 0LT
Registered in England and Wales Regd. No. 2570943 VAT No. 568 5406 11

- 20. Not to permit or suffer any refuse storage receptacles to be placed on the front garden of the Property or on any Bin Collection Point (if any) except on the collection days allotted by the relevant Local Authority from time to time

Therefore, I want to encourage that bins are stored away off the estate. Thank you for your cooperation in this matter. If you do have any queries regarding this, then please do not hesitate to contact me.

Yours sincerely,

Lauren Stec

Property Manager

Remus Management Limited
*Acting as agent for and on behalf of the
above mentioned property and its service charge fund*

Lorraine McRandle

From: Wiltshire Council <planning@sf.wiltshire.gov.uk>
Sent: 08 August 2023 12:56
To: Lorraine McRandle
Subject: 19 The Beeches, Shaw, SN12 8EP - ENF/2023/00680



Reference No:	ENF/2023/00680
Site Location:	19 The Beeches, Shaw, SN12 8EP
Complaint:	Unauthorised large single storey wooden structure being used as a hairdressers

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

Yours faithfully,

Officer: Natalie Rivans

Direct Line: 01225 770502

Officer Email: natalie.rivans@wiltshire.gov.uk

Enforcement Officer

24 July 2023

Development Services
Wiltshire Council
Tel: 0300 456 0114
www.wiltshire.gov.uk
PlanningAppeals@wiltshire.gov.uk

Our Ref: PL/2022/08504

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

APPELLANTS NAME:	Hallam Land Management
APPEAL SITE:	Land South of Western Way, Melksham
PROPOSED DEVELOPMENT:	Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space (Resubmission of 20/08400/OUT)
INSPECTORATE REFERENCE:	APP/Y3940/W/23/3324031
APPEAL START DATE:	19 July 2023

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site.

The appeal is against the refusal of planning permission in respect of the above site and is to be decided on the basis of the **Inquiry** procedure. **No venue for the Inquiry has been established as yet, however once these details are confirmed, I will write to you to inform you of the arrangements.**

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see <https://acp.planninginspectorate.gov.uk>. Alternatively, you can send your comments to ALISON.DYSON@planninginspectorate.gov.uk or Planning Inspectorate, Room 3c, Temple Quay House, 2 The Square, Bristol BS1 6PN, quoting the Inspectorate reference. Comments should be received by **23 August 2023**.

The Inspectorate may publish details of your comments, on the internet (on the appeals area of the planning portal). Your comments may include your name, address, email address or phone number, please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Any representations received after the deadline will not normally be seen by the Inspector and will be returned.

Any comments you may have already made following the original application will also be forwarded to the Inspectorate (unless they are expressly confidential) but you may withdraw, modify or amplify them now if you wish. All comments received will be copied to the appellant and will be taken into account by the Inspector in deciding the appeal.

If you wish to receive a copy of the appeal Decision Letter, you should write to the Planning Inspectorate specifically requesting one.

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal.

Finally, you can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>.

Yours faithfully,

Head of Development Management

Land South of Western Way, Melksham

Statement of Case

On behalf of Hallam Land Management

Local Planning Authority Reference Number – PL/2022/08504

June 2023



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1. Introduction

- 1.1. This Statement of Case has been prepared on behalf of the Appellant, Hallam Land Management, to accompany an appeal against the refusal of an outline planning application by Wiltshire Council ('the Council') for Land South of Western Way, Melksham ('the Site'). This Statement sets out the Appellants' case. An inquiry has been requested as the most appropriate method of dealing with the appeal. We reserve the right to submit further evidence in response to matters raised by the Council, their advisors, statutory consultees or third parties in relation to matters not covered within this Statement of Case. A draft Statement of Common Ground (SoCG) has also been prepared.
- 1.2. The application was submitted in November 2022 and was assigned the reference number PL/2022/08504. It was received as valid on 2 November 2022 with an original target decision date listed as 1 February 2023. The application was refused by the Council on 27 April 2023.

Application for Costs

- 1.3. The Appellant formally reserves its position with regard to any issue of costs.

Structure of this Statement

- 1.4. This Statement is broken down into the following sections:
- 1) Introduction (this section);
 - 2) Proposed Development and Background to the Appeal;
 - 3) Relevant Planning Policy and Material Considerations;
 - 5) The Decision Making Framework;
 - 5) The Planning Case; and
 - 6) Conditions and S106 Agreement.

Appeal Core Documents

- 1.5. A Core Documents list will be agreed with the Council in due course, however, in order to avoid duplication, the documents which are relevant to the case being made within this Statement have been provided now alongside an initial draft of the list. These documents are referenced throughout with the prefix 'CD'. In addition, reference is made to a number of the Essential Supporting Documents submitted with the appeal in accordance with Section J of the appeal form. These documents are each given a unique reference number starting with the letter 'J'.

2. Proposed Development and Background to the Appeal

Proposed Development

2.1 The description of the development is as follows:

"Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space (Resubmission of 20/08400/OUT)"

2.2 The proposed development comprises a total of up to 210 residential dwellings and a care home, sited across an area of 10.81 hectares with a density varying between 20-25 dph (low density), 25 – 35 dph (medium density) and 35 – 45 dph (high density). This density appropriately reflects the immediate context of the site.

2.3 While approval is not sought in the outline application for a precise housing mix, it is anticipated that the mix will include a range of house sizes including 1-5 bedroom properties, and a variety of house types including apartments, terraced, semi-detached and detached houses with private gardens and parking space.

2.4 If approved the proposed development would deliver a policy compliant 30% affordable housing, providing up to 63 modern, energy efficient homes to those that cannot afford to buy or rent housing.

2.5 The primary vehicular access will be achieved via the adjacent Pathfinder Place site to the east. The access will incorporate a 5.5m wide carriageway, with a 2m wide footway on its north side and a 3.5m wide shared-use path on the south side. Pedestrian / cycle access will be provided from the A365 (Western Way) to the north, which will maximise the permeability of the site for active travel and provide a competitive advantage over use of the private car. This pedestrian / cyclist access point will be 3.7m wide and therefore be suitable for emergency access.

2.6 Improvements are also proposed along Western Way to improve pedestrian and cycling connectivity. These include a 2m wide footway to the east, which will connect to the existing footway (and associated signal-controlled crossing) that extends approximately 150m west of the A365 / Pathfinder Way / Spa Road roundabout junction. In addition, a 3.5m shared-use path is proposed to the west on the south side of the A365 (Western Way), which will continue west to the existing crossing location around 75m northeast of the A365 / A350 roundabout junction.

2.7 Extensive Green Infrastructure (GI) is incorporated into the proposed development, including retained hedgerows and habitats, publicly accessible open space and equipped play, a community orchard /

allotments, sustainable drainage features, and new walking and cycling routes. In total the green infrastructure comprises approximately 3.77 hectares (35% of the site).

- 2.8 The new homes will be set within an attractive landscaped setting through the establishment of a high-quality public realm that is served by linked formal and informal open spaces. The development's proposed GI framework includes the conservation of existing site hedges and trees as far as possible, and the creation of new landscape and open space habitats that will mitigate for the minor losses in vegetation.
- 2.9 The GI is based upon delivering multifunctional greenspace so that it provides biodiversity, landscape, recreational and sustainability benefits. The GI will be publicly accessible and new and existing residents alike will have easy access to areas of greenspace for play and recreation. The Proposed Development includes areas of equipped play in the form of a LEAP and MUGA located in the north east corner of the site. It also incorporates space for a community orchard and allotments, all connected to the residential area by the GI network.
- 2.10 The majority of the existing hedgerows and trees are to be retained and bolstered by further planting where appropriate. This in turn will maximise biodiversity across the site by establishing a variety of new landscape habitats, including, for example, the planting of new broadleaved woodland, trees and species rich hedgerows, and designing and managing natural greenspace, grassland habitats and SuDS drainage features so that they provide benefits for wildlife.
- 2.11 The GI incorporates SUDS features to attenuate surface water discharge that arises from the development. This will include the creation of a basin in the north western part of the site, as shown on the parameter plans. Appropriate grassland mixes and native planting will be introduced to enhance biodiversity. Further details of the proposed development's drainage strategy is contained within the Flood Risk Assessment.
- 2.12 In terms of ecological mitigation, the multi-functional GI includes habitat creation designed to mitigate the impacts of development and support biodiversity net gain. A Biodiversity Net Gain Assessment was undertaken to support the outline planning application using the DEFRA Metric 3.1¹, demonstrating that a 10.01% increase in biodiversity credits would be achieved.
- 2.13 Full details of the development proposals are contained within the Design and Access Statement (DAS)². The design ethos is captured in a set of principles incorporated into the DAS with the intention that the DAS will guide the quality of the development as part of the detailed design of subsequent reserve matters application(s).

Background to the Appeal

¹ CD5.1

² J07

2.14 An outline planning application was previously refused for the site on 7 December 2021 (ref; 20/08400/OUT)³, listing three reasons for refusal as follows:

- 1) *The proposal is considered unacceptable with regard to the strategic and sustainable development principles enshrined within policies CP1, CP2 and CP15 of the Adopted Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan, and given that the site is located outside any defined limits of development and within an area which has a made neighbourhood plan (confirmed in July 2021) that allocates land for housing to satisfy local housing requirements, this application conflicts with the plan led approach to delivering new housing at the local community level, and it would be contrary to the sustainable development principles set out within the National Planning Policy Framework and specifically to the provision of new housing, this application conflicts with NPPF paragraph 14 in its entirety.*
- 2) *The applicant has not demonstrated that the proposal could satisfactorily accommodate the quantum of development proposed. The Indicative Proving Layout (drawing reference 7611-A-01 Rev C), fails to satisfactorily illustrate that as many as 231 dwellings and the construction of a 70-bed care home could fit on the site, whilst accounting for high quality standard of urban design (including, in particular, an appropriate mix of dwelling types that would adequately respond to local need as expressed in the 2017 Strategic Housing Market Assessment, tree-lined streets and sensitively integrated parking). Thus, the proposal is not considered to create a well-designed, beautiful new place as directed by the Framework and the applicant has not provided maximum clarity about design expectations. Therefore the proposal does not ensure high quality design and place shaping and would be contrary to policies CP45 and CP57 of the Adopted Wiltshire Core Strategy, Policy 6 of the Joint Melksham Neighbourhood Plan and to paragraphs 8b, 92, 126, 127, 130, 131, 132 and 134 of the National Planning Policy Framework.*
- 3) *The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. Such infrastructure shall include (but not be limited to) affordable housing, educational facilities, public art, health care provision, public open space, footpath and cycle infrastructure, sustainable public transport provision, strategic transport infrastructure, travel plan, waste collection. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, Policy 8 of the made Joint Melksham Neighbourhood Plan, and the National Planning Policy Framework and specifically the central social and environment sustainable development objectives enshrined within paragraph 8.*

³ CD5.2

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- 2.15 This decision was made in spite of the acknowledged housing land supply shortfall as set out in the Council's Housing Land Supply Statement (April 2022), and '5 Year Housing Land Supply and Housing Delivery Test Briefing Note No. 22-09'⁴.
- 2.16 A pre-application enquiry (ENQ/2022/01159) was then submitted by the Appellant in July 2022, primarily to seek to address the second reason for refusal listed on the December 2021 decision notice. As part of this pre-application enquiry an updated masterplan was submitted which took into account a number of the design and placemaking principles not fully resolved as part of the previous refused scheme. The masterplan comprised development within a landscape setting with retained and strengthened planted boundaries, and with a strong north – south green corridor. The revised masterplan retained a significant northern parkland, which can be designed as a multi-functional landscape continuing that included within the adjoining Pathfinder Place site. Within the development parcels themselves, the masterplan also incorporated a series of spaces to enhance legibility which are connected by a tree-lined primary street.
- 2.17 In response, the Council provided written feedback on 12 August 2022 which confirmed that whilst officers at that stage were of the same view as the 2021 refused scheme in relation to the principle of development, the updated masterplan was a more positive response to the site context and the Urban Design Officer welcomed the changes. For information, the pre-application response can be found in Appendix 1.
- 2.18 Following the pre-application discussions, an outline planning application (PL/2022/08504) was submitted in November 2022, and confirmed as valid by the Council on 2 November 2022. The original target decision date was listed as 1 February 2023 with extensions of time agreed between the Appellant and case officer until 28 February 2023 and 28 April 2023.
- 2.19 Following the submission of the planning application, in order to continue consultation and engagement, the Appellant sent an update letter to both Melksham Town Council and Melksham Without Parish Council on 6 December 2022 to confirm that the application had been submitted and to explain the revised proposals.
- 2.20 During the determination of the planning application, the Appellant responded to consultation responses in a timely manner, and submitted updated plans in February 2023 predominantly in response to comments from the Urban Design Officer, but also in response to comments from the Council's Ecologist. The updated documents included:
- 230209_22497_3200B_Illustrative Masterplan⁵
 - 230209_22497_4040RevD_Access&Movement Parameter Plan⁶
 - Design and Access Statement (February 2023)⁷

⁴ CD2.2

⁵ J06(a).2

⁶ J06(a).1

⁷ J06(a).3

- Revised Ecological Appraisal (February 2023)⁸

2.21 Despite these positive changes to the scheme which removed the previous objections, the planning application was refused on 27 April 2023⁹ for the following reasons:

- 1) *The proposal is considered unacceptable with regard to the strategic and sustainable development principles enshrined within policies CP1, CP2 and CP15 of the Adopted Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan, and given that the site is located outside any defined limits of development and within an area which has a made neighbourhood plan (confirmed in July 2021) that allocates land for housing to satisfy local housing requirements, this application conflicts with the plan led approach to delivering new housing at the local community level, and it would be contrary to the sustainable development principles set out within the National Planning Policy Framework and specifically to the provision of new housing, this application conflicts with NPPF paragraph 14 in its entirety.*
- 2) *The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, Policy 8 of the made Joint Melksham Neighbourhood Plan, and the National Planning Policy Framework and specifically the central social and environment sustainable development objectives enshrined within paragraph 8.*

Third Party Comments

2.22 In terms of third party objections, the Appellant is aware of the issues raised against the planning application by both the Melksham Without Parish Council and Melksham Town Council, as well as local residents. These matters, some of which materialised into local objections, cover a number of technical matters which have already been addressed as part of the planning application.

2.23 The Appellant will address these in further detail through evidence if required.

⁸ J06(a.4)

⁹ J03.1

3. Relevant Planning Policy and Material Considerations

3.1. This sections outlines the planning policies and relevant material considerations relevant to the determination of this appeal.

The Adopted Development Plan

3.2. The adopted Development Plan for the proposed development site comprises:

- Saved policies of the West Wiltshire Local Plan 1st Alteration (adopted June 2004)
- Wiltshire Core Strategy (adopted January 2015)¹⁰;
- Wiltshire Housing Site Allocations Plan (adopted February 2020)¹¹;
- Melksham Neighbourhood Plan (July 2021)¹²;

West Wiltshire Local Plan 1st Alteration

3.3. While this plan is considered to have reduced weight due to its end date of 2011 and the significant subsequent changes to national and local policy, there are a number of policies 'saved' and considered part of the development plan. However, as none of these saved policies relate to the proposed development, we do not consider them to be relevant to the determination of this appeal and they will not therefore be considered further.

Wiltshire Core Strategy

3.4. The following policies from the Wiltshire Core Strategy, adopted in January 2015, are considered 'most important' when considering the appeal proposals given they cover matters relating to the scale, location and distribution of housing:

- Core Policy 1: Settlement Strategy
 - Identifies Melksham as a Market Town – the second tier of settlement in the hierarchy. The policy states that 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.
- Core Policy 2: Delivery Strategy

¹⁰ CD1.1

¹¹ CD1.2

¹² CD1.5

- Establishes the minimum housing requirement for Wiltshire, which is 42,000 dwellings between 2006-2026;
- Of this total, the indicative housing requirement for the town of Melksham is listed as 2,240 dwellings.
- Core Policy 15: Spatial Strategy for the Melksham Community Area

3.5. Subsequent evidence may refer to the following relevant policies:

- Core Policy 3: Infrastructure Requirements
- Core Policy 41: Sustainable Construction and Low-Carbon Energy
- Core Policy 43: Providing Affordable Homes
- Core Policy 45: Meeting Wiltshire's Housing Needs
- Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People
- Core Policy 50: Biodiversity and Geodiversity
- Core Policy 51: Landscape
- Core Policy 52: Green Infrastructure
- Core Policy 57: Ensuring High Quality Design and Place Shaping
- Core Policy 58: Ensuring the Conservation of the Historic Environment
- Core Policy 60: Sustainable Transport
- Core Policy 61: Transport and Development
- Core Policy 62: Development Impacts on the Transport network
- Core Policy 64: Demand Management
- Core Policy 67: Flood Risk

Wiltshire Housing Site Allocations Development Plan Document

3.6. The Council adopted the Wiltshire Housing Site Allocations Plan (WHSAP) on 25 February 2020. This Plan identifies land across Wiltshire to ensure delivery of the Wiltshire Core Strategy housing requirement and maintain a five year housing land supply up to the end of the plan period to 2026.

3.7. However, the WHSAP did not allocate any sites at Melksham and only sought to reinforce the planned distribution of housing across the town. Table 4.10 confirms that the indicative requirement for the town between 2006 and 2026 is 2,240 dwellings, with a total of 2,558 dwellings either delivered (up to 2017) or committed.

Melksham Neighbourhood Plan

3.8. The Joint Melksham Neighbourhood Plan 2020-2026 was made in July 2021 and is therefore part of the Development Plan for the area.

- 3.9. The appeal site is not allocated within the made Neighbourhood Plan. However, it is important to note that the Plan only allocates a single site for development within the plan period, which is Land at Middle Farm, Corsham Road, Whitley (Policy 7) for the development of 18 dwellings.
- 3.10. Whilst not allocated for development, the appeal proposals are broadly in accordance with the vast majority of the policies of the Neighbourhood Plan. A detailed review of the consistency of the proposals against the Neighbourhood Plan policies was set out in the Planning Statement supporting the refused planning application. Compliance with the Neighbourhood Plan will be addressed further in detailed evidence.
- 3.11. The only policy in the Neighbourhood Plan where there is considered to be a conflict is Policy 6 (Housing in Defined Settlements) which states:

“In accordance with Wiltshire Core Strategy Core Policy 2, development will not be permitted outside the Settlement Boundary other than in circumstances as permitted by other policies within the Core Strategy.”

- 3.12. This policy is addressed further in Section 5.

Emerging Policy

- 3.13. The Council consulted on the Wiltshire Local Plan Review (Emerging Strategy)¹³ between January and March 2021. Within this strategy Melksham is given an overall housing requirement of 3,950 dwellings between 2016 and 2036, which leaves a residual requirement of 2,585 homes at 1 April 2019.
- 3.14. The appeal site was identified within the supporting Site Selection Report¹⁴, under site reference 1025 ‘Land South of Western Way’. The site specific summary states that:

“Site is adjacent to the settlement boundary. It is adjacent to a new housing development to the east and Bowerhill Industrial Estate to the south. From a landscape perspective development of this site could cause the coalescence of Bowerhill Industrial Estate with Melksham, however the site is large enough that some degree of separation could be maintained. There do not appear to be any overriding significant impacts that justify rejecting the site at this stage. The site should go forward for further assessment”.

¹³ CD1.6

¹⁴ CD2.3

- 3.15. The appeal site has therefore been assessed favourably as part of the Local Plan Review evidence and has been confirmed as free from significant constraints and suitable for development. Indeed, there is nothing in the published evidence to suggest the site cannot accommodate development.
- 3.16. The Local Plan Review has however faced considerable delays. The Local Development Scheme (LDS) published in 2017¹⁵ targeted a Regulation 19 consultation in Q2/Q3 2019, and this has been repeatedly pushed back, with the most recent LDS (December 2022)¹⁶ targeting a Regulation 19 consultation commencing in Q4 2023. The plan-making process will not therefore positively address the housing shortfall for the foreseeable future.

Material Considerations

National Planning Policy Framework

- 3.17. The National Planning Policy Framework (NPPF)¹⁷ and Planning Practice Guidance (PPG) are material considerations and are referenced where relevant.
- 3.18. Paragraph 11 establishes the *presumption in favour of sustainable development* – a key consideration in the determination of the appeal and an important factor in the decision making framework – see Section 4.
- 3.19. In addition, paragraph 38 states that “*decision-makers at every level should seek to approve applications for sustainable development where possible*”.
- 3.20. Paragraph 60 states that “*to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed*”.
- 3.21. Paragraph 68 states “*planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of...specific, deliverable sites for years one to five of the plan period*”.

Housing Land Supply

- 3.22. The latest Wiltshire Housing Land Supply Statement was published in May 2023 (base date of April 2022)¹⁸.

¹⁵ CD1.3

¹⁶ CD1.4

¹⁷ CD3.1

¹⁸ CD2.4

- 3.23. The Council consider there to be a deliverable supply of 9,849 dwellings (2022 – 2027), amounting to a 4.6 years supply (866 dwelling shortfall). In the most recent Housing Delivery Test, Wiltshire scored 141%, and thus remains a 5% buffer Authority. More specifically, in relation to Melksham town, the Council's Housing Land Supply Statement (2022)¹⁹ confirms that completions and developable commitments amount to 2,634 dwellings against the indicative requirement of 2,240 dwellings.
- 3.24. The Appellant will demonstrate through evidence that there is a pressing need for housing across the HMA and that Melksham is an entirely suitable location to accommodate some of that growth. Furthermore, the Appellant will provide evidence which challenges a number of the Council's assumptions relating to the housing land supply. It is the Appellant's case that the magnitude of the housing land supply shortfall is materially lower than the Council's published position particularly in the N&W HMA.
- 3.25. A number of appeal decisions have been published confirming that the supply for Wiltshire as a whole has dropped below 4.72 years, including an appeal decision for Land West of Semington Road, Melksham (ref: APP/Y3940/W/21/3285428)²⁰ on 30 May 2022 which confirmed a supply of 4.41 years. This appeal, by Terra Strategic, involved an agreement over the land supply position as part of a Statement of Common Ground dated January 2022.
- 3.26. A more recent appeal decision was issued on 13 July 2022 for Land at Purton Road, Swindon (ref: APP/Y3940/W/21/3275053)²¹ for the development of 79 residential dwellings. This also confirmed the land supply shortfall across Wiltshire, but importantly that the housing land supply within the North and West Wiltshire HMA amounts to only 4.16 years. The fact that the evidence as part of the appeal disaggregated the land supply between the HMA's is not uncommon, but it is highly relevant that it is the North and West Wiltshire HMA that holds the lowest land supply of all the HMA's at only 4.16 years.
- 3.27. On 26 September 2022, an appeal decision for Land off Park Road, Malmsbury (APP/Y3940/W/21/3286853)²² also confirmed this position. The appeal decision states:

“whilst the Council's shortfall figure in terms of duration might appear modest at 0.3 years district wide and 0.86 years in the NWHMA, for the same reason the actual shortfall in terms of numbers of dwellings needed is far from insignificant, even on the Council's figures. Whilst each proposal would only address a modest part of the shortfall in each case, this emphasises the importance of delivering more homes to meet the need. The Filands Road decisions differed from other conclusions in appeal decisions where, not necessarily couched in exactly the same terms and with

¹⁹ CD2.1

²⁰ CD4.1

²¹ CD4.2

²² CD4.3

differing figures between parties, Inspectors tended to give substantial or considerable weight to the provision of housing...therefore, even taking the Council's current position as a best-case scenario the shortfall would be marked, likely to persist for some time and currently the Council's approach to improving housing supply relies in part on sites such as these coming forward".

- 3.28. One of the most recent appeal decisions confirming the five year supply shortfall is for the Land off the B4069 East of Barrow Farm, Langley Burrell, Chippenham (APP/Y3940/W/22/3309170)²³.
- 3.29. This appeal decision confirms that it was agreed between the Council and the appellant that the Council cannot demonstrate a 5 year housing land supply, and that this falls within the range of 4.36 years with a shortfall of 1,555 homes (appellant) and 4.70 years with a shortfall of 618 homes (LPA) for Wiltshire as a whole. The parties also agreed that within the Housing Market Area there is a shortfall of between 880 and 1,219 homes against the minimum housing requirement over the plan period (to 2026).
- 3.30. Within the SOCG for that appeal²⁴, the Council accepted that *"it is agreed that the Council is able to demonstrate between a 3.90 year land supply with a shortfall of 1,555 homes and a 4.14 year land supply with a shortfall of 1,216 homes in this HMA against the minimum housing requirement"*. This SOCG is dated January 2023 so this provides a very recent agreement from the Council over the extent of the housing land supply shortfall both in Wiltshire generally but also the more acute land supply shortfall in the North and West HMA, which appears to be worsening
- 3.31. However, the most recent appeal decision is for Land off Coate Road, Devizes (APP/Y3940/W/22/3312268)²⁵. As part of the appeal, the appellant claimed a 4.37 year supply (a shortfall of 1,326 homes) and the Council claimed a 4.70 year supply (a shortfall of 618 homes). In addressing this matter in their Decision Notice, the Inspector stated:

"Notwithstanding the briefing notes, the Council does not have a plan-led approach to addressing the housing shortfalls which have been below the minimum level of supply since April 2018. This will not change until the DPD is adopted, which, on the Council's case will continue for another 19 months."

- 3.32. Where there is not a five year supply of deliverable housing sites, the most important policies for determining the application or appeal should not be considered up-to-date (NPPF paragraph 11 and footnote 8). The extent of the shortfall is relevant to the weight to be given to the contribution to housing supply of the proposed development.

²³ CD4.4

²⁴ CD4.4.1

²⁵ CD4.5

- 3.33. As a result of the above persistent housing position in Wiltshire, the Council has adopted an Action Plan and published its position through an update on 4 April 2022 (5 Year Housing Land Supply and Housing Delivery Test Briefing Note No. 22-09)²⁶.
- 3.34. Section 6 of this Briefing Note is particularly relevant to this appeal, as it sets out how the Council plan to restore their five year housing land supply. Paragraph 6.1 states:

As set out in Briefing Note 20-20, the council will:

- (i) Work positively with developers to take key strategic sites through the planning system.*
 - (ii) Continue supporting Neighbourhood Plans, identifying any suitable sites for housing.*
 - (iii) Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated. (underlining our emphasis)*
- 3.35. It is the Appellant's view that, the Council has failed to follow its own advice note in refusing planning permission for development on an otherwise unconstrained site and for an otherwise policy compliant development. In line with the Council's own Advice Note, the appeal proposals should be considered positively given that there are "*no major policy obstacles... other than being outside settlement boundaries or unallocated*".

²⁶ CD2.2

4. Decision Making Framework

4.1. Section 38(6) of the Planning and Compulsory Purchase Act states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

4.2. In respect of decision making, paragraph 11 of the Framework states the following:

“Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means: ...

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.3. Paragraph 11 does not override the primacy of the development in the determination of planning application. Rather it alters the weight to be attributed to the policies of the development plan and material considerations when a judgement is to be made pursuant to Section 38(6).

4.4. In accordance with the Council’s own published position in the latest Wiltshire Housing Land Supply Statement (April 2022) and Housing Land Supply Briefing Note (April 2022), the Council cannot demonstrate a five year housing land supply²⁷. Therefore, in accordance with Paragraph 74 of the Framework, these policies are out of date. As a consequence, the **tilted balance is engaged** and planning permission should be granted provided that the subsequent two limbed test contained in # 11(d)(i) and 11(d)(ii) of the Framework is passed.

4.5. Whilst there is a ‘made’ Neighbourhood Plan in place in Melksham, the Appellant disputes whether the Neighbourhood Plan contains policies and allocations to meet the identified housing requirement and whether it meets the criteria within paragraph 14(b) of the Framework. In any case, by the time a decision is

²⁷ The appellant will also provide evidence to demonstrate that the magnitude of the shortfall is greater than the Council’s published position.

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taken on the appeal the Neighbourhood Plan will be more than two years old and hence paragraph 14(a) of the Framework will not disengage the *tilted balance*.

5. The Planning Case

- 5.1. The appeal is submitted against the Council's refusal of the outline planning application (PL/2022/08504) on 27 April 2023. As set out in Section 2 of this Statement, the planning application was not refused on any technical or environmental grounds, and the Appellant's case therefore focusses primarily on the principle of development.
- 5.2. The appeal site is located outside of the defined settlement boundary for Melksham and is not allocated for development in the adopted Development Plan. Since the site is not covered by one of the 'exception policies' listed in Paragraph 4.25, the development proposals do not accord with Core Policy 2 of the adopted Wiltshire Core Strategy. Similarly the proposals do not accord with Policy 6 of the Melksham Neighbourhood Plan which includes a similar restriction against development outside of the settlement boundary.
- 5.3. However, this conflict with Core Policy 2 of the Core Strategy and Policy 6 of the Neighbourhood Plan is only of a partial nature given there is only conflict with one element (settlement boundary restriction). Of the other housing related policies, it is the Appellant's case that there is no conflict with policies CP1 or CP15, in fact these policies support the case that Melksham is a suitable and sustainable location for development. Whilst the number of homes already delivered at Melksham would exceed the figures directed to the 'Community Area' in Policy CP2 and CP15, these figures are acknowledged explicitly in the supporting text to the policy as being 'indicative' and 'flexible'. There is nothing in policy which sets these as maximum figures which cannot be exceeded.
- 5.4. As a result, the conflict with the most important policies of the adopted Core Strategy is limited to one strand of Core Policy 2, and similarly one strand of Policy 6 of the Neighbourhood Plan. In any event, as set out in Section 4 of this Statement, the most important policies, including Core Policy 2 should be considered out of date on the basis of the age of the Core Strategy (in excess of 5 years) and the absence of a five year housing land supply. The development plan as a whole has evidently failed to deliver a sufficient number of new homes across Wiltshire as a whole and within the North & West HMA and, in accordance with the Council's own Advice Note, it is necessary to explore development beyond the defined settlement boundaries in order to meet housing needs.
- 5.5. Furthermore, it is clear from the Local Plan Review that the emerging housing distribution strategy (2021 consultation) proposes to direct approximately 3,950 dwellings to Melksham during the plan period 2016 – 2036. Importantly, the strategy and supporting evidence for the draft Local Plan recognise that Melksham is a suitable location for a substantial increase in the scale of housing development from the level proposed through the Core Strategy. It is inevitable that this quantum of housing would involve development on land outside of the current settlement boundary for Melksham. The appeal site is not subject to any environmental

or technical constraints (indeed none were cited in the reasons for refusal) and has been considered as one of the potential options to take forward for further consideration in the Local Plan Site Selection Paper. It therefore represents a sustainable site, at a sustainable settlement to address the housing land supply shortfall.

- 5.6. As a result, these two considerations reduce the weight which should be afforded to Policy CP2 (and the rigid adherence to an out of date settlement boundary which it seeks to enforce) in exercising the tilted balance required by paragraph 11d(ii) of the Framework.
- 5.7. The proposals otherwise accord with the development plan which seeks to direct housing development to Melksham, one of the main settlements in Wiltshire as a focus for development. Therefore, despite a conflict with one important but out of date policy, the proposals are compliant with other relevant policies of the development plan.
- 5.8. Given the partial conflict with Core Policy 2 and in accordance with Section 38(6) the next step in determining the appeal proposals is to consider whether material considerations indicate whether there should be a departure from the adopted development plan.
- 5.9. It is common ground between the appellant and the Council that there is not a five year supply of housing land in Wiltshire and therefore in accordance with Paragraph 74 of the Framework, the policies most relevant to the appeal are out of date, and the *presumption in favour of sustainable development* is engaged in accordance with paragraph 11.
- 5.10. The only two ways in which the Council will disengage the presumption in favour will be to either grant sufficient planning permissions such that a five-year supply of housing land can be demonstrated or to produce a replacement Local Plan which boosts supply through the allocation process. The latter is some considerable way off with the Council still at the Regulation 18 stage of plan preparation.
- 5.11. In terms of the first limb of paragraph 11 of the Framework, the appeal proposals are not subject to any of the designations listed in footnote 7. As a result, based upon the current understanding of the site it is unlikely that there will be a reason, based on the protected areas or assets described in the Framework, why the presumption in favour should be disengaged.
- 5.12. Having come to the conclusion that paragraph 11 is engaged and there is no impediment to the application of the presumption in favour of sustainable development, it is necessary to consider the third component of the test in paragraph 11 of the Framework and establish whether the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.

- 5.13. To provide clarity and a degree of consistency in the weighing of public benefits, the following scale has been adopted:
- Limited weight;
 - Moderate weight;
 - Significant weight; and
 - Substantial weight.
- 5.14. All of the public benefits proposed in this Statement are attributed one of these four categories. The overall public benefit arising from the proposed development is the cumulative weight of all these benefits.
- 5.15. The benefits of the proposed development are considered to be wide-ranging and significant, and in many cases inextricably linked to the sustainability of the proposed development, they include:
- Delivering the housing requirement for Wiltshire as a whole and specifically for the Melksham Community Area, contributing to achieving a five year housing land supply. **Significant weight.**
 - The delivery of 63 affordable homes (30%), in the context of a significant demand locally for affordable housing. **Substantial weight.**
 - Delivery of a 70-bed carehome to assist in addressing local need and providing a range of employment opportunities. **Significant weight.**
 - In excess of 10% biodiversity net gain, representing a strong commitment to deliver a net gain before it has even become legislation. **Moderate weight.**
 - Substantial areas of green infrastructure, equal to 35% of the site, over and above policy required levels, including new play space provision. **Significant weight.**
 - Economic benefits through the creation of construction jobs and from expenditure post occupation. **Significant weight.**
- 5.16. Detailed evidence will be submitted to outline the Appellant's case in relation to the above, including housing land supply, affordable housing need, and carehome need. This evidence will support the Appellant's case in relation to the weight which should be attached to the various benefits.
- 5.17. Set against these substantial benefits, there are very limited impacts associated with the development. Indeed, the appeal site comprises a small pocket of isolated agricultural land which is surrounded by built development and would form a suitable and logical infilling of land adjacent to the town which is free from any technical and environmental constraints. There are no specific adverse impacts arising from the development which would not be mitigated through the Section 106 Agreement.

- 5.18. Overall, as a consequence of the housing land supply shortfall, the *tilted balance* is engaged and **in accordance with Paragraph 11, planning permission should therefore be granted.**
- 5.19. Even if the authority could demonstrate a five year housing land supply and it was concluded that the policies of the development plan were not 'out of date' (in accordance with paragraph 11) such that the presumption in favour is not engaged, the combined weight of the public benefits arising from the appeal proposals clearly justify a departure from the adopted development plan absent of the tilted balance.
- 5.20. Overall, the appeal site is an entirely logical, suitable and sustainable location to meet a proportion of the housing land supply shortfall and significant affordable housing need. The benefits of the appeal proposals far outweigh the very limited impacts resulting from development and therefore the planning balance weighs strongly in favour of the grant of planning permission.
- 5.21. **Therefore, even in the absence of the titled balance, material considerations indicate that a departure should be made to the development plan and planning permission should therefore be granted in accordance with paragraph 38(6) of the Planning and Compulsory Purchase Act.**

6. Conditions and S106 Agreement

- 6.1. Given this appeal is submitted against the Council's refusal of the outline planning application (PL/2022/08504), the appellant has not yet seen a set of draft planning conditions. These can be reviewed once available.
- 6.2. The officer's delegated report²⁸ to support the refusal included a number of potential planning obligations sought by consultees. Therefore, based upon the consultation responses provided for the planning application, the appellant understands that a S106 Agreement would need to include:
- Affordable Housing - 30% (60% affordable rent and 40% shared ownership);
 - Education – Early years (25 spaces at £17,522 per place = £438,050), and primary school (27 spaces at £18,758 per place = £506,466) based on the final number of dwellings;
 - Highways - Section 106 contributions towards public transport provision, strategic transport infrastructure, local walking and cycling infrastructure and towards a Travel Plan;
 - Public Open Space - Contributions towards securing on-site public open space, the LEAP, MUGA and allotments; and
 - Waste - Contributions of £101 per dwelling for a total of £21,210.
- 6.3. Given not all potential financial contributions have been specified by the Council, the appellant reserves the right to challenge some of these if it is considered that they do not satisfy the tests in Regulation 122 of the CIL Regulations.

²⁸ J03.2



Appendix 1 – Pre-Application Response ENQ/2022/01159



Nick Matthews

Director

NMatthews@savills.com

EXTRACT FROM PLANNING COMMENT MEETING 9 NOVEMBER 2020

20/08400/OUT: Land South of Western Way. Erection of up to 240 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space (Outline application with all matters reserved) (Applicants Hallam Land Management)

Members thanked both Andy and Dan for sending a response to some of the concerns expressed at a previous meeting and expressed frustration that this site was coming forward due to a lack of 5 year land supply by Wiltshire Council.

Councillors raised concern at the following:

- Loss of the rural buffer between Melksham and Bowerhill and need to make a larger buffer, if this application were approved.
- The impact a potential A350 by-pass will have in cutting off this development if Western Way was chosen as part of a route option.
- Sustainability of the site, due to its isolation there would be a reliance of a motor vehicle to access facilities/services.
- The requirement for people to use a footpath on a busy A class road to the nearest crossing to access the town and facilities, including schools.
- The potential for those living on the site to create their own routes through vegetation to the South to gain access to Bowerhill Industrial Estate, the canal and facilities such as the village hall and shop.
- Reference to development to the West, between Melksham and Bowerhill, in one of the documents submitted as part of the planning application was incorrect, as the development referred to is in the village of Berryfield.
- Timings provided for walking distances to the town centre, nearby schools etc were optimistic and did not account for those less mobile or indeed parents walking with young children, especially to access local schools.
- Lack of public transport, bus services, particularly to Bath, Devizes, Chippenham and Trowbridge have been reduced in recent months, even prior to Covid.
- No direct train service to Bath, Bristol, having to change at either Chippenham, Trowbridge respectively, also the frequency of trains stopping at Melksham has reduced, contrary to what was stated in the Planning Statement.
- The impact this site would have on current infrastructure such as schools and GP services.
- The Housing need has already been met for Melksham.

Comment: Members **OBJECTED** to this application on the following grounds:

- Outside the settlement boundary.

- Impact of extra traffic will have on the busy A365 Western Way and Pathfinder Way (if access provided)
- Lack of sustainability. The site is not suitable for housing as is isolated from the rest of Bowerhill. The site will not be linked to the village of Bowerhill nor Melksham town as it is separated by the busy A365, which people will have to cross to access the town centre, GP services and education, especially if the proposed primary school adjacent to this site does not come on stream for some time and unless a link is provided to Pathfinder Way via the adjacent site (Pathfinder Place).

It was felt there were inaccuracies within the reports regarding access to train services to Bath/Bristol and local bus services, which have been cut back recently, even prior to Covid 19.

- Whilst Wiltshire Council cannot currently prove a 5-year land supply, Members felt it important to note Melksham has met and exceeded its housing allocation for the period 2006-2026 for 2,370 homes by over 300 dwellings (which does not include recent applications submitted for housing). Indeed, the latest Housing Site Allocations Plan adopted in February 2020 notes this fact and has not included a housing allocation for Melksham.
- Wiltshire's Core Strategy recognises the need to safeguard the rural buffer between Melksham/Bowerhill. Whilst Pathfinder Place is currently being constructed off Pathfinder Way, having already eroded the rural buffer between Melksham/Bowerhill, Members felt quite strongly this buffer should not be eroded even further. Below are the comments made in 2014 to Pathfinder Way application No: 14/04846:

This is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements. This RURAL BUFFER has been safeguarded in successive local planning policies for 40 years and MUST BE RETAINED. There are other far more suitable sites for future housing provision at Melksham, particularly on the NE side to the north of A3102, where it could help facilitate further sections of an eastern bypass for the town and Beanacre which is a long-standing aspiration of the highway authority.

Building on these sites will mean Bowerhill and Melksham joining up, which the Bowerhill residents do not want. Bowerhill is a village with its own community. The emerging Core Strategy paragraph 5.80 states "it is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable". The still current West Wiltshire District Plan 1st Alteration 2004, shows half of the proposed development site as R5 New Recreation Space (see page 41 item 3. See also page 55 H1d – Proposals for Housing Development within Towns will be permitted providing they do not result in the loss of an open space, visual gap, important for recreation and amenity reasons. Further housing development outside of the urban area as defined by Town Policy limits will not

be permitted during the Plan period. The same condition applies to the Village Policy limit- See page 82 H17d – will not result in the loss of and important open space or visual gap).

The above points were reiterated again in 2016 to application No: 16/01223 for this site, along with the following statement:

*The Core Strategy paragraph 5.83 (page 130) states “Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of this strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. **The identity of these separate communities will need to be preserved through the planning process.** It is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable”.*

If this application were to go ahead, Members felt quite strongly that properties should be set back from the road, to create a green buffer between this development the A365 and Melksham itself.

- Loss of agricultural land.
- The Council would prefer to see this site allocated for employment use to allow for an expansion of Bowerhill Industrial Estate in order to create more jobs for local people. This is even more important given the impact of Covid 19 on employment opportunities both locally and nationally.
- Some of the houses to the south of the proposed site will back onto Bowerhill Industrial Estate. There are concerns that in the future residents of the new housing will not be happy with the neighbouring businesses.
- Lack of school places, both primary and secondary. Whilst noting there are proposals to build a primary school on an adjacent site. It is understood this will not be built at present, due to a lack of funding.

The Parish Council would expect S106 contributions towards funding this primary school as a priority, as well as funding towards secondary education.

Highway safety. The nearest primary schools are Bowerhill Primary and Aloeric School. It is understood both are full. Members raised concern at pupils/parents having to cross the busy A365, to access Aloeric School in particular.

Regarding secondary school, it is understood even with the current extension underway at Melksham Oak, the school is projected to be full by 2023.

- Bowerhill has a satisfactory mix of housing types, but Melksham needs additional affordable family housing for local people. The Melksham area generally DOES NOT require any more housing which is likely to encourage people who will commute out of the area.

- The council has serious concerns regarding the ability of the current sewerage system to cope with a large new housing development. Wessex Water commented on 21 May, 2014 that “There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development (as proposed in the outline planning application W14/04846/OUT for Pathfinder Place)”. Should this application be successful the Council wishes to endorse the foul water planning condition as requested by Wessex Water.
- The Council has serious concerns over the impact 240 houses and a care home will have on the already overstretched GP surgeries in Melksham. NHS England previously stated one of the 3 surgeries had capacity issues, (one surgery has since closed).

If Wiltshire Council are minded to approve this application, Members asked if consideration could be given to the following:

- Sound proofing provided for those dwellings to the South to mitigate against any potential noise from the adjacent industrial units.
- Provision for equipment for teenagers in the recreational area away from the LEAP.
- Provision of paved circular walks around the site with the inclusion of benches and bins.
- Allotments. The provision of water, security fencing, provision of parking and who would manage these?
- A suitable contribution towards the cost of building the primary school on the adjacent site (Pathfinder Place development) where land has been earmarked; to ensure it is built?
- If access is agreed into the adjacent development, could consideration be given to easier drop off/pick up routes for the proposed primary school. The Parish Council are aware of another primary school in a new development, located on a dead-end, which makes it difficult for people maneuvering their vehicles and thereby holding up other traffic. The parish council have already asked Taylor Wimpey for some sort of provision to allow easier movement of vehicles during drop-off, pick-up times.
- Significant contributions are made towards the provision of the adjacent Pathfinder Way primary school and towards secondary education.

If this application were to be approved by Wiltshire Council, the Parish Council ask:

- LEAP/MUGA. To enter into negotiations for taking on the ownership and management of the equipped play areas.
- Pedestrian access to the site be provided off Western Way.
- Shared Spaces are delineated clearly i.e. different levels or different coloured paving, as this has caused conflict between pedestrians and vehicles in other new developments locally.

Below are the comments made earlier in the meeting during discussions with Andy Birch, Hallam Land Management and Dan Yeates, Savills:

The Chair explained at a recent meeting several issues had been raised and expressed disappointment that some of those issues had not been addressed and invited Members to raise questions.

Councillor Baines sought clarification on access points for the site, as it was understood discussions were ongoing with the adjacent landowner regarding access via Pathfinder Place to Pathfinder Way.

Andy explained discussions were still ongoing with the landowner with progress being made. Discussions were also continuing with Highways on access options, with pros and cons for using either of the access points, however, it was hoped that both options would be available.

Councillor Baines also noted mention was made of good connectivity in one of the reports provided as part of the application, however, this was dependent on access via the adjacent site, otherwise people would have to access Bowerhill and the proposed new primary school adjacent to the site via Western Way and Pathfinder Way.

Dan explained that plans had been submitted, assuming that both options were available.

Councillor Glover stated the Pathfinder Place development had been given approval without taking into consideration the potential for further housing accessing Pathfinder Way and expressed concern at the impact this extra traffic could have on this road.

Andy explained a route had been left through, therefore it was feasible on technical terms and whether this was a reason for refusal.

Councillor Glover also expressed concern at the volume of traffic using the A365, particularly during rush hour and the need for improved traffic management for the site, such as left turn only from the site and left turn only into the site in order to ease traffic flow.

Andy explained that discussions had taken place with Highways and they were happy with proposals and the northern route would help with place shaping.

Councillor Glover also stated he had noted within one of the reports submitted it stated '...a range of services and employment could be reached from the site by sustainable means...', elsewhere in the report it stated '...no means for a requirement to rely on the private car...', which he disputed, given the isolated nature of the site and the need for a reliance on a car to access services and employment and felt this site would encourage/necessitate 'out commuting' for work.

Andy explained it was felt this was a sustainable site, compared to others, given it's close proximity to a range of services/facilities and employment and was a logical place for development.

Councillor Pile expressed a concern at the impact this development would have on existing services, which were already stretched.

Andy explained school capacity changed constantly and a financial contribution would be made towards education provision, as well as health provision.

The Clerk noted within the Planning Statement a table was included which showed what the site would provide with regard to open space and comparing against the amount required by the Leisure and Recreation Development Plan Document and noted a short fall in provision of teenage facilities and sports pitches/courts.

Dan explained the document set out the policy position and what was realistic in deliverability within the scheme. Regarding teenage provision the opportunity to explore more space for teenagers had been discussed at a previous meeting and this could be looked at as part of the masterplan for the site, as well as the possibility of relocating the LEAP away from the MUGA as previously discussed.

Councillor Wood also raised a concern at the impact this development would have on traffic using the A365, as well as people having to walk along a footpath adjacent to a major road in order to get to a crossing to access the town centre and other facilities, including schools.

Councillors Baines explained routes for an A350 by-pass had been proposed around Melksham and some of these routes used the A365 North of this site, which would increase traffic significantly. Currently 20,000 vehicles a day travel through Melksham via the A350 and expressed a concern if the A365 did form part of the A350 by-pass, this would have considerable impact on traffic flow, if vehicles had to stop to allow people to cross.

Councillor Baines also sought confirmation on the number of pedestrian access points proposed and sought clarification on the following statement made in one of the reports submitted as part of the application as he could not see a connection to the public right of way to the West or to the industrial estate: '...the development parameters plan also demonstrates how the site will integrate with Western Way, the adjacent development to the East and the industrial estate to the South, as well as to the existing public footpath to the West...'

It was confirmed there were 3 proposed footpaths, 2 from Western Way and one off Pathfinder Place. Andy explained proposals provided reasonable distances to walk

with a range of connections available and was finding it difficult to balance desirable linkages and keeping traffic flowing, as keeping traffic flowing went against sustainability and felt there was a need to look at a design that discouraged the use of the car in order to make it sustainable.

Councillor Glover sought clarification on whether the proposed connection through to Pathfinder Place adjacent to the site would be a single carriageway with a pavement and the width of the footway on Western Way.

Andy explained the carriageway through to Pathfinder Place would be single carriageway with a footpath, but understood the concern, given the plans for this site had already been approved and explained he would pick this up with Highways Officer.

Dan confirmed the footpaths adjacent to Western Way would be 3m wide to allow for shared use with cycles.

From: Teresa Strange <clerk@melkshamwithout.co.uk>

Sent: 15 December 2020 09:41

Subject: Community Benefit Request for planning application for Land south of Western Way 20/08400/OUT

Dear Dan and Nick

I hope this email finds you well.....

I write further to the pre-app meeting that you have held with the parish council, and your attendance at the parish council's Planning Committee meeting when they considered your planning application 20/08400/OUT for 240 dwellings and a 70 bed care home.

Notwithstanding their objections to the application, the Full Council have now since met and considered any community benefits they would you to consider for the S106 agreement for this application, should Wiltshire Council be minded to approve it.

As per Minute 192/20 Full Council 23rd November 2020

To consider requesting Community Benefit for application 20/08400/OUT (240 dwellings on land South of Western Way) arising from Min 169/20b

The Clerk stated at a previous Planning meeting that the subject of community benefit for this site had been raised but sought clarification on what Members felt were suitable community benefits for the site:

Members considered the following would be appropriate community benefits to request:

- A significant contribution towards building the adjacent Pathfinder Place Primary School, over and above usual contributions towards education funding, to ensure the school is built
- Teen Shelter for the site.
- Contribution towards improvements of QEII playing fields, Bowerhill (The Clerk explained the Sports & Recreation Officer was already looking at this as part of his response to the application).
- New Pre School at Bowerhill School
- Contribution towards enhancements of the MUGA at Hornchurch Road, Bowerhill

With kind regards,
Teresa

Teresa Strange
Clerk
Melksham Without Parish Council
Sports Pavilion
Westinghouse Way
Melksham
Wiltshire
SN12 6TL
01225 705700

From: Lorraine McRandle <office@melkshamwithout.co.uk>
Sent: 01 March 2021 10:03
To: Developmentmanagement <Developmentmanagement@wiltshire.gov.uk>
Cc: Teresa Strange <clerk@melkshamwithout.co.uk>
Subject: 20/08400: Land South of Western of Way, Melksham for 240 dwellings and 70 bed care home

Following a Planning meeting on 22 February 2021, please see below, Melksham Without's Planning Committee comments below:

The Parish Council reiterate their previous **OBJECTIONS** to this development made at a Planning meeting on 10 November 2020 and note the concerns raised by the NHS that they have no capacity in the area and the demands this site, particularly the care home will put on already overstretched GP services in Melksham

Concerns were also raised at the impact the extra vehicles accessing this development via Pathfinder Way will have on the road network and the Pathfinder Place site (West side), particularly as the access road was not designed for such traffic and the implications this will have for potential residents and pupils of the proposed new school on the adjacent site.

This site is unsustainable and would be more suited to an extension of the existing Bowerhill Industrial Estate.

The 'call in' by Councillor Holder is kept in place.

Below is an extract from the Planning meeting held on 22 February to give context to the decision:

It was noted the main revision to the plans was the access off the A365 (Western Way) being removed and the only vehicular access now proposed off of Pathfinder Way and not Western Way (A365).

Concerns were raised that the current application for the Pathfinder Place development on the western side was yet to be developed, and was designed with only minimal housing, therefore, it was queried whether the road proposed for this new application would be of a standard to cope with potentially 400+ vehicles a day, including delivery vehicles associated with 240 homes and a 70 bed care home.

It was noted that Highways had sent a second letter objecting to this application due to its unsustainability.

It was also noted that the Education Department had responded to say they would object to this application as there were no safe walking routes to school provision proposed in the site. It was also noted the report referred to lack of school places, stating with regard to secondary education provision this application would generate 48 places with only 36 available with regard to primary education there was no spare capacity.

It was felt future residents for the Pathfinder Place site would be prejudiced by extra traffic, not previously envisaged.

Highway safety concerns were raised regarding the proposed right hand exit from the Western part of the Pathfinder Place development, which would now be used for traffic to this new development, with Members querying whether Highways needed to look at the access to ascertain if it was feasible for taking the extra vehicles/pedestrians as it was not designed for the amount of people which could be using it in the future.

It was noted construction traffic would also have to use this access, creating difficulties for any future residents and pupils/parents walking children to the proposed new school at the Pathfinder Place development.

Councillors felt it important that the stream to the northern edge of site should be retained and not filled in, along with hedging along the A365 and not 'scrubbed out' in order to gain access to the stream.

Whilst it was noted there was provision for an emergency access it was unclear if this was for vehicles. Members raised concern as the access to the development had been moved away from the A365, and this could cause difficulties for emergency vehicles who would have to navigate the estate road system. Of particular concern was the access of ambulances to the proposed care home.

It was noted that the NHS had commented on this application and stated they had no residual capacity within its current GP offer in Melksham, and the impact this development and the proposed 70 bed care home would have on GP services within the town.

With regard to proposals for a care home, it was noted there were more suitable sites within the town.

Regards

Lorraine McRandle
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EXTRACT FROM PLANNING COMMITTEE MINUTES 14 JUNE 2021:

Revised Plans had been received for the following Planning Application:

20/08400/OUT: Land South of Western Way. Outline application (with all matters reserved except for access) for the erection of up to 235 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space. Applicants Hallam Land Management

Comments: To reiterate the Council's previous objections to this application, particularly that the Southern part of the site adjacent to existing businesses should be used for commercial purposes and not residential.

To draw attention to the various concerns/comments made by statutory consultees, such as the NHS, Urban Design Team at Wiltshire Council and Education.

To reiterate concerns with regard to access via Pathfinder Place which is unsuitable for the size of the development with developers not addressing concerns raised originally when one access was proposed off of Pathfinder Place, which both the Parish Council and Wiltshire Councillor Nick Holder, as Ward Member had stated was not suitable and that two methods of access/egress should be provided for a development of this size.

To highlight to the Planning Officer that the Melksham Neighbourhood Plan was due to go to Referendum on 1 July and therefore had significant weight in planning terms in protecting to a 3 year land supply, the development was outside the settlement boundary and Melksham had already met it's housing allocation.

The Council also reiterated if this application were to be approved, a significant contribution be made towards building the adjacent Pathfinder Place Primary School, over and above the usual contributions towards education funding, to ensure the school is built in a timely manner.

The Council also reiterated their request for the following:

- A teen shelter be provided on the site.
- A contribution towards improvements of QEII Diamond Jubilee Sports Field, Bowerhill.
- A new pre school at Bowerhill School
- A contribution towards enhancements of the MUGA at Hornchurch Road, Bowerhill

Below is the discussion which took place during debating this application:

Councillor Wood invited Wiltshire Councillor Holder to speak to this item.

Councillor Holder explained he had previously 'called in' this application but would still keep the 'call in', as the revised application did not address the major issue, which was that this site was not suitable for residential use, but more suited to

commercial/industrial use. Also, previous comments made regarding the care home still applied, in terms of the amount of traffic it would generate, its location and how residents of the care home would engage with the community.

Councillor Holder also expressed disappointment that Hallam Land Management had not consulted with either himself or the Parish Council, before submitting the revised plans and did not see anything materially different which would cause him not to reinstate objections to this application.

Councillor Pafford agreed with the points raised by Councillor Holder, in that the changes were very minor and whilst they had addressed some issues with regard to drainage, the reduction of 5 dwellings was not significant and therefore the revised plans did not make much difference, in that the development was in the wrong place of the wrong type and unsustainable.

Councillor Harris stated the vehicular access through Pathfinder Place was a narrow right-angled road, which would make it difficult for larger vehicles to negotiate, such as fire engineers.

Councillor Harris also noted in the Education response, primary school places were already oversubscribed and secondary school places would be over-subscribed by the time this development was built.

Councillor Wood stated his views had not altered and noted the response from the Urban Design Team at Wiltshire Council, stating the site was more suited for economic development, they were also unhappy at the design and layout.

Councillor Wood also noted the response from the NHS who had concerns at the impact this development would have. Spa Surgery in particular raised concern at the impact the development would have on an already overstretched GP services in the town, particularly with the demands of residents of the care home.

Councillor Wood stated the site would be better suitable for economic use and therefore should be designated as such and felt no more residential development should be contemplated in this area.

Councillor Baines noted whilst proposals for access off of the A365 (Western Way) had been removed from the plans, there were proposals for the access via Pathfinder Place, which was not suitable, given the size of the development proposed.

Councillor Baines also raised concerns at several properties being located adjacent to businesses on Merlin Way, which could cause potential for noise and fume problems for new residents and asked that the Council's previous comment, that the Southern part of the site should be used for commercial use and not residential should be reiterated.

Councillor Holder asked to speak to this item again and reminded Members at the original discussions with the developers regarding vehicular access, there had been no proposal to come off the main road and it was only when the Parish Council and

himself, as Ward Member had raised concern that access could not come off the second phase of Pathfinder Place and that the developers find alternative access, that proposals were put forward for an access off of Western Way, which was subject to an objection from Highways.

Councillor Holder stated that therefore the developers had reverted back to their original idea, and not addressed the issues raised with regard to one form of access off of Pathfinder Way via Pathfinder Place and that there should be two methods of access/egress from this site and would be making these comments in his response back to Wiltshire Council and hoped the Parish Council would do the same.

CASE OFFICER'S REPORT

Application Reference: 20/08400/OUT
Application Type: Outline planning permission: Some matters reserved
Site Inspection: 29 October 2020
Consultation ends: 24 November 2021
Case officer: Verity Giles-Franklin

Site Address: Land South of Western Way, Melksham, Wiltshire
Proposal: Outline application (with all matters reserved except for access) for the erection of up to 231 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space
Recommendation: Refuse

Proposal and Site Description: This application is seeking outline planning permission, with all matters reserved apart from access, for the construction of up to 231 houses (Class C3) and a 70-bed care home (Class C2) on an undeveloped parcel of land measuring c.10.9 hectares. The proposed access to serve the site would be via a previously approved access through the neighbouring Pathfinder Place development to the east (as approved under application reference 16/01123/OUT and the subsequent reserved matters applications) with an emergency access to the north via Western Way. The submitted Design and Access Statement states that the *“applicant is committed to providing up to 30% of housing on the site as affordable dwellings”* on page 32. The proposal also includes the provision of public open spaces to the north of the site, including a multi-use games area (MUGA), a local equipped area for play (LEAP) and allotments.



The application was originally submitted as an outline with all other matters reserved however, the submitted illustrative masterplan included two potential access points to serve the proposed development, one through Pathfinder Place and the other through the formation of a new vehicular access from Western Way to the north of the application site. Officers considered that full details of the proposed new access(es) should be provided

and fully appraised as part of this outline application, as details of any new access from Western Way would require a robust assessment given that this is a well-trafficked thoroughfare subject to a 60mph speed limit and officers could not assess the principle of developing this site for residential use and a 70-bed care home without full access details.

The applicant was therefore informed of the council's intention to invoke Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to request details of the access upfront in November 2020. In February 2021, the applicant submitted a revised red line location plan and supporting documents associated with the applicants chosen route to serve the proposed development through a previously approved access on the neighbouring Pathfinder Place development site, which is currently being built out following the grant of planning permission under application references, 16/01123/OUT, 17/06285/REM and 18/04477/REM. As such, the proposal description was amended to include access as a matter to be considered as part of this outline application and a fresh consultation exercise was carried out with neighbours, consultees and the Parish Council on this revision.

The applicant has submitted additional information for officers' review on 28 October 2020, 8 January 2021, 9 February 2021, 30 March 2021, 14 May 2021, 26 July 2021 and in November 2021 to address outstanding concerns and objections raised by the various consultees, in an attempt to overcome technical matters prior to a decision being made. As a result of the applicant reviewing and responding to the technical objections, the number of residential units has since been reduced to a final figure of up to 231 (a total reduction of 9 units from that originally proposed) in response to the council's urban design officer's consultation response and concerns raised by Wessex Water in relation to the proximity of the site to the Bowerhill Sewage Treatment Works and associated Odour Consultation Zone to the south-west of the site. This change has been reflected in the revised proposal description wording.

The applicant was informed in April 2021 that the council would be moving to refuse the application given the progress that had been made on the Joint Melksham Neighbourhood Plan (JMNP) (which is allocating a site for housing) since the application was originally submitted and following the publication of the Council's Decision Statement and the associated Examiner's Report on the JMNP in April 2021, as the application site relates to an unallocated site located outside the defined settlement boundary for Melksham and Bowerhill, which has not been put forward as a site for residential development in either the JMNP or Wiltshire Housing Site Allocations Plan.

The JMNP has since been 'made' in July 2021, following a referendum that was held on 1 July 2021 with 85.4% of voters voting in favour of the plan. Policy 7 of the JMNP includes an allocated site for housing (for approximately 18 dwellings) at Land at Middle Farm, Corsham Road, Whitley. The JMNP now forms part of the development plan and is given full weight when assessing planning applications that affect land covered by the designated neighbourhood plan area.

As set out in greater detail within this report, the council submits that this proposal fails to comply with any of the exception policies listed in paragraph 4.25 of the adopted WCS and the limits of development have not been altered through the Wiltshire Housing Site Allocations Plan (which was adopted in February 2020) and nor have they been varied by the JMNP to include this particular site for development. Given the number of housing permissions and commitments at Melksham, and with due consideration that a proposed site allocation has been put forward within the made JMNP, officers submit that Melksham has and continues to be well placed in terms of having a healthy planned housing delivery growth that is sufficient to meet the housing needs of the Melksham area over the life of the plan (i.e. up to 2026). As such, there is no requirement for the council to consider any further housing land supply as exception sites in the Melksham Community

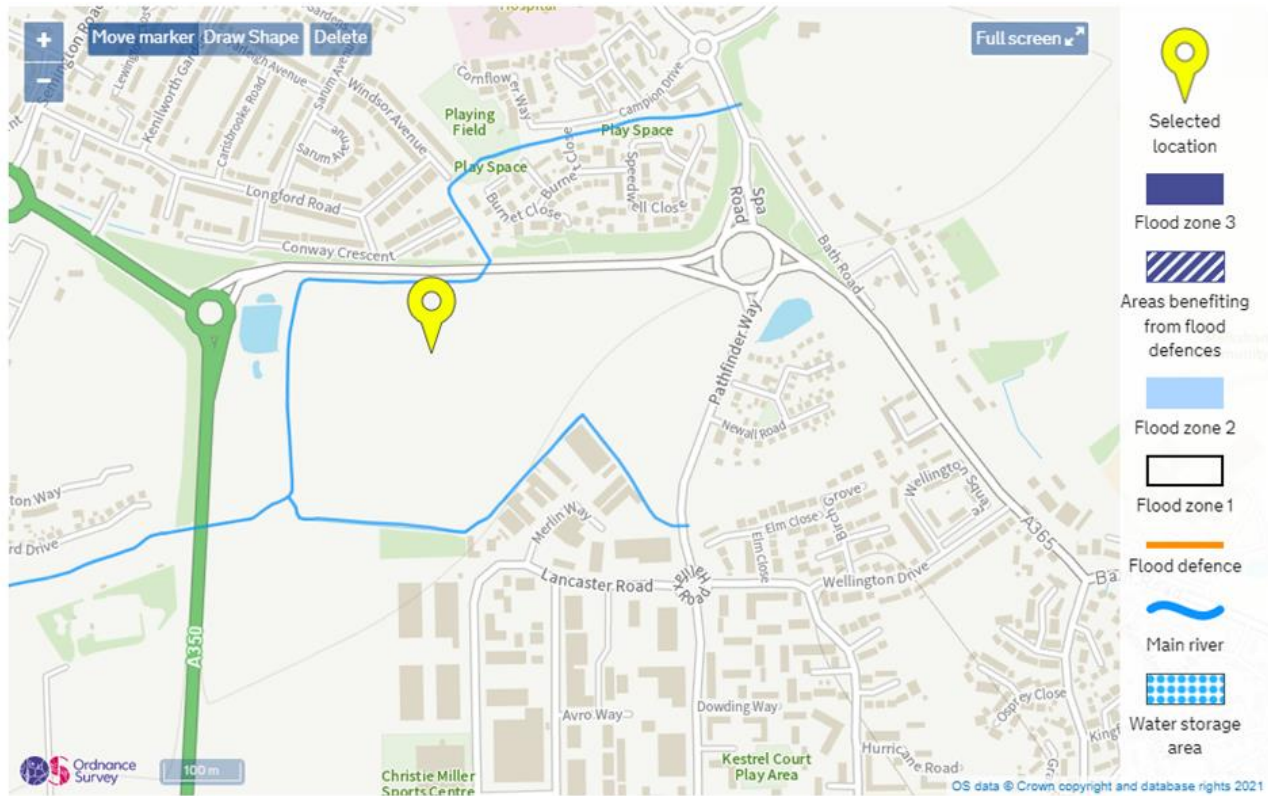
Area for at least several years despite the council being unable to currently identify a 5-year housing land supply. The applicant was advised to withdraw the application otherwise the council would proceed to determine the application as a refusal. The applicant confirmed in writing that they wish to resolve the outstanding technical matters, specifically relating to drainage, ecology and odour, prior to a refusal notice being issued.

The application site is located immediately south of the Western Way (the A365) road to the south of Melksham and north of the Bowerhill Industrial Estate. To the east, residential development is currently under construction following the approval of 16/01123/OUT and associated reserved matter applications 17/06285/REM and 18/04477/REM which consented up to 235 dwellings with a primary school and early years nursery, open space provision and new vehicular accesses from Pathfinder Way with improved pedestrian crossings over Western Way.

The application site comprises an agricultural field of predominately Grade 3 (good to moderate quality) agricultural land measuring c.10.9 hectares in size. The site is bounded by established hedgerows on all four sides and contains an existing telecommunications mast in the north-west corner, which would remain in situ.

The comments provided by the operators of the telecommunications mast Cellnex are duly noted and on receipt of their representation, the applicant's agent was contacted and confirmed that the mast would remain untouched as part of the proposal and the necessary notice was served on Cellnex. The submitted capacity plan and indicative proving layout illustrate no development in the vicinity of the mast.

The site is also located to the east of the existing attenuation ponds associated with the A350, which is the main route connecting the M4 motorway in Wiltshire to Poole in Dorset. A public right of way (PRoW), a footpath reference MELW42 is located close to the eastern boundary of the application site. A river shown to be a 'statutory main river' on the Environment Agency's online 'flood map for planning', is located along the northern, southern and western boundaries of the site (refer to extract provided below taken from the Flood Map for Planning website). The site however is located entirely in Flood Zone 1 but is susceptible to surface water flooding along its north, west and south boundaries.



Policies

The adopted Wiltshire Core Strategy (WCS) 2015 - The relevant policies include: Core Policy 1 - Settlement Strategy; Core Policy 2 - Delivery Strategy; Core Policy 3 - Infrastructure Requirements; Core Policy 15 - Spatial Strategy - Melksham Community Area; Core Policy 43 - Providing Affordable Housing; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 46 - Meeting the Needs of Wiltshire's Vulnerable and Older People; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 52 - Green Infrastructure; Core Policy 57 - Ensuring High Quality Design and Place Shaping; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 60 - Sustainable transport; Core Policy 61 - Transport and Development; Core Policy 62 - Development Impacts on the Transport Network; Core Policy 64 - Demand Management; Core Policy 67 - Flood Risk

The 'made' Joint Melksham Neighbourhood Plan 2020 - 2026

West Wiltshire District Plan 1st Alteration 2004 'saved policies', with particular regard to: U1a Foul Water Disposal; I2 Arts; and I3 Access for Everyone

Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

Wiltshire Council's Waste Core Strategy, adopted July 2009

Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017

West Wiltshire Landscape Character Assessment, March 2007

Leisure and Recreation Development Plan Document, January 2009 - relevant policies including: LP4 - Providing Recreation Facilities in New Developments; LP5 - New Sport and Recreation Facilities; CR1 - Footpaths and Rights of Way; CR3 - Green Space Network; GM2 - Management and Maintenance of New or Enhanced Open Space; GM3 - Future Management Partnerships; and YP1 - Children's Play Areas

Wiltshire Community Infrastructure Levy (CiL) Supplementary Planning Document (SPD), adopted 2016, including: Regulation 123 List; Charging Schedule and Planning Obligations Supplementary Planning Document

Wiltshire Council's Affordable Housing Supplementary Planning Document

Wiltshire Council's Housing Land Supply Statement, using base date April 2019, published in December 2020

Wiltshire Housing Site Allocations Plan, adopted 25 February 2020

Wiltshire Council's Statement of Community Involvement, dated July 2020

Wiltshire Council's Open Space Provision in New Housing Developments: A Guide, Supplementary Planning Document, dated August 2004

Swindon & Wiltshire Strategic Housing Market Assessment, Report of Findings 2017

National Planning Policy Framework (NPPF) 2021

National Planning Practice Guidance (NPPG)

Key Issues: The key issues to be assessed in the determination of this application are: principle of the development; highway matters; design and landscape impacts; amenity issues; drainage and flood risk; ecology; archaeology and heritage impacts; infrastructure and planning obligations

Relevant Planning History: The planning history for this site includes three applications that were submitted in the 1970's, with two of these being for residential use on the site, as detailed below:

W/74/00789/HIS - Eighty bungalows - Refused

W/74/00822/HIS - Outline for 220 houses or bungalows - Refused

Consultation Responses: The following final consultation comments have been received on this application:

Melksham Without Parish Council: Objection - *"note the concerns raised by the NHS that they have no capacity in the area and the demands this site, particularly the care home will put on already overstretched GP services in Melksham*

Concerns were also raised at the impact the extra vehicles accessing this development via Pathfinder Way will have on the road network and the Pathfinder Place site (West side), particularly as the access road was not designed for such traffic and the implications this will have for potential residents and pupils of the proposed new school on the adjacent site.

This site is unsustainable and would be more suited to an extension of the existing Bowerhill Industrial Estate.

The 'call in' by Councillor Holder is kept in place.

Below is an extract from the Planning meeting held on 22 February to give context to the decision:

It was noted the main revision to the plans was the access off the A365 (Western Way) being removed and the only vehicular access now proposed off of Pathfinder Way and not Western Way (A365).

Concerns were raised that the current application for the Pathfinder Place development on the western side was yet to be developed, and was designed with only minimal housing, therefore, it was queried whether the road proposed for this new application would be of a standard to cope with potentially 400+ vehicles a day, including delivery vehicles associated with 240 homes and a 70 bed care home.

It was noted that Highways had sent a second letter objecting to this application due to its unsustainability.

It was also noted that the Education Department had responded to say they would object to this application as there were no safe walking routes to school provision proposed in the site. It was also noted the report referred to lack of school places, stating with regard to secondary education provision this application would generate 48 places with only 36 available with regard to primary education there was no spare capacity.

It was felt future residents for the Pathfinder Place site would be prejudiced by extra traffic, not previously envisaged.

Highway safety concerns were raised regarding the proposed right hand exit from the Western part of the Pathfinder Place development, which would now be used for traffic to this new development, with Members querying whether Highways needed to look at the access to ascertain if it was feasible for taking the extra vehicles/pedestrians as it was not designed for the amount of people which could be using it in the future.

It was noted construction traffic would also have to use this access, creating difficulties for any future residents and pupils/parents walking children to the proposed new school at the Pathfinder Place development.

Councillors felt it important that the stream to the northern edge of site should be retained and not filled in, along with hedging along the A365 and not 'scrubbed out' in order to gain access to the stream.

Whilst it was noted there was provision for an emergency access it was unclear if this was for vehicles. Members raised concern as the access to the development had been moved away from the A365, and this could cause difficulties for emergency vehicles who would have to navigate the estate road system. Of particular concern was the access of ambulances to the proposed care home.

It was noted that the NHS had commented on this application and stated they had no residual capacity within its current GP offer in Melksham, and the impact this development and the proposed 70 bed care home would have on GP services within the town.

With regard to proposals for a care home, it was noted there were more suitable sites within the town".

Cllr Nick Holder: Cllr Holder has called the application in to be presented at committee if officers are minded to approve the application, for reasons relating to the scale of the development, visual impact upon the area and environmental and highway impacts

Environment Agency: No objection subject to conditions

Highways England: No objections

NHS Wiltshire: Financial contributions would be required to be secured through a S106 agreement to support the increase in capacity and health care provision. The application proposes to increase the population to c.611 (based on an average of 2.3 people per dwelling) plus 70 care home beds totalling all of whom would require access to health services and enhanced services. The NHS have commented:

"The application site sits within the GP Primary Health Care boundary of Melksham and Bradford on Avon Primary Care Network (PCN). As at October 2020, these practices already have a combined patient list size of circa 15,693 people with a combined GIFA premises area of circa 2,373m², the PCN has a gap in current premises of 1,675m² and as a result it has no residual capacity in its current form but could lend itself to options including accommodation reconfiguration, a review of estates across the PCN.

As such, there is a need to provide additional capacity to accommodate a further 622 people [c.611 based on 235 dwellings] and that without the provision of additional facilities and services it will not be possible to accommodate the health impact of this growth from within the existing available provision. This provision for premises is circa £105,000.

As a consequence of the way in which the NHS is structured and CCGs are funded, GPs and PCNs cannot obtain any NHS funding for healthcare for the first two years of the housing growth. There will be additional costs arising from the primary health care needs of the residents of the new development."

Wessex Water: No objections following consultation on the revised Odour Assessment in July 2021 - *Our Scientist witnessed the odour assessment and has reviewed the revised odour assessment report, MEC June 2021 REV A) submitted in support of planning application ref: 20/08400/OUT, in light of which it is evident that the dwellings must be located such that they are outside of the agreed odour zone buffer as shown within the above referenced Odour Assessment Report. Provided the layout is agreed and remains outside of this odour zone buffer Wessex Water has no objections.*

Wiltshire Police: Commented raising the following concerns with the indicative layout: *"I have read both the Design and Access Statement and the Planning Statement and could find nothing relating to crime prevention or security in either document. There is much reference to the Wiltshire Core Strategy, the NPPF and Guidance, but none of the relevant information regarding crime prevention being key to good design (as below) has been noted.*

Within the Design and Access and Planning statements there is reference to vehicle parking being either alongside or behind the dwellings. I would ask that no parking be at the rear of any dwelling as this is not good crime prevention and leaves both the vehicle and the persons using them vulnerable to crime.

The LEAP and MUGA is shown and referred to as being on the north east corner. Although the layout is illustrative, I would comment that as shown it does not have sufficient surveillance to ensure the safety of the users and I would ask that this be reviewed before reserved matters."

Wiltshire Council Arboricultural Officer: No comments received

Wiltshire Council Adult Care: No comments received

Wiltshire Council Archaeology: Following receipt of the geophysical survey report, no objections subject to a planning condition being imposed relating to a written programme of archaeological investigation being approved and carried out.

Wiltshire Council Conservation: No comments received

Wiltshire Council Drainage: No objection - *"No further drainage information has been submitted since the meeting between the applicant and the drainage team. As such, the latest drainage comments are those included in the meeting minutes uploaded by the applicant (Brookbanks meeting note dated 7 May 2021). This details the comments that are to be discharged as part of the Reserved Matters application"*.

Wiltshire Council Ecology: Following the council's ecologist review of the revised Ecological Appraisal dated 2 November, no objections were received subject to conditions

Wiltshire Council Economic Development: Objection - *"Economic Development object to this proposal, given (i) the demand for further employment development sites in the immediate area; (ii) the site's adjacency to Bowerhill Industrial Estate.*

Bowerhill Industrial Estate is a significant employment site for Melksham and the county. It is an attractive location for businesses, partly due to immediate access to the A350 and in turn to the M4. Uplift and new business investment is strong, following improved access provided by the Portal Rd link to the A350. Examples of recent investments include Herman Miller relocating its UK HQ and factory, the repeat expansion of Gompels Healthcare, the updating of the former Cooper Tires warehousing for logistics end-users; and on the other side of A350, a new hotel, public house and food outlets, car showrooms and several ranges of new business units.

This demand picture is ongoing. Economic Development are aware of strong further demand for job-creating space in the immediate area both from developers and end-users; this demand outstrips available sites/premises in the area. The site which is the subject of this proposal could provide much needed development land in the future as a logical extension of the Estate.

The site boundary already abuts the existing Estate to the south-east. Further employment development on land to the south as an extension to the Estate could mean this residential site would be next to new industrial buildings. Businesses may need to operate 24 hours a day, 7 days a week with associated vehicle movements, and neighbour issues may arise. A business wishing to expand locally has already expressed concerns to Economic Development about the potential impact of housing nearby on their expansion options.

So, the view from Economic Development is that this site is better suited to meet future employment land needs. However, should permission be granted, appropriate buffer/mitigation measures should be considered to minimise the risk of neighbour issues and potential investors having concern over operational restrictions and choosing to invest elsewhere".

Wiltshire Council Education Department: Financial contributions towards early years primary school and secondary school places would be required to be secured by a Section 106 agreement. Also raised an objection regarding access to the schools stating that there "are currently no safe walking routes from the development site to any early years setting/schools. This must be addressed as part of the Highways requirements for this application, by provision of pavement to both the town and the relevant schools. If not, we will have to object to this application on the basis that there are no safe walking routes to the designated area and other local, early years settings/ school/s".

Wiltshire Council Highways: Objection - the following response has been copied verbatim and confirms the position of the council's highways department:

The Local Highway Authority have made a thorough assessment of the proposals for development south of Western Way in Melksham. Initial consideration of the application resulted in a substantial response which picked upon a variety of considerations, many of which have been addressed by the applicant in correspondence received on the 11th February 2021. However, there are issues that remain outstanding or cannot be addressed by the application site and these present the focus for consideration. The following represent the outstanding concerns and the LHA final recommendation upon each.

Of principal concern is the siting of development proposals beyond the Melksham settlement boundary and compliance with current Core Strategy policy as it relates to growth in the settlement. Whilst this issue is predominantly a policy consideration for the Local Planning Authority, the implication of the delivery of additional dwelling houses in excess of current policy position is an imbalance in the delivery of housing to jobs ratio, resulting in an increase in out commuting. It is attested by the applicant that the Highway Officer should focus on the very limited scope of transport sustainability, as it relates to proximity of development to core destinations and accessibility by modes of transport, however, irrespective of the positioning of growth the inability of a settlement to accommodate the quantified needs of a development should be considered. In this respect, the delivery of additional housing outside of the current policy context is not met by additional employment, leisure and retail needs, either within the site or within adopted policy and the site is thereby considered unsustainable. The result of delivering the development without wider consideration of the needs of the imparted growth, results in an impact on the transport network that could only be mitigated through the delivery of additional jobs, retail and leisure opportunities, which are not adequately met by the development. In this regard, the development is considered in non-compliance with Core Policy 62.

Reason for Refusal:

The proposed development represents additional population within Melksham without the delivery of additional jobs, leisure and retail need, which would result in a reliance upon out-commuting and impact upon the highway network that cannot be mitigated by within the scope of the development in accordance with Core Strategy Policy 62.

Note: The applicant states the following in their rebuttal of initial concerns raised by the Highways Officer: "It is not considered to be the Highways Officer's role to be applying adopted policy (i.e. whether the site is allocated) in making a decision as to whether the development would result in a "severe" impact in line with the NPPF; this should be based on an objective, technical assessment of the proposals in highways and transport terms." For the avoidance of doubt, the Highway Officer considers the proposals against the limitations of existing Core Strategy and National Policy, as is their remit.

The applicant further cites highway support for further development in and around Melksham. Whilst this may be considered prejudicial in the determination of the submitted scheme, it should be acknowledged that prior

approvals have exacerbated the housing to jobs ratio and the proposed scheme intensifies this issue and further housing should be resisted in this plan period.

In defence of the imbalance in jobs to house, the applicant has cited the development inclusion of a Care Home, which would generate in the region of 65 Full Time Equivalent Jobs. Whilst the job proposals are supported, the industry does not necessarily represent a diverse employment skill set and hence the likelihood that employees would be drawn from the residential element of the development is unlikely. Furthermore, the principal of a Care Home in a location beyond the Town Centre is considered to be contrary to any aims of maximising shared purpose trips for visitors and reduces any options for residents to have recreation in a town centre location and its associated facilities. It is therefore considered that the Care Home would reduce the sustainable accessibility of the development, contrary to Core Strategy Policy 61.

Refusal Reason:

The proposed care home is located in an out of town centre location and would be likely to generate increased levels of visitor travel demand and reduced levels of resident accessibility. The location of the care would therefore be likely to increase travel demand by car contrary to Core Strategy Policy 61.

Further upon accessibility, the applicant draws direct comparison with approved development served from Semington Road (planning application 20/01938/OUT). Whilst the comparison illustrates that support has been made for development which may be considered less accessible in terms of walking distances to key destinations, it is important to note that the walking environments and critically the environment on the approach to the Town Centre differs considerably. Semington Road which serves the comparison site, is a slow, low trafficked, traffic calmed environment in a semi-rural location with pedestrian facilities. Whilst this environment is not extended for the full journey to the Town Centre etc., the extent of this environment from the site entrance would be likely to present a positive influence on walking and cycling uptake. In contrast, Western Way is a heavily trafficked 'A-Road', with no 'place' characteristics and is dominated by the design need to convey traffic and represents a severe barrier to walking and cycling uptake at the site boundary.

The Highway Authority attest that the confrontation of crossing Western Way at the edge of the site boundary would significantly impact upon the 'walking experience' and whilst the remainder of a journey may be well accommodated the initial impact of Western Way would dissuade many patrons from walking to the Town Centre and other destinations; this is backed up in various research papers. In this regard, it is argued that the severance created by Western Way, would jeopardise the policy aims of maximising the uptake of sustainable modes of transport. In this regard, the following refusal reason is proposed:

Reason for Refusal:

The location of the development, by virtue of its severance to the Town Centre and other facilities by the heavily trafficked Western Way, would be likely to result in reduced uptake and encouragement of the use of active and sustainable modes of transport and would therefore directly conflict with the aims of Core Strategy Policy 61.

Whilst the applicant proposes means to cross Western Way, this does not in any way diminish the negative impacts of the local environment on walking and cycling uptake.

The applicant has also further sought to discredit highway officer concerns with regards to walking distances. Whilst it is clear that Western Way will diminish the uptake of walking as a commutable choice, it is further noted that walking distances to local destinations are further than would generally be acceptable. However, it is acknowledged that precedent has been set when considering previously approved sites. Notwithstanding

this, of principal concern is the ability to access a local primary school and whilst the applicant suggests 2 miles is the legislative requirement before a Local Education Authority is required to provide transport, this is contingent on the suitability of the route. In this regard, the deficiencies of any route crossing Western Way has been set out previously and reliance upon a primary school to the north of Western Way would be considered unacceptable. In order to address this, it is proposed that resident children of the site would access the proposed school at Pathfinder Place; the adjacent development. However, whilst this school provides part of the adjacent development proposals, it is unlikely or not guaranteed to be available at the outset of first occupation of the site. In this regard, a further refusal is recommended should the site be occupied in advance of delivery of the school; it is acknowledged that this may be addressed through a suitable 'Grampian' style condition.

Refusal Reason:

The proposed development has limited accessibility to a primary school which would be likely to result in increased reliance upon the private car contrary to Core Strategy Policy 60 and 61.

The development site is also poorly served by bus service provision and is not within close proximity to the rail station to influence its sustainable accessibility. The applicant notes that the nearest bus stops are 500m from the centre of the site, accessed via the Pathfinder Place development. The typical requirement is for all new dwellings is to be accessible from a serviced bus stop within 400m walk. Whilst 500m would represent a possible departure, this does not capture the extremities of the site which would have a walking distance in excess of this and the service provision is not considered sufficient to materially influence the take up of the public transport offer. With regards to rail, both distance and route insufficiency represent a concern. In this regard, the following refusal reason is proposed:

Refusal Reason:

The proposed development is not adequately served by either rail or bus public transport which would be likely to result in increased reliance upon the private car contrary to Core Strategy Policy 60 and 61.

With regards to master planning for the site and the delivery of external infrastructure, such as footways and cycleways, it is concerned reasonably foreseeable that such matters can be easily agreed, based upon applicant consultation responses. In this regard, no further refusal reasons are recommended on the basis that commitment has been illustrated to resolve many of the raised concerns.

Whilst it is clear that the development site would generate a material number of refusal reasons, these are predominantly based upon the location south of Western Way and the severance created; notwithstanding concerns regarding imbalance of jobs to residents and public transport accessibility. However, given the development of proposals to resolve traffic flow issues along the A350, many of which would reduce traffic flows along Western Way, it is apparent that the context of the site may be reconsidered in the hopeful likelihood that the Department for Transport support Wiltshire in their aspirations to deliver highway improvements in and around Melksham. Should any approved proposals result in a material reduction in traffic along Western Way, this would allow Western Way to be re-purposed with enhanced place characteristics and significantly reduce severance issues.

Finally, should the Local Planning Authority deem it appropriate to approve the development proposals, then the following is recommended:

Conditions requiring:

Construction Environment Management Plan

*Western Way pedestrian/cycle crossing and infrastructure provision
Movement Framework Plans*

Section 106 requirements:

Public Transport Contribution

Strategic Transport Infrastructure contribution – Major Road Network Schemes

Local Walking and Cycling Infrastructure contribution

Travel Plan

Wiltshire Council Housing Enabling Team: Affordable housing would be required and secured through a S106 agreement - Full comments provided below:

From the information received, we note that this application relates to a proposed development of up to 235 residential dwellings (C3) which potentially also would include a 70-bed care home (C2). We also note that the site appears to lie outside of the limits of development currently defined for Melksham and Bowerhill and has not been brought forward through a development plan process as outlined in Wiltshire Core Strategy Core Policy 2. However, should this site be considered suitable for residential development in this location, and be brought forward by the appropriate planning processes, we can advise that the requirements in respect of Affordable Housing would be as follows:

Policy Requirements:

The Wiltshire Core Strategy details a requirement in the Melksham Community Area for a 30% Affordable Housing contribution to be delivered in line with Core Policies 43, 45 and 46 where there is demonstrable need for new Affordable Housing. There would therefore be a requirement to provide 71 affordable units as part of the proposed 235 residential dwellings (C3). To meet need the Affordable Housing units should be provided with a tenure mix of 60% (43 units) for Affordable Rented and 40% (28 units) for Shared Ownership homes.

Unit Size Mix:

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. An indicative tenure mix and unit size breakdown (based on current demonstrable need) would be as follows:*

Affordable Rent (60%) = 43 units

*28% x 1 bed 2 person flats** (12 provided in 2 separate small blocks each of 6 flats)*

35% x 2 bed 4 person houses (15)

29% x 3 bed 5 person houses (12)

5% x 4 bed 6 person houses (3)

3% x 5 bed 8 person house (1)

Shared Ownership (40%) = 28 units

60% x 2 bed 4 person houses (17)

40% x 3 bed 5 person houses (11)

**Tenure mix details would need to be reviewed and confirmed prior to the submission of any Reserved Matters planning application.*

Based on current demonstrable need and reflecting Core Policy 46, we can advise that as well as general needs affordable homes within the 30% Affordable Housing contribution to be delivered on a nil subsidy basis,

*there is also demonstrable need for 10% of the affordable homes (6 units would be sought based on the scheme proposals here**) to be built to meet the adapted needs of older people or those with disabilities (built to meet Building Regulations M4(2) Category 2: Accessible and adaptable dwellings standards). These units should be provided as 6 x 1 bed ground floor flats** built to the required standards and provided with a level access shower in order to be wheelchair accessible. Details of adapted units would also be reviewed and confirmed prior to the submission of any Reserved Matters planning application.*

With reference to the proposed 70 bed residential care home: Core Policy 46 sets out details regarding the provision of new housing to meet the specific needs of vulnerable and older people and promote, wherever practicable, independent living. We can advise that, if the care scheme proposes the provision of any self-contained retirement apartments to be sold or let on the open market, then the Affordable Housing policies would apply to those units and an Affordable Housing contribution of 30% should be sought. If the scheme proposed is a Residential Nursing/Care home (C2) eg: containing ensuite bedrooms rather than independent living units, the Affordable Housing policy would not apply to it - but the Council's Adult Care colleagues should be consulted to provide comments on regarding /location/need/design etc.

Affordable Housing in Wiltshire is expected to meet high standards of design and quality; and to be visually indistinguishable from open market housing and to be evenly dispersed - in small clusters (12-15 units) - within mixed tenure developments. Please note that flats over commercial/retail units or garages/courtyard entrances are considered unsuitable for affordable units.

The affordable homes do not require garages but do require sufficient parking bays as per current policy guidance ie: 1 x parking bay for each 1 bed, 2 x parking bays to be provided for each 2 or 3 bed and 3 parking bays for each 4 or 5 bed property...and preference would be for in curtilage/designated parking bays and not rows or blocks of shared parking bays for houses.

All affordable homes would need to be built to, at least, meet minimum size standards of the Homes & Communities Agency's published guidance relevant to the dwelling type (or any subsequent design guidance which may supersede it), as well as to meet required minimum person eligibility criteria. To ensure that the Affordable Housing units are eligible for inclusion in Homes England's Affordable Housing programme, we would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria. NDSS and 85% NDSS are shown in the table below:

NDSS and 85% NDSS

Number of bedrooms	Number of bed spaces	NDSS			Minimum 85% NDSS		
		1 storey (sqm)	2 storey (sqm)	3 storey (sqm)	1 storey (sqm)	2 storey (sqm)	3 storey (sqm)
Studio	1p	39 (37) *			34 (32)*		
1b	2p	50	58		43	50	
2b	3p	61	70		52	60	
	4p	70	79		60	68	
3b	4p	74	84	90	63	72	77
	5p	86	93	99	74	80	85
	6p	95	102	108	81	87	92
4b	5p	90	97	103	77	83	88
	6p	99	106	112	85	91	96
	7p	108	115	121	92	98	103
	8p	117	124	130	100	106	111
5b	6p	103	110	116	88	94	99
	7p	112	119	125	96	102	107
	8p	121	128	134	103	109	114
6b	7p	116	123	129	99	105	110
	8p	125	132	138	107	113	118

*Where a one person flat has a shower room rather than a bathroom the floorspace may be reduced from 39 sqm to 37 sqm (NDSS) or from 34 sqm to 32 sqm.

Transfer to Registered Provider:

The completed affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council - or to the Council - on a nil subsidy basis. When providing Affordable Housing, developers are strongly advised to engage with a Registered Provider, or the Council, at the earliest opportunity in order to ensure that the appropriate standards are met at the design stage and for an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council can be provided on request.

The Local Authority would have nomination rights to the affordable homes and these would be secured via a S106 Agreement (a draft to be provided by the Council to its current format).

Wiltshire Council Landscape: No comments received

Wiltshire Council Lesure Services and Public Art: Financial contributions to be secured through a S106 agreement for public art based on a current figure of £300 per dwelling, with no more than 10% of the total figure to be spent on the production of a public art plan.

Wiltshire Council Libraries Team: No comments received

Wiltshire Council Minerals and Waste Team: No comments received

Wiltshire Council Public Protection/Environmental Health: No objections subject to conditions

Wiltshire Council Public Open Spaces: No comments received

Wiltshire Council Rights of Way: No objection - Comments have been provided in relation to the non-vehicular access to the site: *"Footpath MELW42 runs to the west of the site. A ped/cycle link should be provided to the north of the care home. It would then cross a cycle/footbridge to meet MELW42. To the north, the footpath would be converted to a shared use route. This would require a conversion order, to be paid for by the developer. The route would need to be lit, 3m wide and adoptable standard up to the proposed toucan crossing across the main road. To the south, the route would be left as footpath for leisure use."*

The existing ped/cycleway on the north side of the main road links towards the town centre but appears to drop people onto the main road. Could a link be put through to Berkley Close or Conway Crescent so cyclists and walkers could access other routes and use the more pleasant back streets? The foliage all appears to be part of the highway boundary.

Could there be a more attractive (lit, surfaced and direct?) route to the east through the adjacent site rather than people walking next to the main road as proposed by the developer?"

Wiltshire Council Spatial: Objection as summarised - *"The proposal is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Joint Melksham Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework."*

Wiltshire Council's Waste: Financial contributions would need to be secured through a S106 agreement based currently on £91 per individual dwelling and the waste management strategy would need to comply with what has been agreed with the neighbouring Pathfinder Place site, application reference 18/04477/REM

Wiltshire Council Urban Design: Objection as summarised - *"the NPPF is clear that when it comes to achieving well-designed places "Being clear about design expectations, and how these will be tested, is essential for achieving [high quality buildings and places]." (para 124). This is paramount at Outline so that viably problems do not arise at REM, and so I couldn't support this"*.

Following the submission of the revised indicative proving layout plan and capacity plan which illustrated a reduction to the number of units in July 2021, the objection from the council's urban designer was upheld stating, *"The primary concerns remain about the full site regardless of whether its 240 for the previous developable area or 231 for a slightly smaller developable area because of an odour constraint"*.

Representations: The application was advertised by the display of site notices around the site and by neighbour notification letters. A total of 15 representations have been received on this application, raising the following summarised comments and objections:

- The site is the only area for local residents to exercise their dogs

- Development would not comply with WCS or neighbourhood plan
- Housing developments should be in the right area rather than ad-hoc and speculative development
- Land should be allocated for employment use/extension to Bowerhill industrial estate
- Outstanding objections from consultees, Parish Council and local residents
- Application fails to mention the presence of existing communication installation and its retention or possible relocation
- The development should be designed and built to meet current Building Regulations requirements
- Safety concerns regarding location of MUGA and a LEAP near main road
- The site is surrounded by busy trunk roads and commercial properties
- Care home would be subject to traffic noise and pollution
- Need to reduce traffic
- Parking issues on the Bowerhill Estate
- Restricted access for emergency services
- Access through a housing development that has not been completed and may not cope with additional traffic it was not planned for
- Access via foot would involve crossing busy main road
- Location would encourage car use and traffic
- Additional health care facilities including dentists and education needed
- No plans for shops or medical facilities
- Lead to further coalescence of the village and the town
- Nest bricks and integral bat roosts and swift nest bricks could be incorporated into buildings

Planning Considerations and Assessment

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

Principle of the Development: At the time of formally determining this application, the council currently cannot demonstrate a 5-year supply of housing land when tested against Local Housing Need (LHN) for Wiltshire (which became a requirement after 20 January 2020 when the adopted WCS became 5 years old), and as a result, the spatial policies relevant to this application are deemed out of date and paragraph 11 of the NPPF is engaged.

The council is fully cognisant of the fact that when assessed against the (LHN) for Wiltshire as a whole, the Council can demonstrate a supply of housing land of somewhere between 4.42 and 4.62 (as confirmed through planning appeal APP/Y3940/W/18/3202551, dated 6 April 2020 for Land at Purton Road). It is considered that this shortfall is modest and therefore does not set aside the adopted strategic development plan approach to delivering sustainable development and rejecting unjustified residential developments.

It should also be noted that since the determination of the aforementioned appeal, the council has prepared an updated Housing Land Supply Statement (HLSS) using a baseline date of April 2019 that was published in December 2020, which confirmed that the council could only demonstrate a 4.56 number of years of deliverable housing supply.

It is noted that since the latest HLSS was published in December 2020, a recent appeal (reference APP/Y3940/W/19/3236860, dated 10 September 2021), stated that the applicant for that particular case “has

previously calculated that the supply was at 4.40 years”, however the appointed Inspector considered this range between 4.40-4.56 to be “considered a modest shortfall, nevertheless, in these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged”.

The Framework sets out within paragraph 11(d) that where the policies which are most important for determining an application are out-of-date, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

It is also worthy of noting that in determining the Purton Road appeal (as previously cited) and the more recently determined Paddock Wood appeal (appeal reference APP/Y3940/W/20/3245400, dated 16 June 2020), the respective appointed planning inspector concluded the following:

“that even at the lower end of the agreed HLS range [i.e. a 4.42 year supply] there is a relatively modest shortfall in housing land in the Council’s area; that there is no reason to think that the WCS will not continue to be effective, particularly in light of recent progress in adopting the Wiltshire Housing Site Allocations Plan; and that there remains substantial benefit in maintaining a plan-led system” (citation paragraph 14 of the Paddock Wood appeal dismissal letter).

The council considers it still appropriate to argue that significant weight must be afforded to the adopted strategic planning core policies of the Wiltshire Core Strategy namely: CP1, CP2 and CP15 - the Community Area Spatial Policy that covers Melksham.

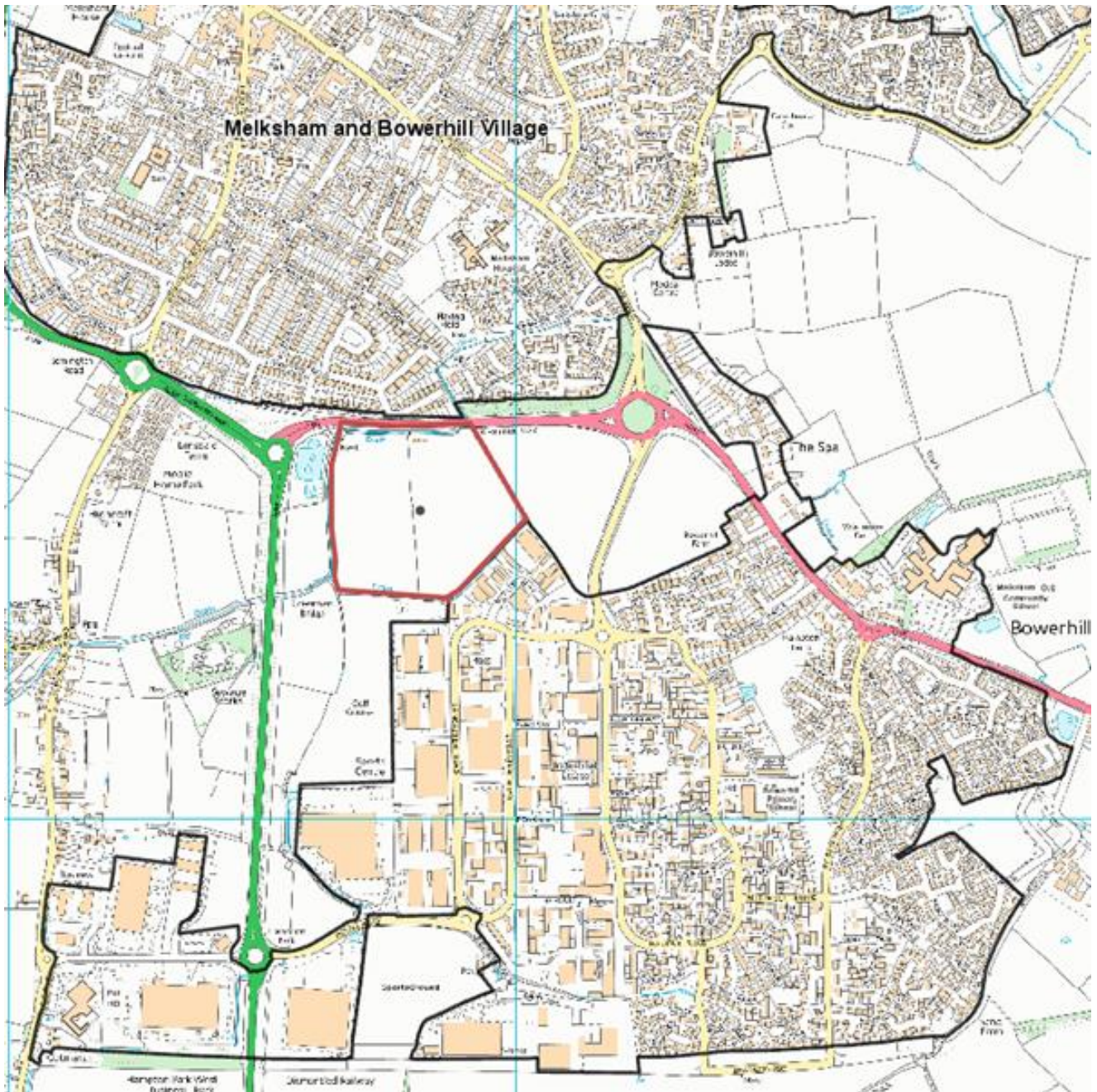
Melksham is defined in CP1 as a Market Town, based on an assessment of its role and function. Market towns are defined in CP1 as *“settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities”* and 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”*.

It is important to mention that at the time the WCS was adopted, it was considered in CP15 that a total of 2,240 new dwellings were required in Melksham and Bowerhill over the plan period of 2006 to 2026. The latest HLSS published in December 2020, confirmed that a total of 2,784 dwellings either have been completed or are developable commitments until the end of the plan period of 2026 in the Melksham Community Area, with 2,594 of these dwellings being within the Melksham and Bowerhill area. Therefore, there is no remaining requirement to deliver significant housing in the Melksham and Bowerhill area in the current WCS plan period. The below extract is taken from the latest HLSS, Appendix 6 which details the housing figures in the Melksham Community Area (highlighted in yellow):

Area	Indicative requirement 2006-2026	Completions 2006-2019	Developable commitments 2019-2026 ¹⁰	Indicative remaining requirement ¹¹
Corsham CA	1,395	1,217	377	157
Malmesbury	885	812	176	0
Malmesbury CA remainder	510	402	179	0
Malmesbury CA	1,395	1,214	355	0
Melksham and Bowerhill	2,240	1,699	895	0
Melksham CA remainder ¹⁴	130	138	52	0
Melksham CA ¹⁴	2,370	1,837	946	0

Based on the above figures, the Melksham Community Area already has an increase of c.17% in the indicative housing requirement over the current plan period. This proposal is seeking to deliver a further 231 dwellings, which would increase this by a further additional c.27%, resulting in a significant increase (total of c. 3015 dwellings for the Melksham Community Area) and this figure does not include any smaller windfall sites or the allocated site identified in the made neighbourhood plan. Given that there are still 5 years of the plan period remaining, the council's spatial planning department has considered this increase in dwellings to have *"possible detrimental effects on the spatial strategy, as Melksham delivers increased levels of housing to make up for a lack of delivery in other areas, notably in Chippenham and Trowbridge"*.

When tested against the Framework, the application site is clearly located outside the defined settlement limit for Melksham and Bowerhill, with the defined settlement highlighted by the solid black line to the north and south of the proposal site. The application site is outlined in red in the extract provided on the following page:



The council submits that the modest shortfall in housing land supply does not justify allowing ad hoc housing in countryside locations outside the defined limits of development, as doing so would fundamentally compromise the plan-led system. The limits of development for Melksham and Bowerhill have not been altered through the Wiltshire Housing Site Allocations Plan (which was adopted in February 2020) and nor have they been varied by the JMNP that was made in July 2021 to include this particular site for housing development.

Given the number of housing permissions and commitments in the Melksham and Bowerhill area and with due consideration that a proposed site allocation has been put forward within the made JMNP, officers opine that Melksham has and continues to be well placed in terms of having a healthy planned housing delivery growth that is sufficient to meet the housing needs of the area over the life of the plan up to 2026.

Whilst the council can only demonstrate a housing land supply of c.4.56 years currently, this is considered only a modest shortfall in the council's supply for the whole of the county; and as such, significant material weight has and must, be given to the policies of the adopted WCS as a whole, as well as to the Framework. Previous appeal decisions have given significant weight to the spatial policies of the WCS and Inspectors have concluded that there remains a substantial benefit to maintaining a plan-led approach to delivering housing in the county.

In assessing the application against the spatial strategy set out within the adopted WCS, policies CP1 'Settlement Strategy' and CP2 'Delivery Strategy' outlines the council's settlement hierarchy and identify the settlements where sustainable residential development should take place. CP1 identifies a hierarchy of four tiers of settlements, namely: Principal Settlements; Market Towns; Local Service Centres; and Large and Small Villages.

In support of CP1, local communities also have the opportunity to allocate land for new housing through the development of neighbourhood plans. Melksham Without Parish Council and Melksham Town Council now have a 'made' Joint Melksham Neighbourhood Plan 2020 - 2026 in which Policy 7 allocates a site for housing at Land at Middle Farm, Corsham Road, Whitley for approximately 18 dwellings. This is the sustainable and democratic plan-led approach for delivering new housing growth as opposed to this, unjustified and unwarranted proposal. In light of the recent number of housing permissions in Melksham, it was considered that having the one site allocated for housing in the neighbourhood plan was sufficient to meet the housing needs of the neighbourhood plan area up to the plan period of 2026.

With the neighbourhood plan now 'made', paragraph 14 of the Framework states that in such "*situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply*". Paragraph 14 listed the following criteria and all four criterion must be met:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years*

It is the opinion of the council that all four criteria of paragraph 14 are met in this instance, and as such, for planning proposals that involve the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. The made JMNP includes two policies relating to new development in the Melksham community area, with Policy 6 supporting sustainable development and new housing within the defined settlements of the neighbourhood plan area and any proposals outside of the limits of development would not be permitted unless the proposals comply with CP2 of the adopted WCS or other policies in the WCS.

Policy 7 of the JMNP relates specifically to the allocated site at Middle Farm in Whitley for the development of the c.1.6-hectare site for c.18 dwellings. This proposal is in direct conflict with policies 6 and 7 of the JMNP and would undermine the community-led neighbourhood plan process, by proposing unplanned development outside the settlement boundary for Melksham and Bowerhill. Officers are not aware that the applicant sought

to challenge the decision to 'make' the neighbourhood plan within the 6-week legal challenge period following the publication of the post-referendum decision statement in July 2021 and therefore the applicants view on whether the provision of one site allocation for c.18 dwellings is suitable or not for the remaining plan period is irrelevant, as the appointed Inspector found the JMNP to be sound.

Furthermore, in accordance with criterion c) of paragraph 14 this application must be assessed against a three-year supply of deliverable housing sites, in light of the 'made' neighbourhood plan. It is clear from the evidence provided in the latest HLSS that the council can meet this requirement. In allowing this development to be approved, it would undermine the delivery of the 'made' neighbourhood plan and the localism agenda of central government to enable local communities to influence and shape their local area. In addition, no evidence has been put forward by the applicant to dispute whether the council is unable to demonstrate at least a three year supply of deliverable housing.

Policy CP2 sets out the delivery strategy for the period of 2006-2026 which aims to deliver development in the most sustainable manner through directing new housing growth to the defined settlements and through sites identified in made neighbourhood plans and site allocation plans. The site subject to this application is located outside the defined limits of development for Melksham and therefore, CP2 directs 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.

Paragraph 4.25 of the supporting text for CP2 includes a number of 'exception policies', which aim to respond to local circumstance and national policy and include:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

It is not considered that this proposal, on land located outside the defined limits of development, would meet any of the exceptions listed in paragraph 4.25 of the adopted WCS and the applicant has failed to provide any evidence to demonstrate the contrary. CP2 is clear that only in certain circumstances would development be permitted in the open countryside (where an exception listed in paragraph 4.25 applies or other such policy exceptions exist), otherwise, new housing would not be permitted outside settlement boundaries as a matter of principle.

This application was submitted without any prior engagement with the local planning authority, and as stated above, it is considered that the WCS as a whole still contributes towards delivering sustainable development through an appropriate plan-led approach to ensure new housing is directed to the right locations.

In addition to the above, the council's highways department has commented to say that core policies CP60 and CP61 of the adopted WCS, also makes clear that the council should use its planning and transport powers to help reduce the need to travel by private motor vehicle, and to support and encourage sustainable, safe

and efficient movement of people and goods within and through Wiltshire, by planning developments in accessible locations. CP61 states 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. The local highways authority argue that the proposed dwellings would be located within an unsustainable location contrary to CP60 and CP61 of the adopted WCS and have raised a number of objections due to the reliance that would exist upon the use of private motor vehicles for accessing jobs, schools, leisure and retail facilities, and for visitors and staff to the care home. The council's highways department have also commented on the severance of the application site to the town centre and the reliance this would place on future occupiers using private vehicles. It is also considered by the council's highways department that the application site is not well connected with access to public transport provision such as bus stops and is not within close proximity of Melksham railway station, therefore for those who do not have access to a motor vehicle this site would be even more unsustainable since access to public transport is very limited.

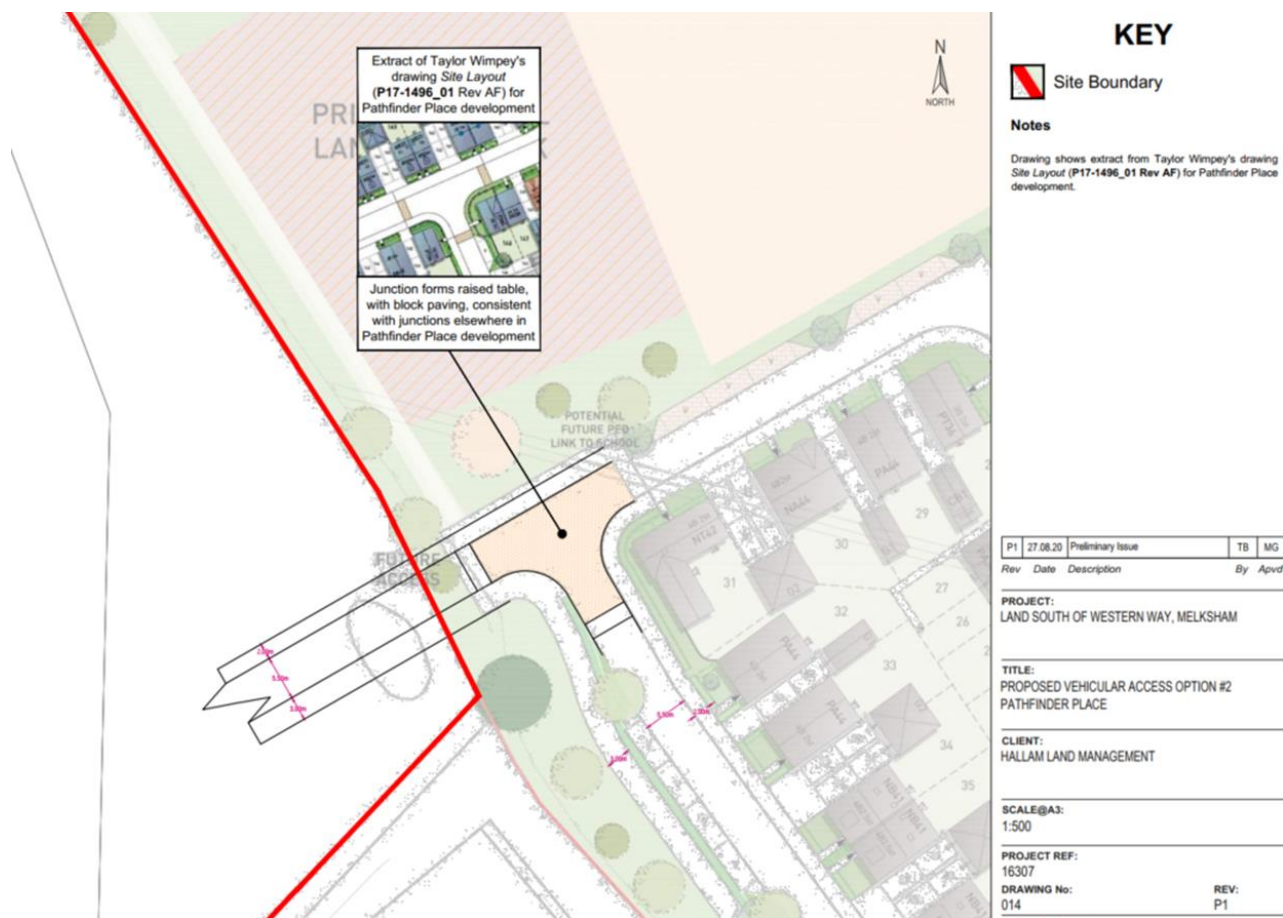
As discussed above, the council accepts that at present it cannot demonstrate a 5-year housing land supply and it is acknowledged that the adopted WCS is now more than five years old. As such, paragraph 11(d) of the Framework requires where the policies that are most important in determining an application to be out-of-date, the application should be approved unless either criterion i) the site is in a protected area or ii) the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, apply – known as the 'tilted balance'. It is important to mention that although the adopted WCS is over 5 years old, the council maintains that the WCS still maintains a significant plan led role in determining planning applications, to ensure development is built in the most sustainable locations.

In applying the tilted balance in this instance, the council opposes the construction of up to 231 dwellings and a 70-bed care home at this particular site, which is located outside the defined settlement boundaries for Melksham and Bowerhill. The site has not been identified as a suitable site for future residential development within the recently 'made' neighbourhood plan or within the Wiltshire Housing Site Allocations Plan, and the council argues that the proposal would lead to adverse impacts as it would not constitute sustainable development and would fail to follow the appropriate plan led approach to delivering new housing. The council submits that the principle of residential development would be in clear conflict with policies CP1, CP2 and CP15; and when tested against the Framework, the site would not represent sustainable development.

In allowing a substantial residential development on this site, it would be in direct conflict with the 'made' JMNP and would contravene the appropriate plan-led approach to sustainable development. The council can demonstrate a land housing supply of at least three years (and this matter has not been disputed by the applicant) as required by paragraph 14 of the Framework as the made neighbourhood plan is less than two years old and allocates a site for housing. Therefore, allowing this unplanned site to come forward for residential development, when all criteria of paragraph 14 can be satisfied, would undermine the neighbourhood planning process and would significantly and demonstrably outweigh its benefits in delivering a community-led approach to shaping local communities. The proposal is therefore not supported in principle and would not constitute sustainable development, thereby is in direct conflict with the strategic policies of the adopted WCS, policies 6 and 7 of the made JMNP and the aims of the Framework.

Highway Matters: Access was originally a reserved matter for this outline application however, as discussed above it was considered that officers could not robustly assess the principle of the development without having confirmation of how the site would be accessed. As such, the application has been revised to include access as a matter to be considered as part of this outline application and full details of the proposed access through the applicants chosen route via the neighbouring Pathfinder Place development have been provided and consulted upon.

It is acknowledged that the proposed access to which this development would be accessed from within the Pathfinder Place development has not yet been constructed, but it was evident at the case officer's site visit that the neighbouring Pathfinder Place development to the east, is currently in the process of being built out, and therefore it is reasonable to assume that the required access for this site could be delivered. The proposed access from Pathfinder Place is illustrated in the below extract on drawing no. 014 revision P1, as taken from the submitted Transport Assessment (part 2), reference 16307-TA-01 / Version 2, produced by Jubb:



Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be *“located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives”*. CP61 also requires in criterion ii that proposals would be *“capable of being served by safe access to the highway network”*. In addition, CP64 requires adherence to residential parking standards. In addition to the abovementioned policies, paragraph 111 of the Framework states that developments *“should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

It is noted that the council's highways department have not raised any objections on highway safety grounds within their submitted representation on the formation of a new access leading from the vehicular access previously approved as part of the Pathfinder Place development. Furthermore, no objections have been raised by the highways engineer in terms of any capacity issues or cumulative impacts on the proposed road network, through the construction of a further 231 dwellings and a 70-bed care home, if this outline application were to be approved. The council's highways engineer has also not raised any objections to the proposed

location of the emergency access to the north of the site via Western Way. On this basis, the application would not be refused on highway safety grounds, as an unacceptable impact on highway safety has not been identified and therefore the proposal is not considered to conflict with criterion ii of CP61 of the adopted WCS or paragraph 111 of the Framework. The objections the highways engineer has set out within their submitted representation in terms of the proposal conflicting with CP60 and CP61 of the adopted WCS are duly noted and are summarised in the above principle of the development section of this report.

It is important to note that if planning permission is granted at any future appeal, due regard must be given to the council's adopted car parking standards at reserved matters stage when finalising layout plans, specifically to the minimum residential parking standards for the dwellings, which require the provision of on-site car parking based on the number of bedrooms, as detailed in the below table (note: garages would only count towards an allocated car parking space where they meet the minimum internal size requirement of 6m x 3m) and the maximum standards detailed in Appendix C of the Wiltshire Local Transport Plan 2011-2026 , Car Parking Strategy, for C2 uses.

Table 7.1 Minimum parking standards (allocated parking)

Bedrooms	Minimum spaces
1	1 space
2 to 3	2 spaces
4+	3 spaces
Visitor parking	0.2 spaces per dwelling (unallocated)

The supporting text for CP15 of the adopted WCS requires in paragraph 5.83 for any new development to have *"strong walking and cycling linkages to the town centre"* and a need to improve public transport provision such as bus services, improving the railway station and safe cycle routes. It is noted that the submitted supporting statements for this outline application state that footpath and cycle connections would be provided onto Western Way, with a new footway to be constructed providing connections to the surrounding community, with the provision of an emergency access point onto Western Way to the north. However, no specific details relating to the pedestrian and cycle crossings and associated infrastructure onto Western Way have been provided as part of this outline application. The council's education and skills department have raised concern regarding the limited safe walking routes from the proposed development site to any early years school or setting. It is considered necessary to provide improved linkages and pedestrian and cycle routes from the application site to the town centre and other necessary facilities and such details should be provided as part of any future reserved matters application.

It is also noted that whilst the council's rights of way team have not raised an objection to the proposal, they have suggested some alternative routes within their representation in order to provide more convenient pedestrian and cycle linkages from the site to the existing rights of way and highway, which should be given due consideration as part of any future detailed layout plan.

It was evident at the case officer's site visit that there is no existing pedestrian footpath along the northern boundary of this site adjacent to Western Way and the site does have poor pedestrian linkage to Melksham town centre. If planning permission for this outline application is granted at any future appeal, full details of the proposed pedestrian and cycle crossings and routes would be required as part of any future reserved matters

application, to ensure that better sustainable connectivity between this site and the town centre and other facilities is secured and provided in accordance with policies CP15, CP60 and CP61 of the adopted WCS and paragraphs 92, 110 and 112 of the Framework.

Layout, Density, Design and Visual Impacts: This outline application is seeking outline consent for the construction of up to 231 new dwellings, with a mixture of market dwellings and affordable dwellings, equating to c.163 market dwellings and 68 affordable dwellings. This proposal also includes the construction of a 70-bed care home. Policy CP45 of the adopted WCS requires *"new housing, both market and affordable, must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities"*. Criterion ii of Policy 6 of the made JMNP also requires *"a suitable mix of house types, sizes and tenures"* to be informed by and to address the current housing needs for Melksham and Bowerhill.

In addition to the above policy, CP57 of the adopted WCS requires a *"high standard of design"* for all new developments. This policy requires developments to *"create a strong sense of place through drawing on the local context and being complementary to the locality"* with applications being accompanied by appropriate information to demonstrate how the proposal would *"make a positive contribution to the character of Wiltshire"* and sets out a list of fourteen criteria that proposals for new development must comply with. Within the list of 14 criteria, the following requirements are included:

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

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

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

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

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

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

xiii. the case of major developments, ensuring they are accompanied by a detailed design statement and masterplan, 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

Policy 18 of the made JMNP also requires proposals to *"contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of Melksham and Melksham Without"* and requires proposals for major development to *"demonstrate through a masterplan how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without's settlements and landscape, both historic and topographic"*.

The latest iteration of the Framework has a greater focus on high-quality design and requires in paragraph 126 the *"creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"*. Paragraph 130 of the Framework sets out a series of six criteria which planning policies and decisions should ensure developments create, including being of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, creating a strong sense of place and in criteria f) there is a requirement to *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.

Furthermore, this iteration of the Framework places greater importance on trees in new developments as detailed in paragraph 131 which states that trees *"make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change"* and planning policies and decisions *"should ensure that new streets are tree-lined"* and are incorporated elsewhere within developments, with the retention of existing trees.

The application site relates to an existing area of agricultural land which separates Melksham and Bowerhill, with the Bowerhill Industrial Estate to the south and the Western Way thoroughfare to the north. It is appreciated that the parcel of land to the east of this application site has been previously granted planning permission for residential development and that this application would neighbour this. However, the site subject to this outline application is located outside the defined settlement boundary for Melksham and Bowerhill Village and the limits of development for Melksham and Bowerhill have not been revised and amended to include this particular site as part of either the recent Wiltshire site allocations plan or JMNP plan-making processes.

This outline application has been accompanied by an illustrative masterplan (drawing no. 7611-L-07 Rev C), capacity plan (drawing no. 7611-L-05 Rev O) and an indicative proving plan (drawing no. 7611-A-01 Rev C) to illustrate the developable area and an indicative layout for the proposed development. A Design and Access Statement has also been submitted with the suite of documents. Whilst it is appreciated that this is an outline application with all matters apart from access reserved, criteria xiii of the CP57 is very clear that a detailed design statement and masterplan should be submitted with applications for major development in order to underpin and inform the proposed character of the new place, and to also justify the proposed housing density.

It is noted by officers that the constraints plan provided on pages 10 and 11 of the submitted Design and Access Statement has not been revised to reflect all the constraints, such as the odour consultation zone associated with the Bowerhill sewage treatment works and the existing telecommunications mast. However, as matters relating to layout are reserved, final layout, scale, appearance and landscaping matters are not open for detailed consideration at this particular time and would be robustly appraised as part of any future reserved matters submission if outline planning permission is granted at any subsequent appeal.

The submitted Design and Access Statement does provide an evaluation of the local vernacular of Melksham and the applicant's vision for the proposed development, however, the council's urban design officer has

maintained an objection to this outline application throughout the application's determination period, despite a reduction in the number of dwellings to 231 dwellings and the submission of a proving plan.

The council's urban designer has raised and continues to maintain a number of concerns with the submitted Design and Access Statement and indicative layout plans that have been provided. Their concerns include the creation of a large cul-de-sac with a lack of tree planting along the proposed roads, clarity regarding the space to be provided for gardens and on-site car parking, the position of the proposed play areas and the validity of the submitted indicative masterplan.

In response to the original representation submitted by the council's urban designer in November 2020, the applicant provided a rebuttal stating that there is no requirement for them to provide a proving layout as part of an outline application. However, officers considered this to be necessary to illustrate whether it would indeed be possible for the site to accommodate the quantum of dwellings the application is seeking permission for within the developable area of the site, with associated garden space, on-site car parking provision and other associated infrastructure and the construction of a 70-bed care home. The urban designer has raised concern that the proposed 'up to' number of dwellings is too high for the space that would be available to construct the dwellings and care home. In the absence of having a realistic indication of how many dwellings could be accommodated within the developable area of the site, based on local housing need, this could lead to issues at the reserved matters stage including viability concerns due to developers not being able to construct the amount of housing that they were granted as part of the outline consent. Furthermore, without the submission of a plan showing realistic layout configurations for the proposed development including true dwelling sizes with gardens and on-site car parking, officers are unable to confirm what housing capacity could realistically be achieved on the site and whether the proposed development would represent a high quality of design as required by CP57 and the Framework.

Following the submission of the urban designers' second representation in March 2021, an indicative proving layout plan was submitted in May 2021 and was consulted upon. The council's urban designer commented to say that the submitted proving layout confirmed their *"suspicions that the scheme cannot secure the suggested amount [of housing] plus design principles talked about in the DAS"* and officers note that the submitted proving plan could only accommodate 235 dwellings rather than the originally proposed 240 dwellings, demonstrating that the quantum of housing originally proposed was too ambitious.

The number of dwellings was further reduced to 231 in July 2021, due to the need to provide a buffer zone within the southwestern corner of the site, due to the proximity of the application site to the Bowerhill Sewage Treatment Works and following Wessex Water's request for further odour modelling assessment of the site. The requirement to provide this buffer zone in the south-west corner has resulted in revisions to the capacity plan and indicative proving layout and thus a reduction in the quantum of residential dwellings from 235 to 231. On receipt of the revised plans, the council's urban design officer commented to say *"the primary concerns remain about the full site regardless of whether its 240 for the previous developable area or 231 for a slightly smaller developable area because of an odour constraint"*.

The indicative proving plan includes a housing schedule, which confirms that more 2 bed dwellings would be constructed compared to 4 and 5 bed dwellings combined as illustrated by the extract provided on the following page from drawing reference 7611-A-01, Rev C:

Housing Schedule					
Affordable					
Name	Beds	Type	Floor area FT	Number	Total Area
HT-0540-1B	1 Bed	Apartment	540	12	6480
HT-0740-2B	2 Bed	Terrace	740	6	4440
HT-0750-2B	2 Bed	Semi-detached	750	26	19500
HT-0960-3B	3 Bed	Semi-detached	960	4	3840
HT-0935-3B	3 Bed	Detached	935	4	3740
HT-0950-3B	3 Bed	Terrace	950	2	1900
HT-0870-3B	3 Bed	Semi-detached	870	10	8700
HT-0865-3B	3 Bed	Semi-detached	865	2	1730
HT-1085-5B	5 Bed	Detached	1085	2	2170
			Total	68	52500
					Affordable Percentage: 29%
Market					
Name	Beds	Type	Floor area FT	Number	Total Area
HT-0635-2B	2 Bed	Terrace	635	5	3175
HT-0645-2B	2 Bed	Semi-detached	645	26	16770
HT-1020-3B	3 Bed	Semi-detached	1020	23	23460
HT-0865-3B	3 Bed	Semi-detached	865	16	13840
HT-0935-3B	3 Bed	Detached	935	28	26180
HT-0960-3B	3 Bed	Semi-detached	960	24	23040
HT-1075-3B	3 Bed	Semi-detached	1075	16	17200
HT-1175-4B	4 Bed	Detached	1175	11	12925
HT-1160-4B	4 Bed	Semi-detached	1160	8	9280
HT-1230-5B	5 Bed	Detached	1230	6	7380
			Total	163	153250
					Market Percentage: 71%
			TOTAL	231	205750

Whilst appreciating that this application is in outline, the proving plan and upper housing quantum must form part of the planning assessment. The council made its concerns known about the development quantum to the applicant's agent and the urban designer has argued that the *"indicative mix substantially underestimates the amount of 4 beds that should be assumed because the SHMA suggests ~4 times the need for 4&5bed market homes as 2 bed market homes"* as illustrated by the below extract taken from the Swindon & Wiltshire Strategic Housing Market Assessment (SHMA), Report of Findings, dated 2017, where a far greater number of 4-bed dwellings are considered necessary to respond to local need, compared to the predominance of 2-bed dwellings:

Figure 70: Market and affordable housing mix by LA (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

Dwellings		Swindon UA	Wiltshire UA	TOTAL
MARKET HOUSING				
Flat	1 bedroom	380	-80	300
	2+ bedrooms	630	260	890
House	2 bedrooms	3,480	1,990	5,470
	3 bedrooms	12,250	18,060	30,310
	4 bedrooms	3,160	7,350	10,510
	5+ bedrooms	600	1,820	2,420
Total Market Housing		20,500	29,400	49,900

The indicatively proposed number of 2 bed homes appears to be an attempt to “*gain permission for an excessive and undeliverable number of homes*”, in recognition that the published local housing need points to more 4 and 5 bed dwellings being required – which would require more plot space, larger garden areas and on-site car parking provision, which would consequently reduce the quantum of housing at the site. This is central to the council’s criticism of the submitted indicative proving plan, to which, the council has considerable concern pursuant to delivering an appropriate mix of housing types in response to local housing need, for both the proposed affordable and market dwellings, which is required by CP45 of the adopted WCS and forms a central part to social sustainable development principles, enshrined within the NPPF.

Officers are also not convinced that the proposed indicative layout would provide sufficient rear amenity space for all future occupiers or that a suitable distance would exist between the proposed dwellings to ensure that an adequate level of amenity would be provided for the future occupiers. It is appreciated that the indicative plans submitted as part of this outline are illustrative only and as such, they are not finalised, but nonetheless, the applicant is required to satisfy the decision maker that for any outline application, the proposed upper quantum of proposed dwellings and associated amenity space, car parking and necessary infrastructure can all be achievable on the site in order to justify the quantum of housing being sought at outline stage of the planning process. The council is not satisfied that this has been satisfied.

Whilst the council does not have an adopted prescriptive residential development/garden amenity space policy, the Building for Life 12 industry standard for the design of new housing developments (as published in 2015) advises on page 17 that *“it is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling. Triangular shaped gardens rarely offer a practical, usable space. Allow residents the opportunity to access their garden without having to walk through their home”*.

Furthermore, it has been previously considered in appeal decisions that a minimum distance of 21 metres should exist where habitable windows face each other, with this distance implying a minimum garden depth of 10.5m. If this level of amenity cannot be accommodated within any future layout plan, this would further highlight a concern that the applicant’s proposed quantum of development would be too high, and represent overdevelopment, and thus clash with the national and local plan policy importance of delivering sustainable high-quality designed development.

Wiltshire Police have also provided comment on the application, raising concern that no mention has been made to crime prevention and have concerns regarding the layout of car parking (specifically car parking to the rear of dwellings) and the position of the proposed LEAP and MUGA in the north-eastern corner of the site. Criterion f of paragraph 130 of the Framework requires planning policies and decisions to create places that are safe, inclusive, and accessible and *“where crime and disorder, and the fear of crime, do not undermine*

the quality of life or community cohesion and resilience". Due consideration should therefore be given to the representation made by Wiltshire Council when drafting any future layout plans.

Officers consider, despite the reduction in the number of residential units from 240 to 231 that the proposed scheme for up to 231 dwellings with a 70-bed care home would still be too ambitious and unachievable on this site, and could lead to potential site viability issues and conflict with policies CP45 and CP57 of the adopted WCS, Policy 6 of the made JMNP, and the Framework. More evidence and clarification would be required in terms of quantifying the proposed housing mix, design and the number of proposed units in order to satisfactorily illustrate that the proposed scheme would be able to achieve a high-quality standard of urban design. There remains a significant concern that in order to deliver the proposed quantum of housing this outline is seeking and to provide the space to construct the 70-bed care home, other elements of the proposed scheme would be compromised, such as reduced landscaping, tree planting or public open space areas or on-site car parking provision being reduced, which would contribute further to poor quality design.

Officers conclude that the amount of development proposed in this outline cannot be adequately demonstrated in a deliverable way that secures high-quality design and the proposed quantum of housing cannot be adequately accommodated within the indicative developable area in a way that would create a high quality, beautiful development which also satisfactorily responds to local housing need. As such, officers are unable to support this proposal on this basis, as the proposal fails to demonstrate that the proposed number of dwellings can indeed be constructed on-site whilst representing high-quality design and an appropriate mix of housing types as required by CP45 and CP57 of the adopted WCS, policies 6 and 18 of the made JMNP and paragraphs 8b, 92, 126, 127, 130, 131, 132 and 134 of the Framework.

Loss of Agricultural Land: This proposal would also result in the loss of agricultural land and would further erode the remaining buffer between Bowerhill Village to the south and Melksham to the north. As discussed in the above principle of the development section of this report, officers do not support the proposed development of this site for residential use due to the site being located outside any defined settlement boundary and the proposals failure to satisfy the strategic policies of the adopted WCS, the Framework and policies 6 and 7 of the made JMNP.

The application site comprises largely of arable farmland which the council's mapping system identifies as predominately Grade 3, with an area classed as 'urban' to the north. Natural England's Agricultural Land Classification (ALC) defines Grade 3 land as 'good to moderate quality agricultural land', which has *"moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2"*.

Paragraph 174 of the Framework requires planning policies and decisions to contribute to and enhance natural and local environments and includes in criterion b):

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The Framework defines 'best and most versatile agricultural land' (BMV) as land that is considered to fall within grades 1, 2 and 3a of the ALC. The submitted revised Ecological Appraisal, produced by FPCR Environment and Design Ltd, dated 27 October 2021, considers this site to be predominately low-value agricultural land, with the proposal seeking to provide a net gain in biodiversity for habitats of c.14.64%. It is therefore considered

that the quality of the agricultural land is limited and therefore would not represent BMV agricultural land, which has greater protection within the Framework.

Officers appreciate that the lack of inclusion of this particular site within the defined settlement boundary for Melksham and Bowerhill has provided a buffer between the two settlements, through having a policy of no housing except in exceptional circumstances where proposals may satisfy the relevant strategic policies and exception policies contained within the adopted WCS. As discussed in the principle of the development section of this report, the proposals set out within this outline application fail to satisfy the sustainable development principles enshrined within policies CP1, CP2 and CP15 of the adopted WCS, policies 6 and 7 of the made JMNP or the Framework and the proposal would be refused on this basis.

Amenity Issues and Living Conditions for the Future Occupiers: Policy CP57 requires in criteria vii for developments to have *"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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*. Paragraph 130 of the Framework also requires planning policies and decisions to ensure developments have *"a high standard of amenity for existing and future users"*.

As this application is seeking outline planning permission with some matters reserved including layout, scale, landscaping and appearance of the development, the submitted layouts are only indicative at this stage. The submitted indicative proving plan shows the proposed dwellings on the eastern side of the application site to be set away from the approved Pathfinder Place development by a tree belt, new road and on-site car parking for the proposed dwellings, with a vegetated boundary with proposed tree planting to the south of the site, providing separation between the proposed dwellings and the industrial estate. However, as this application is seeking outline planning permission with access being the only matter to be considered, aspects relating to layout and landscaping cannot be fully considered as part of this current application and no specific details relating to these matters have been provided for officers appraisal and approved. Final design details, layout and landscaping are matters to be covered and appraised as part of a future reserved matters application.

The indicative proving plan layout has been revised over the course of the application's determination period in order to address concerns Wessex Water initially raised within their submitted representation response dated 20 November 2020, regarding the proximity of the Bowerhill Sewage Treatment Works to the proposed development, with part of the site falling within a *"consultation zone for risk of odour emissions"* that could affect the amenity of future occupiers. In order to address the concerns Wessex Water raised, a revised odour assessment was carried out and submitted and the indicative proving plan was revised accordingly, showing a greater landscaped buffer area in the southwestern corner of the application site with a reduction in the number of proposed residential units.

There is potential for the proposed development to impact the amenity of local residents during the construction phase of the development, if outline planning permission is granted at any future appeal. However, details of methods to minimise and control disturbance to neighbouring occupiers and the environment during the construction phase of the development could be addressed through the submission of a construction management plan, which should be requested by a planning condition on any planning permission granted.

The application site relates to a parcel of undeveloped agricultural land, which borders the Bowerhill industrial estate to the south. The application was submitted with a Geo-Environmental Phase 1 Desk Study, produced by Brookbanks, reference 10680 DS01 Rv2 dated September 2020, a Noise Assessment, produced by Brookbanks, reference 10680/NM dated September 2020 and a revised Odour Assessment, produced by

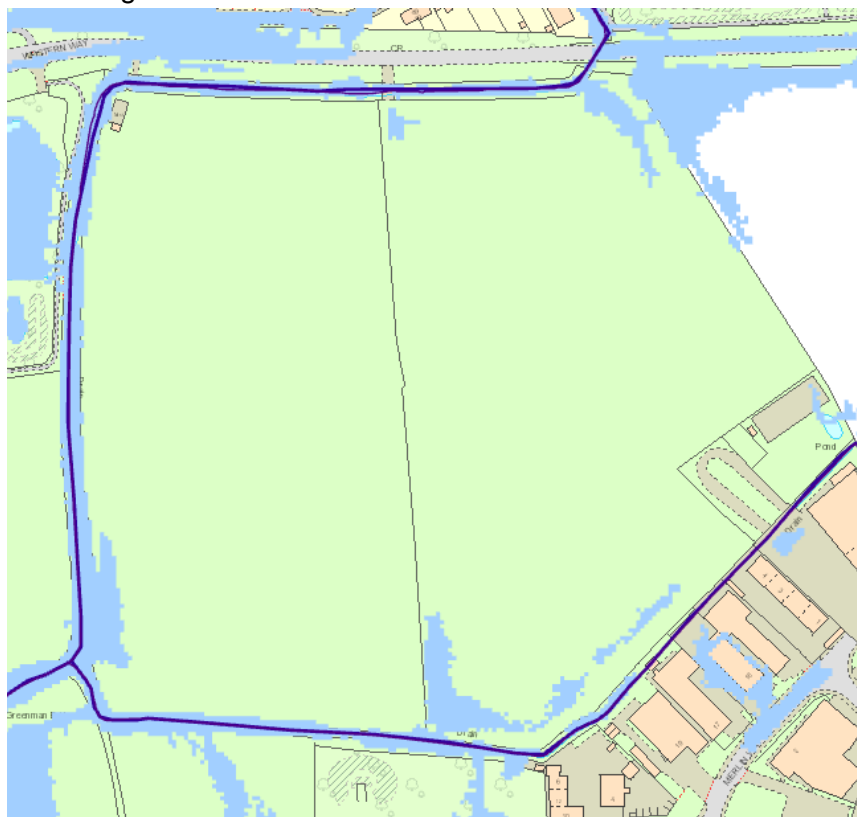
MEC, reference 25971-04-OA-02 REV A dated June 2021. The council's public protection officer has reviewed the submitted reports and has raised no objections from an environmental health aspect, subject to a number of planning conditions being imposed on any planning permission granted, including: details of glazing to be used to mitigate noise from the existing industrial estate, the submission of a Construction and Environmental Management Plan (CEMP), restriction of the hours of construction, no burning of waste, details of external lighting, an air quality assessment to be submitted and for details of Ultra Low Energy Vehicle infrastructure to be provided, in order to protect public health, environmental quality and amenity. As this application is to be refused, imposing conditions at the stage is not necessary, but such conditions would be included as part of the council's Statement of Case for any subsequent appeal

Drainage and Flood Risk: Policy CP67 of the adopted WCS outlines that all new development should 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.

Policy 3 of the 'made' JMNP requires proposals for major development to include the *"provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking"*.

Paragraph 167 of the Framework requires local planning authorities when determining any planning applications to *"ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment"*.

The site subject to this application is located entirely within flood zone 1 (low probability of flooding), with a main river bordering the site to the north, west and east. Aspects of the application site are also subject to surface water flooding as illustrated on the below extract taken from the council's mapping system, which depicts the main river by the dark blue line, with the areas coloured with lighter blue shading illustrating areas at risk of surface water flooding:



This application has been subject to much discussion between the council's drainage department and the applicant's consultants Brookbanks, over the course of the application's determination period. The Flood Risk Assessment (FRA) that was originally submitted with the application was not considered to provide a sufficient level of information to enable the council's drainage department to make an informed decision on the suitability of developing this site for housing. As such, a revised FRA produced by Brookbanks reference 10680 FRA01 Rv4 has been submitted and consulted upon, in addition to a Technical Note submitted in January 2021 and a Meeting Note submitted in May 2021 following a virtual meeting held in April 2021, in order to address outstanding concerns raised by the council's drainage department.

The proposed surface water drainage strategy (further details of which would be confirmed at any future reserved matters stage) would include a network of swales connecting to an attenuation basin that would be located at the lowest point of the site, towards the north-west corner. The proposed basin would be designed to discharge at QBAR into the existing watercourse that runs along the northern and western boundaries, providing a betterment of c.59% based on the existing greenfield run-off rates. The basin would be designed to store surface water based on a 1 in 100-year event plus 40% climate change. Following consultation with the council's drainage department on the additional and revised information, no objection on flood risk and drainage grounds has been maintained. Specific details relating to SuDs and the drainage strategy for the site could be dealt with by planning conditions if planning permission was to be approved as part of any subsequent appeal.

The Environment Agency have raised no objection to the outline application subject to a number of conditions and an informative (relating to the requirement to apply for a Flood Risk Activity Permit) being imposed on any planning permission granted.

Wessex Water were also consulted as part of the determination of this planning application and have highlighted the presence of an existing 250mm foul rising main which crosses the site and Wessex Water advise that no building should be carried out within 5 metres either side of this foul main. It is noted that this constraint has been recorded on the constraints plan included within the submitted Design and Access Statement. Wessex Water have set out within their representation that the rising main must not run underneath any MUGA facilities or private rear gardens and must be within open access areas or roads. Due regard must be given to this constraint as part of any future site layout plans, to ensure that the foul main is not compromised.

Ecology: CP50 of the adopted WCS requires development proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*. All developments are also Required to seek opportunities to enhance biodiversity with proposals for major development required to include *“measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”*.

Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by *“establishing coherent ecological networks that are more resilient to current and future pressures”* in paragraph 174d.

This application has been subject to previous objections from the council's ecology department and further information was requested from the applicant's consultants. Additional information and iterations of the Ecological Appraisal produced by FPCR have been submitted, in order to overcome the objections raised by the council's ecology department. Following the submission of Revision C of the Ecological Appraisal produced by FPCR, dated 27 October 2021 and officers review of this document, the council's ecology department confirmed that the previous objections had been appropriately addressed, with the two remaining issues relating to lighting and reptiles to be addressed by planning conditions if officers were minded to recommend the application for approval. the council's ecologist comments in respect of lighting in reptiles are copied below:

Lighting – I am satisfied that the Ecological Parameters Plan now submitted will provide sufficient areas of the site that will remain undisturbed by the development and that subsequently lighting in these areas can be kept to minimum levels.

Reptiles – The Ecological Appraisal by FPCR now contains sufficient detail to demonstrate that there is sufficient space within the site for reptiles to be sensitively managed during the construction period, such that they will be suitably protected from disturbance or harm

Officers appreciate that the proposal would result in the loss of an existing greenfield, however existing hedgerows and trees are scheduled for retention, with the proposed landscaping scheme providing a buffer that would enhance the existing habitats. The on-site trees that have been surveyed as part of the ecological appraisal, are considered to have low bat roost potential, however precautionary measures would be undertaken in the vicinity of these trees with a reduction of artificial lighting, to prevent disturbance to any bat species, which could be secured by planning condition if planning permission for this outline is granted at any subsequent appeal.

The site does contain suitable bird nesting and foraging habitat, and therefore any habitat that has to be removed as part of the proposal would need to be carried out outside of the bird breeding season to prevent any disturbance and harm to breeding birds, which again could be secured by a suitably worded planning condition. Revision C of the submitted Ecological Appraisal also confirms that there would be sufficient space within the site for reptiles to be sensitively managed and translocated during the construction period and as such the council's ecologist is satisfied that suitable protection would be afforded to them. As such, no ecology based reason for refusal is maintained.

The submitted ecological appraisal also concluded that at present the current site delivers 24.23 habitat units of predominately low value agricultural land, with the proposal seeking to provide a net gain of +14.64% for habitats and +19.16% for hedgerows, as detailed in the below table taken from page 38 of the submitted Ecological Appraisal:

Table 15: Biodiversity net gain results summary

Habitats	On-Site Baseline	24.23
	On-Site post intervention	27.78
	Total Change	+3.55 (+14.64%)
Hedgerows	On-Site Baseline	9.70
	On-Site post intervention	11.56
	Total Change	+1.86 (+19.16%)

The proposal can therefore demonstrate that net gains for biodiversity would be achievable, in accordance with CP50 of the adopted WCS and paragraph 174 of the Framework.

Archaeology and Heritage Impacts: CP58 of the adopted WCS requires development proposals to *"protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance"*.

It is considered giving the distance in separation between the application site to the closest designated heritage asset, the Grade II listed Bowerhill Farmhouse located some 424m east from the site subject to this outline application, and the presence of intervening developments, that 'no harm' would be caused to its significance or setting.

The application was originally submitted with a Historic Environment Desk-Based Assessment produced by Orion, dated July 2020. The assessment concluded that the application site has a *"moderate potential to contain finds and features from the Bronze Age, Iron Age and Roman periods, although the potential for settlement features from these periods is considered low"* and recommended that a geophysical survey was carried out.

Following the council's archaeologists review of the submitted Heritage Statement, the archaeologist agreed that a geophysical survey of the site should be submitted prior to the determination of the application, in order for it to be established whether this site has potential for any archaeological interest. As such, a holding objection was submitted by the council's archaeologist until this survey had been completed and the reports submitted for officers' review.

A Geophysical Survey Report, produced by SUMO, dated October 2020, was subsequently submitted, and concludes that no evidence of any archaeological interest was found during the survey. Some evidence of agricultural or natural processes were identified, such as ridge and furrow ploughing and possible evidence of the former demolition of a building was present.

The council's archaeologist was consulted on the submitted geophysical survey report and commented saying that the report has *"detected former ridge and furrow systems, likely to date from the post-medieval period, along with the remains of some recent field boundaries, also likely to date from the same era. There also appear to be a large number of discrete magnetic anomalies across the site and considering what was found in the fields immediately to the east, which consisted of later prehistoric and Romano-British agricultural and pit digging activity"*.

Based on the results of the survey, it was concluded by the council's archaeologist that it is *"unlikely that any archaeology surviving within the proposed footprint would prove an overriding constraint to development"* and as such recommended that a planning condition be imposed on any planning permission granted to secure trial trench evaluation of the site. Therefore, no archaeological or heritage-based reasons for refusal are maintained.

Infrastructure and Planning Obligations: Wiltshire Council is a Community Infrastructure Levy (CIL) charging authority and therefore CIL would be charged on all CIL liable developments in accordance with the rates set out within the council's CIL Charging Schedule. Melksham falls within Charging Zone 2 where the CIL contribution is calculated at £55 per square metre for residential development including C2 and C3 uses and this charge would be calculated at any future reserved matters stage.

In addition, CP3 of the adopted WCS states that all new development would be required *“to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal”* which would be delivered directly by the developer and/or through a financial contribution.

Policy 8 of the made JMNP also requires *“infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be delivered through the Community Infrastructure Levy, planning conditions and section 106 agreements”*.

The below list contains a summary of some of the financial contributions that would be sought if planning permission was to be granted, through an agreed section 106 agreement:

Affordable Housing: The application site falls within the Melksham Community Area and therefore a 30% affordable housing contribution would need to be delivered in line with core policies CP43, CP45 and CP46 of the adopted WCS. Of the required 30% affordable housing, this would need to be divided into a mixed tenure of c.60% affordable rent and c.40% shared ownership, which would need to be reviewed and confirmed prior to any future reserved matters planning application. Following completion of the affordable housing units, these would need to be transferred to a registered provider approved by the council or to the council and would need to be secured through a section 106 agreement.

Education: Section 106 contributions would be required for early years (at £17522 per place), primary school (at £18758 per place) and secondary school (at £22940 per place) school places based on the final number of dwellings.

Health Care Provision: A contribution towards providing support due to the increase in capacity and health care provision, based on a calculation of the total number of dwellings (average of 2.3 persons per dwelling) and the 70 care home beds and a cost of c.£154.44 per patient.

Highways: Section 106 contributions would be required for: public transport provision, strategic transport infrastructure, local walking and cycling infrastructure and towards a Travel Plan.

Public Art: A contribution has been requested through a section 106 for contributions towards public art, based on a sum of c.£300 per dwelling, with no more than 10% of this figure to be expected to be spent upon the production of a public art plan.

Public Open Space: Contributions would be sought for securing on-site public open space, the LEAP, MUGA and allotments.

Waste: The following section 106 requirements would be required for this development:

Property type category	Contribution per house/per category
Individual house	£91
Bin store for block of 6-10 flats	£581
Bin store for block of 11-14 flats	£1,038
Bin store for block of 15-18 flats	£1,474

Based solely on the proposed 231 dwellings a figure of at least £21,021 would be required for waste and recycling facilities and provision.

The applicants have not agreed to a section 106 agreement but were informed in spring 2021 that the application would be refused. It is considered reasonable for the application to be refused based on the lack of a section 106 agreement. Officers appreciate that any draft section 106 agreement would require negotiation and would need to be submitted in any case as part of any subsequent appeal. Providing the necessary levels of contributions are agreed in accordance with CP3 and the necessary infrastructure provision secured, this reason for refusal could be withdrawn at appeal stage.

RECOMMENDATION: Refuse

Refusal Reason(s): (3)

- 1 The proposal is considered unacceptable with regard to the strategic and sustainable development principles enshrined within policies CP1, CP2 and CP15 of the Adopted Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan, and given that the site is located outside any defined limits of development and within an area which has a made neighbourhood plan (confirmed in July 2021) that allocates land for housing to satisfy local housing requirements, this application conflicts with the plan led approach to delivering new housing at the local community level, and it would be contrary to the sustainable development principles set out within the National Planning Policy Framework and specifically to the provision of new housing, this application conflicts with NPPF paragraph 14 in its entirety.
- 2 The applicant has not demonstrated that the proposal could satisfactorily accommodate the quantum of development proposed. The Indicative Proving Layout (drawing reference 7611-A-01 Rev C) fails to satisfactorily illustrate that as many as 231 dwellings and the construction of a 70-bed care home could fit on the site, whilst accounting for high quality standard of urban design (including, in particular, an appropriate mix of dwelling types that would adequately respond to local need as expressed in the 2017 Strategic Housing Market Assessment, tree-lined streets and sensitively integrated parking). Thus, the proposal is not considered to create a well-designed, beautiful new place as directed by the Framework and the applicant has not provided maximum clarity about design expectations. Therefore, the proposal does not ensure high quality design and place shaping and would be contrary to policies CP45 and CP57 of the Adopted Wiltshire Core Strategy, Policy 6 of the Joint Melksham Neighbourhood Plan, and to paragraphs 8b, 92, 126, 127, 130, 131, 132 and 134 of the National Planning Policy Framework.
- 3 The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. Such infrastructure shall include (but not be limited to) affordable housing, educational facilities, public art, health care provision, public open space, footpath and cycle infrastructure, sustainable public transport provision, strategic transport infrastructure, travel plan, waste collection. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, Policy 8 of the made Joint Melksham Neighbourhood Plan, and the National

Planning Policy Framework and specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

Informatives: (2)

As this proposal is in clear conflict with the policies of the development plan including the 'made' neighbourhood plan for the reasons set out above and previously discussed directly with the applicant, the applicant is advised that the Council believes that any appeal against this decision would have no reasonable prospect of succeeding. Accordingly, the applicant is advised that if an appeal is submitted, the Council would make an application for a full award of its costs incurred in dealing with the appeal, based on substantive grounds. The applicant's attention is drawn to paragraph 053 Ref ID: 16-053-20140306 in Planning Practice Guidance which sets out government guidance on this matter.

Please note that reason for refusal 3 cited above could be satisfactorily addressed via a UU/s106 agreement.

PL/2022/08504: Land South of Western Way, Melksham. Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space (Re-submission of 20/08400/OUT).

Discussed at Melksham Without Planning Committee Meeting on Monday, 19 December 2022

To object to this application and reiterate previous comments made under planning application 20/08400/OUT and to support the comments made by David Way, Spatial Planning Officer.

Reasons for objection:

- The site is outside the settlement boundary, which is against the Core Strategy and Policy 6 of Melksham's Neighbourhood Plan and therefore is not Plan led development.
- The loss of the rural buffer between Melksham and Bowerhill. Wiltshire's Core Strategy recognises the need to safeguard the rural buffer between Melksham/Bowerhill. Whilst Pathfinder Place is currently being constructed off Pathfinder Way, having already eroded the rural buffer between Melksham/Bowerhill, Members felt quite strongly this buffer should not be eroded even further. Below are the comments made in 2014 to Pathfinder Way application No: 14/04846:

"This is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements. This RURAL BUFFER has been safeguarded in successive local planning policies for 40 years and MUST BE RETAINED. There are other far more suitable sites for future housing provision at Melksham, particularly on the NE side to the north of A3102, where it could help facilitate further sections of an eastern bypass for the town and Beanacre which is a long-standing aspiration of the highway authority.

Building on these sites will mean Bowerhill and Melksham joining up, which the Bowerhill residents do not want. Bowerhill is a village with its own community. The emerging Core Strategy paragraph 5.80 states "it is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable". The still current West Wiltshire District Plan 1st Alteration 2004, shows half of the proposed development site as R5 New Recreation Space (see page 41 item 3. See also page 55 H1d – Proposals for Housing Development within Towns will be permitted providing they do not result in the loss of an open space, visual gap, important for recreation and amenity reasons. Further housing development outside of the urban area as defined by Town Policy limits will not be permitted during the Plan period. The same condition applies to the Village Policy limit- See page 82 H17d – will not result in the loss of and important open space or visual gap)".

The above points were reiterated again in 2016 to application No: 16/01223 for this site, along with the following statement:

The Core Strategy paragraph 5.83 (page 130) states “Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of this strategy. Therefore the housing growth identified for Melksham town will also serve to meet the needs of Bowerhill. **The identity of these separate communities will need to be preserved through the planning process.** It is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable”.

- Lack of sustainability. The site is not suitable for housing, due to its isolation from the rest of Bowerhill and Melksham town, as it is separated by the busy A365, which people will have to cross to access the town centre, GP services and education, especially if the proposed primary school adjacent to this site does not come on stream for some time.

The 2018 Site Assessment Report undertaken by AECOM as part of the current Neighbourhood Plan stated:

“Development of the site would extend the southern boundary of the built-up area of Melksham across Western Way. The site contributes to a green gap between Melksham and the village of Bowerhill. Whilst the approval of planning applications for up to 235 dwellings to the east of the site (16/01123/OUT), and 150 dwellings on land to the west of the site (16/00497/OUT) will remove land contributing to this green gap, and significantly changing the townscape and villagescape development at this location will further erode the separation of the settlements.

Significant residential development to the east and west of the site is likely to increase traffic along the Western Way, a key route through the Neighbourhood Plan area. This has the potential to impact on air quality. Additional development at this location is likely to increase these effects. There are also potential safety concerns as children will need to cross this road to reach the Aloeric Primary School to the north of the site.

From an ecological perspective, there is a row of semi-mature trees along the southern site boundary which might be suitable for protected species. This corridor connects to adjacent tree corridors and hedgerows, including a row of trees extending north/south through the centre of the site.”

- Whilst Wiltshire Council cannot currently prove a 5-year land supply, Members felt it important to note Melksham has met and exceeded its housing allocation for the period 2006-2026 for 2,370 houses by 17%. The Housing Site Allocations Plan adopted in February 2020 notes this fact and has not included a housing allocation for Melksham.

Melksham’s Neighbourhood Plan was made on 1 July 2021 and therefore meets

the eligibility for plan led development as per Paragraph 14 of the National Planning Policy Framework (NPPF).

- Concern was expressed at the impact extra traffic will have on the busy A365 Western Way and Pathfinder Way, as well as the impact vehicles waiting to turn right into the development, against traffic, will have on traffic flow, particularly during peak hours, as Pathfinder Way is the main entrance into Bowerhill for the residential area, for Bowerhill Primary School, the industrial estate and would impact considerably on the local bus route.
- It was felt future residents for the Pathfinder Place Taylor Wimpey site would be prejudiced by extra traffic, not previously envisaged, particularly residents of Maitland Place as this road would become a major through road.
- Development on the Western side of Pathfinder Way is designed with minimal housing, therefore, it was queried whether the road proposed would be of a standard to cope with potentially 400+ vehicles a day, including delivery vehicles associated with 210 homes and a 70 bed care home (with its staff, visitors and contractors) and the impact this would have on residents.
- Whilst there is provision for an emergency access off of the A365, it was unclear if this was for vehicles or just pedestrians. Members raised concern this would cause difficulties for emergency vehicles (particularly ambulances accessing the care home) who would have to navigate the estate road system.
- It was noted construction traffic would also have to use the current access off of Pathfinder Way which is currently under construction, creating difficulties for future residents and pupils/parents walking children to the proposed new primary school at the Pathfinder Place development.
- It was noted on the previous planning application, Highways had sent an objection letter due to the site's unsustainability.
- Concern was raised at the lack of school places, both primary and secondary. Whilst noting there are proposals to build a primary school on an adjacent site, the Parish Council would expect significant S106 contributions towards funding the primary school as a priority, as well as funding towards secondary education.

It is understood even with the recent extension at Melksham Oak Secondary School, the school is projected to be full by 2023.

- The nearest primary schools are Bowerhill Primary and Aloeric School. It is understood both are full. Members raised concern at pupils/parents having to cross the busy A365, to access Aloeric School in particular. Proposals for the new primary school at the adjacent development will most likely not be ready for occupants of this proposed development when they move in, with children often remaining at their current school and unlikely to change schools to the new one when first built.

In commenting on previous proposals for the site, the Education Department had responded to say they would object to the application, as there were no safe walking routes to school provision. Also the application would have generated 48 places secondary school places with only 36 available with regard to primary education there was no space capacity.

- The Council has serious concerns over the proposed development will have on the already overstretched GP surgeries in Melksham. This related in particular to the 70 bed care home and the impact of the increase in residents with complex needs will have.

The NHS in responding to the previous application for 240 dwellings and a 70 bed care home (20/08400/OUT) had stated they had no residual capacity within their current GP offer in Melksham.

- The Council would prefer to see this site allocated for employment use to allow for an expansion of Bowerhill Industrial Estate in order to create more jobs for local people. This is even more important given the impact of Covid 19 on employment opportunities both locally and nationally and since Cooper Tires has announced it will close its large town centre site at the end of 2023, with the loss of 350 jobs.
- If this application were to go ahead, Members felt quite strongly that properties should be set back from the road, to create a green buffer between this development the A365 and Melksham itself.
- Concern was raised at the loss of agricultural land.
- Some of the houses to the south of the proposed site will back onto Bowerhill Industrial Estate. There are concerns that in the future residents of the new housing will not be happy with the neighbouring businesses.
- Bowerhill has a satisfactory mix of housing types, but Melksham needs additional affordable family housing for local people. A Housing Needs Assessment has recently been undertaken as part of the Melksham Neighbourhood Plan Review, which highlights the need for affordable family home, and evidence for mix of type and tenure.
https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117_4c8411b64439472fbfcf8e856799e2c9.pdf

The Melksham area generally DOES NOT require any more housing which is likely to encourage people who will commute out of the area.

- The council has serious concerns regarding the ability of the current sewerage system to cope with a large new housing development. Wessex Water commented on 21 May, 2014 that “There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development (as proposed in the outline planning application W14/04846/OUT

for Pathfinder Place)”. Should this application be successful the Council wishes to endorse the foul water planning condition as requested by Wessex Water.

- Members felt it was important the stream to the Northern edge of the site should be retained and not filled in, along with hedging along the A365 and not 'scrubbed out' in order to gain access the to the stream.

If Wiltshire Council are minded to approve this application, Members asked if consideration could be given to the following:

- Significant contributions are made towards the provision of the adjacent Pathfinder Way primary school over and above the usual contributions towards education funding to ensure the school is built in a timely manner and towards secondary education.
- As access is via the adjacent development, consideration needs to be given to easier drop off/pick up routes for the proposed primary school. The Parish Council are aware of another primary school in a new development, located on a dead-end, which makes it difficult for people manoeuvring their vehicles and thereby holding up other traffic. The parish council have already asked Taylor Wimpey for some sort of provision to allow easier movement of vehicles during drop-off, pick-up times.
- Sound proofing be provided for those dwellings to the South to mitigate against any potential noise from the adjacent industrial units.
- Provision for equipment for teenagers in the recreational area away from the LEAP.
- The provision of bird, bat and bee bricks, reptile refugia and hibernacula within the development, in order to increase biodiversity.
- Provision of paved circular walks around the site with the inclusion of benches and bins.
- A new pre school at Bowerhill School
- A contribution towards improvements of QEII Diamond Jubilee Sports Field, Bowerhill
- A contribution towards enhancements of the MUGA at Hornchurch Road, Bowerhill
- The parish council to enter into negotiations for taking on the ownership and management of the equipped play areas.
- Pedestrian access to the site be provided off Western Way.

- Shared Spaces are delineated clearly i.e. different levels or different coloured paving, as this has caused conflict between pedestrians and vehicles in other new developments locally.
- The parish council welcome the footpath across the development to access the proposed Pathfinder school and insist that this must be lit to prevent the current issue at Forest & Sandridge school where this is being looked at retrospectively.

CASE OFFICER'S REPORT

Application Reference:	PL/2022/08504
Application Type:	Outline planning permission: Some matters reserved
Site Inspection:	
Consultation ends:	01 February 2023
Case officer:	Steven Sims

Site Address:	Land South of Western Way, Melksham, Wilts
Proposal:	Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space (Resubmission of 20/08400/OUT)
Recommendation:	Refuse

POLICIES

The adopted Wiltshire Core Strategy (WCS) 2015 - The relevant policies include: Core Policy 1 - Settlement Strategy; Core Policy 2 - Delivery Strategy; Core Policy 3 - Infrastructure Requirements; Core Policy 15 - Spatial Strategy - Melksham Community Area; Core Policy 43 - Providing Affordable Housing; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 46 - Meeting the Needs of Wiltshire's Vulnerable and Older People; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 52 - Green Infrastructure; Core Policy 57 - Ensuring High Quality Design and Place Shaping; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 60 - Sustainable transport; Core Policy 61 - Transport and Development; Core Policy 62 - Development Impacts on the Transport Network; Core Policy 64 - Demand Management; Core Policy 67 - Flood Risk

The 'made' Joint Melksham Neighbourhood Plan 2020 - 2026

West Wiltshire District Plan 1st Alteration 2004 'saved policies', with particular regard to: U1a Foul Water Disposal; I2 Arts; and I3 Access for Everyone

Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

Wiltshire Council's Waste Core Strategy, adopted July 2009

Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017

West Wiltshire Landscape Character Assessment, March 2007

Leisure and Recreation Development Plan Document, January 2009 - relevant policies including: LP4 - Providing Recreation Facilities in New Developments; LP5 - New Sport and Recreation Facilities; CR1 - Footpaths and Rights of Way; CR3 - Green Space Network; GM2 - Management and Maintenance of New or Enhanced Open Space; GM3 - Future Management Partnerships; and YP1 - Children's Play Areas

Wiltshire Council's Affordable Housing Supplementary Planning Document

Wiltshire Council's Housing Land Supply Statement, using base date April 2021, published in April 2022

Wiltshire Housing Site Allocations Plan, adopted 25 February 2020

Wiltshire Council's Open Space Provision in New Housing Developments: A Guide, Supplementary Planning Document, dated August 2004

National Planning Policy Framework (NPPF) 2021

National Planning Practice Guidance (NPPG)

RELEVANT PLANNING HISTORY

20/08400/OUT – Outline application (with all matters reserved except for access) for the erection of up to 231 residential dwellings (Class C3) and a 70 bed care home (Class C2) with associated access, landscaping and open space – Refused, for the following reasons -

1. The proposal is considered unacceptable with regard to the strategic and sustainable development principles enshrined within policies CP1, CP2 and CP15 of the Adopted Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan, and given that the site is located outside any defined limits of development and within an area which has a made neighbourhood plan (confirmed in July 2021) that allocates land for housing to satisfy local housing requirements, this application conflicts with the plan led approach to delivering new housing at the local community level, and it would be contrary to the sustainable development principles set out within the National Planning Policy Framework and specifically to the provision of new housing, this application conflicts with NPPF paragraph 14 in its entirety.
2. The applicant has not demonstrated that the proposal could satisfactorily accommodate the quantum of development proposed. The Indicative Proving Layout (drawing reference 7611-A-01 Rev C), fails to satisfactorily illustrate that as many as 231 dwellings and the construction of a 70-bed care home could fit on the site, whilst accounting for high quality standard of urban design (including, in particular, an appropriate mix of dwelling types that would adequately respond to local need as expressed in the 2017 Strategic Housing Market Assessment, tree-lined streets and sensitively integrated parking). Thus, the proposal is not considered to create a well

designed, beautiful new place as directed by the Framework and the applicant has not provided maximum clarity about design expectations. Therefore the proposal does not ensure high quality design and place shaping and would be contrary to policies CP45 and CP57 of the Adopted Wiltshire Core Strategy, Policy 6 of the Joint Melksham Neighbourhood Plan and to paragraphs 8b, 92, 126, 127, 130, 131, 132 and 134 of the National Planning Policy Framework.

3. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. Such infrastructure shall include (but not be limited to) affordable housing, educational facilities, public art, health care provision, public open space, footpath and cycle infrastructure, sustainable public transport provision, strategic transport infrastructure, travel plan, waste collection. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, Policy 8 of the made Joint Melksham Neighbourhood Plan, and the National Planning Policy Framework and specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

W/74/00789/HIS - Eighty bungalows - Refused

W/74/00822/HIS - Outline for 220 houses or bungalows - Refused

CONSULTATION RESPONSES

Melksham Without Parish Council: Object

'Discussed at Melksham Without Planning Committee Meeting on Monday, 19 December 2022. To object to this application and reiterate previous comments made under planning application 20/01938/OUT and to support the comments made by David Way, Spatial Planning Officer. Reasons for objection:

- The site is outside the settlement boundary, which is against the Core Strategy and Policy 6 of Melksham's Neighbourhood Plan and therefore is not Plan led development.
- The loss of the rural buffer between Melksham and Bowerhill. Wiltshire's Core Strategy recognises the need to safeguard the rural buffer between Melksham/Bowerhill. Whilst Pathfinder Place is currently being constructed off Pathfinder Way, having already eroded the rural buffer between Melksham/Bowerhill, Members felt quite strongly this buffer should not be eroded even further. Below are the comments made in 2014 to Pathfinder Way application No: 14/04846:

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where it could help facilitate further sections of an eastern bypass for the town and Beanacre which is a long-standing aspiration of the highway authority.

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The above points were reiterated again in 2016 to application No: 16/01223 for this site, along with the following statement:

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- The parish council welcome the footpath across the development to access the proposed Pathfinder school and insist that this must be lit to prevent the current issue at Forest & Sandridge school where this is being looked at retrospectively. ‘

Additional evidence to support the above comments was submitted dated 29/3/23 (Technical Facilitation Joint Melksham Neighbourhood Plan report dated March 2023)

Melksham Town Council: Object – ‘for reasons previously cited’

Spatial Planning: Not supported. In conclusion –

‘The proposal for up to 210 dwellings is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Joint Melksham Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework. This must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing

the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as a whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies. However, whilst the Council are currently unable to demonstrate a 5-year HLS, it can demonstrate a 3-year HLS and NPPF paragraph 14 is relevant with regards to the Joint Melksham Neighbourhood Plan with all four criteria being met. Therefore, for applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.'

Archaeology Officer: 'In my response to the original planning application (20/08400/OUT) I asked for the site to be made the subject of a geophysical survey. This survey was carried out in October 2020 and a report on the results was submitted to Wiltshire Council Archaeology Service (WCAS) that I reviewed and approved. Following discussions with the applicant's archaeological consultant, I agreed to a trial trench evaluation of the site to be secured via a condition to be attached to any planning permission that may be issued. I note that the application was denied and therefore the evaluation wasn't carried out.'

I would like to take this opportunity to reaffirm my view that a trial trench evaluation of the site is still required and that this work can be secured via a condition to be attached to any planning permission that may be granted.

If the applicant wishes to, I will welcome the commission of an evaluation prior to the determination of this application. This would establish the true archaeological potential of the site at an early stage and enable issues to be dealt with prior to the establishment of a masterplan, or even see archaeology scoped out of the application all together.'

Urban Design: No objection

'Recommendations

If the case officer is inclined to support further amendments in view of a potential approval, then I recommend the following minor amendments are done:

- i. The DAS should include a schedule showing the indicative mix of market and affordable that has been used to inform the sketch layout and determine the max. capacity.
- ii. Include a direct footway connection from POS in NE corner into existing POS to the east, as per pre-app plan.
- iii. Include a direct footway connection to the existing PROW west of the western edge (shown on DAS p25). Section 106 Funding may need to be secured for a small bridge over stream if necessary.
- iv. Show path along eastern boundary as shared cycle-ped path'

Landscape Officer: 'I would refer you to my previous comments on this scheme on ENQ/2022/01159 with regards to what I would like to see included on this development from a landscape perspective.'

Waste (Refuse & Management) Team: Support subject to s106 contributions of £101 per dwelling for a total of £21,210.00

Drainage Team: Support subject to conditions

Public Protection: Comments received

‘Operational Noise – I note the conclusions of the Noise Assessment which concludes that some mitigation is necessary to achieve target internal noise levels in bedrooms and living areas in accordance with relevant guidance. We would like to condition that the proposed appropriated specified glazing be approved by this office prior to development commencing.

Land Contamination – I note the conclusions of the comprehensive Geo-Environmental Phase 1 Desk Study which highlights a medium risk due to potential unexploded ordnance and proposes a more detailed study which is supported and I look forward to receiving more information in respect of this.

Odour impact assessment – The Geo-Environmental study referred to above raises an interesting point in that it highlights the presence of 40 Trade directory entry businesses located within 250m of the site boundary and a further 56 between 251m and 500m. Some of these are potentially odorous (Brewing, Car Body Repairs) and I also note the presence of a sewage treatment works approximately 400m to the SSW of the site. I note that a previous application on the site (20/08400/OUT) included an odour assessment which was satisfactory; if this has been resubmitted then fine, else I think it would be prudent to request an odour impact assessment be carried out to ensure there is no impact on the amenity of the proposed development.’

Conservation Officer: No comment

Public Open Space: No comments received

Arboricultural Officer: No comments received

Rights of Way Team: No comments received

Adult Services: No comments received

Education Team: In summary –

Early years contribution requirements – 25 spaces at £17,522 per space = £438,050

Primary contribution requirements – 27 new places at £18,758 per space = £506,466

Secondary contribution requirements – no requirement for a developer contribution

Housing Enabling Team: An indicative* tenure mix, and unit size breakdown (based on current demonstrable need and policy approaches) would be as follows:

Affordable Rent (60%) = 38 units
26% x 1 bed 2 person flats/in house-style /maisonettes** (10)
5% x 2 bed 4 person bungalows** (2)
35% x 2 bed 4 person houses (13)
26% x 3 bed 5 person houses (10)
5% x 4 bed 7 person houses (2)
3% x 5 bed 8 person house (1)

First Homes (25%) = 16 units
60% x 1 bed 2 person flats/in house-style maisonettes (10)
40% x 2 bed 4 person houses (6)

Shared Ownership (15%) = 9 units
56% x 2 bed 4 person houses (5)
44% x 3 bed 5 person houses (4)

*The indicative tenure mix details above would need to be reviewed and confirmed prior to the submission of any Reserved Matters planning application.

** These adapted units should be provided as 5 x Ground Floor Affordable Rented 1 bed 2 person Maisonettes and 2 x 2 bed 4 person Bungalows built to the required standards and provided with a level access shower in order to be wheelchair accessible

With reference to the proposed 70 bed residential care home: Core Policy 46 sets out details regarding the provision of new housing to meet the specific needs of vulnerable and older people and promote, wherever practicable, independent living. We can advise that, if the care scheme proposes the provision of any self-contained retirement apartments to be sold or let on the open market, then the Affordable Housing policies would apply to those units and an Affordable Housing contribution of 30% should be sought. If the scheme proposed is a Residential Nursing/Care home (C2) i.e. containing ensuite bedrooms rather than independent living units, the Affordable Housing policy would not apply to it; however, the Council's Adult Care colleagues should be consulted to provide comments regarding the location/need/design etc.

Ecology Officer: No objection subject to conditions

Highways Officer: No comments received

Wessex Water: 'Part of the site falls within the odour consultation zone for the Bowerhill sewage treatment works. The previous application (20/08400/OUT) was supported by an odour assessment by MEC dated June 2021 which demonstrated that proposed dwellings would be sited outside the high risk contour. On the proviso that buildings and amenities sensitive to odour nuisance do not encroach any further west/southwest than the previous application and remain outside the agreed odour buffer zone in the MEC report, we are satisfied odour risk affecting residents amenity has been properly considered.

Existing 250mm Foul Rising Main Crossing Site

There is a 250mm foul rising main crossing the site. There must be no building within 5m either side of this pressurised foul main and no tree planting within 6m, as Wessex water require unrestricted access to repair and maintain the public foul network. The rising main must remain within open access areas or roads.

We understand that at this stage that the applicant's intention is for the affected foul rising mains to be left in situ and an open access rising main corridor incorporated in to the masterplan, in consultation with Wessex Water. The line of the rising main must be accurately located and marked on site and on development drawings. The rising main should be shown on the masterplan with the corresponding offset 5m either side of the pipe so that we can clearly determine that satisfactory offsets are observed with no obstruction along the 10 metre access corridor.

The site shall be served by separate systems of drainage:

Foul Sewerage We can accept foul only flows from this development in to the public sewer system. There is a 375mm

- public sewer recorded to the southwest of the site which flows directly to the sewage treatment works. This would be an acceptable point of discharge. Developers fund the cost of connecting to the nearest public sewer on a 'size for size' basis and
- Wessex Water will undertake any necessary capacity improvements. The costs of any network improvements to accommodate granted development are met by Wessex Water, in accordance with our infrastructure charging arrangements.

Surface Water Sewerage

Surface water to be disposed of in accordance with Suds Hierarchy and NPPF Guidelines and directed to local land drainage systems. The FRA (Brookbanks 23.09.2022) states that: Surface water from the development will be

- discharged into the ditch that forms the eastern boundary of the site, before flowing into the northern channel. The development drainage system will manage storm water by way of a SuDS management train and ensure peak discharges from the developed land is not increase from the appraised baseline rates. The system will also provide to maintain the quality of water discharged from the development. The surface water strategy and discharge rate from the site must be agreed with the Wiltshire
- drainage team as the Lead Local Flood Authority.
- Surface water disposal to the foul sewer is not permitted.

If the intention is to offer elements of the drainage scheme up for adoption the applicant will need to consult with the local development team

development.north@wessexwater.co.uk to ensure compliance under the new adoption codes and to formally commence the S104 adoption process.

Alternatively, the developer may wish to consider New Appointments and Variations (NAVs) for their drainage arrangements. The NAV Market enables developers and large business customers to choose their water and sewerage undertaker for a specific geographic area. For developers wishing to consider an alternative supplier or seeking

further information, a full list of appointees and further guidance can be found on the Ofwat website. For NAV wishing to seek an appointment in the Wessex Water Region, please read our policy document on how we will support you in your application. More details and information can be found on our developer services web pages. New appointments and variations

Water Supply

The nearest public water mains appear to be in the Bowerhill Industrial estate to the south, but access does not appear viable in this direction. Water mains to the north are further away and will require longer offsite connecting mains along Western Way, either to the west or east. We can provide a water supply from the water network with new water mains laid in to the site under a S41 / self lay application. For the development and flow rates anticipated we would expect a minimum 125mm pipe. This will require modelling and further liaison with the developer regarding layout and phasing to best understand how we can supply the development and a 180mm connection may prove necessary upon detailed review of the point of connection.

Developers fund the cost of connecting to the water network on a size for size basis and Wessex Water fund any necessary reinforcement from infrastructure charges income. The costs of any off-site improvements to supply permitted development would be met by Wessex Water, in accordance with our infrastructure charging arrangements

These comments are based upon known circumstances prevailing at the time of writing. A review of the contents of this email is required where 18 months or more have elapsed since issue, or in the light of significant changes likely to impact on our response such as development numbers or phasing. Please email review requests to planning.liaison@wessexwater.co.uk

Police Liaison Officer: No comments received

NHS Wiltshire: No comments received

Environment Agency: No objection subject to conditions

National Highways: No objection

'The application is seeking outline approval for a residential development comprising up to 210 dwellings with associated works to the south of Melksham. We understand that the proposals represent speculative development and do not form part of an allocation within the adopted Wiltshire Local Plan. The application is a resubmission of proposals previously considered under application reference 20/08400/OUT for up to 240 dwellings, but which was subsequently refused by the planning authority.

Of primary concern to National Highways is the ongoing safe and efficient operation of the strategic road network, which in this case comprises the M4 motorway and A36 trunk road, located some distance to the north and west respectively of the proposed

development site, but with connections to it via the A350 and a number of other local highway routes.

The application is supported by an updated transport assessment (TA) prepared by Jubb. The trip rates are unchanged from the previously submitted TA and, as previously stated, National Highways does not accept the trip rates applied, considering them to be lower than those accepted more recently for similar development sites elsewhere. However, having undertaken our own assessment of trip generation applying higher rates we accept the difference is marginal.

The TA has again provided no assessment of SRN impacts but, given the distance between the site and the SRN, and the likely dispersal of trips across the intervening local highway network, we consider that the impact on any particular SRN junction is unlikely to be significant. We are therefore satisfied that the development is unlikely to result in an unacceptable or severe impact (in safety or capacity terms) on the safe and efficient operation of the SRN, in accordance with the requirements of the NPPF and DfT Circular 02/2013.'

REPRESENTATIONS

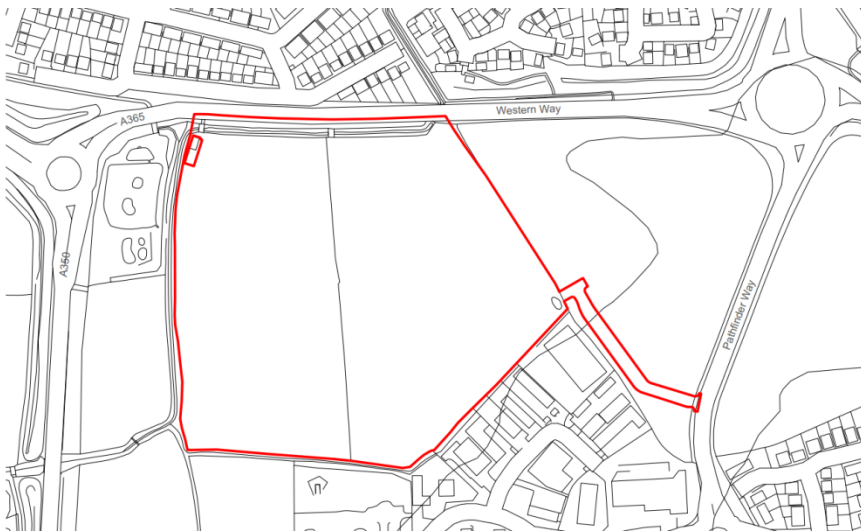
50 representations have been received providing the following comments -

- Adverse impact on Green Belt
- Increased noise pollution
- Air quality will suffer
- Increased traffic in area/along Maitland Place
- Increased demand on health services
- One access route not acceptable for size of development
- Junction of Pathfinder Way and Maitland Place is too small/busy
- Nearby Wessex Water pond attracts birds
- Lack of existing infrastructure
- Loss of green/open space
- Harm to local wildlife
- Lack of dwellings for disabled people
- Adverse impact on house prices
- More swift boxes needed
- Access road/ Maitland Place and junction are not wide enough for the potential increase in the volume of traffic/construction traffic
- Vehicle access should be off Western Way
- Poor on road parking in area
- Highway safety issues
- Development is not part of Wiltshire Council's Core Strategy
- Site is outside of the Settlement Framework Boundary
- Site should remain a green buffer
- Nursing home supported but not the housing
- Poor train service in area

ASSESSMENT

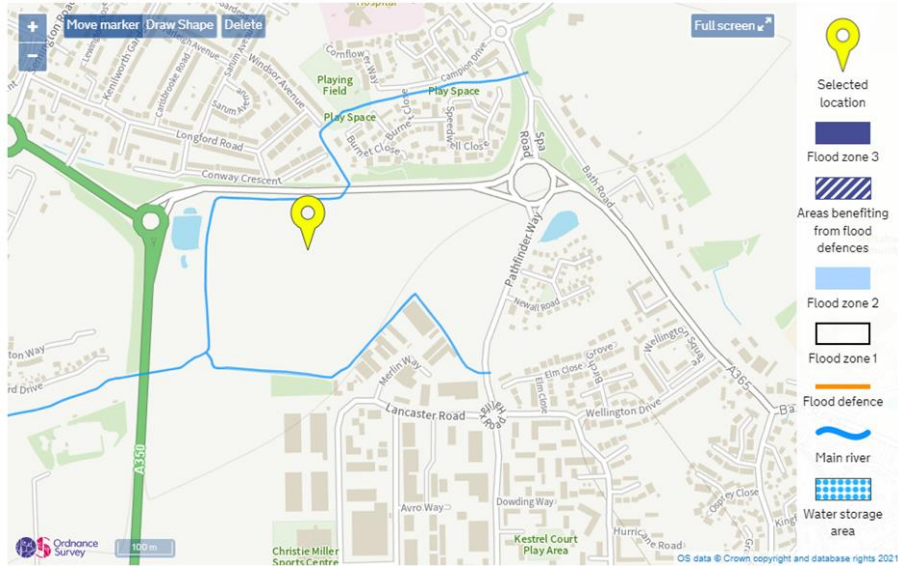
The Site

The application site is located immediately south of the Western Way (the A365) road to the south of Melksham and north of the Bowerhill Industrial Estate. To the east, residential development is currently under construction following the approval of 16/01123/OUT and associated reserved matter applications 17/06285/REM and 18/04477/REM which consented up to 235 dwellings and a primary school. The application site comprises an agricultural field of predominately Grade 3 (good to moderate quality) agricultural land measuring c.10.9 hectares in size.



Location plan

The site is bounded by established hedgerows on all four sides and contains an existing telecommunications mast in the north-west corner, which would remain in situ. The site is also located to the east of the existing attenuation ponds associated with the A350. A public right of way (PRoW), reference MELW42, is located close to the western boundary of the application site. A river shown to be a 'statutory main river' on the Environment Agency's online 'flood map for planning', is located along the northern, southern and western boundaries of the site (refer to extract provided below taken from the Flood Map for Planning website). The site however is located entirely in Flood Zone 1 but is susceptible to surface water flooding along its north, west and south boundaries.



Flood map for planning

The Application

This application is seeking outline planning permission, with all matters reserved except access, for the construction of up to 210 houses (Class C3) and a 70-bed care home (Class C2). The proposed access to serve the site would be via a previously approved access through the neighbouring Pathfinder Place development to the east (as approved under application reference 16/01123/OUT and the subsequent reserved matters applications). The proposal also includes the provision of public open spaces to the north of the site, including a multi-use games area (MUGA) and allotments and a local equipped area for play (LEAP) in the centre of the site.



Proposed master plan (indicative only)

Principle of Development: Housing

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). In this regard, the Settlement Strategy is set out in WCS Core Policy 1. Melksham and Bowerhill, where this site is located, is defined in Core Policy 1 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 2 sets out the Delivery Strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development. Development proposals outside these defined limits would not be supported, except in certain specified circumstances set out in paragraph 4.25 of the WCS; none of these exceptions apply in this case. The policy goes on to emphasise the point that these limits of development may only be altered through the identification of sites for development through subsequent Site Allocations DPDs and neighbourhood plans. This site has not been allocated either through a Site Allocations DPD or neighbourhood plan. Emerging policy i.e. the Wiltshire Local Plan Review, is still in the

early stages of preparation and no decisions on potential housing site allocations at Melksham and Bowerhill have been made at this stage.

The limits of development applying to Melksham and Bowerhill have been comprehensively reviewed through the Wiltshire Housing Site Allocations Plan (WHSAP), which was adopted in February 2020. In other locations across Wiltshire, certain neighbourhood plans have reviewed their own limits of development in accordance with Core Policy 2, however this does not apply to Melksham and Bowerhill. The development site lies outside of the revised limits of development for Melksham and Bowerhill and therefore the presumption in favour of sustainable development set out in Core Policy 2 does not apply.

Also of relevance to the consideration of this proposal is WCS Core Policy 15 which deals specifically with the Melksham Community Area. This policy anticipates that approximately 2,240 new homes will be delivered at Melksham and Bowerhill over the plan period 2006 to 2026. The latest Housing Land Supply Statement, published in April 2022, shows that 2,634 homes have either been completed or are developable commitments. This is an exceedance of 118% of the requirement, with completions likely to have increased further since the report's base date of April 2021, with several large permissions either completed or being built out. As such, this proposal to deliver a further up to 210 dwellings and a 70-bed care home at Melksham and Bowerhill would exceed the planned level of supply even further. This is a significant increase with three years of the Plan period remaining, with possible detrimental effects on the spatial strategy, as Melksham delivers increased levels of housing to make up for a lack of delivery in other areas, notably in Chippenham and Trowbridge, without significant accompanying infrastructure. WCS paragraph 5.83 specifically refers to the need for residential growth in Melksham to contribute towards delivering improved infrastructure, as well as contributing towards town centre regeneration. There is also a need to increase the capacity of GP surgeries and strategic road infrastructure in Melksham.

The Joint Melksham Neighbourhood Plan 2020-2026 was 'made' in July 2021 and now forms part of the development plan. Its policies should be given full weight when assessing these proposals. NPPF paragraph 14 is currently relevant with all four criteria being met. This means that for applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Neighbourhood plan Policy 6 – Housing in Defined Settlements, Policy 7 – Allocation of land at Middle Farm, Whitley and Policy 8 – Infrastructure Phasing and Priorities are especially relevant to this application. The neighbourhood plan did not make any housing site allocations at Melksham and Bowerhill since the relevant housing requirement has been significantly exceeded.

In terms of the Wiltshire Local Plan Review (LPR), the Council have consulted on LPR Regulation 18 draft proposals in early 2021. A Regulation 19 pre-submission draft is likely to be published for consultation in 2023. The LPR is therefore still at an early stage of development. The Regulation 18 draft proposals list a total of 17 sites at

Melksham which need to go through a site selection process before any decisions are made on potential site allocations in the plan.

The proposal for up to 210 dwellings is not supported in principle as it would not accord with the strategy and pattern of development anticipated by the WCS and Joint Melksham Neighbourhood Plan. Therefore, from a strategic policy perspective, the proposal would not constitute sustainable development and thereby also conflict with the principle aims of the National Planning Policy Framework.

This must be set against other material considerations, the most pertinent of which is the current housing land supply position. Whilst the Council are unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as a whole, and any material considerations, on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies

However, whilst the Council are currently unable to demonstrate a 5-year HLS, it can demonstrate a 3-year HLS and NPPF paragraph 14 is relevant with regards to the Joint Melksham Neighbourhood Plan with all four of the criteria listed here being met:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years

It is the opinion of the council that all four criteria of paragraph 14 are met in this instance, and as such, for planning proposals that involve the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. The made JMNP includes two policies relating to new development in the Melksham community area, with Policy 6 supporting sustainable development and new housing within the defined settlements of the neighbourhood plan area and any proposals outside of the limits of development would not be permitted unless the proposals comply with Core Policy 2 of the adopted WCS or other policies in the WCS.

Policy 7 of the JMNP relates specifically to the allocated site at Middle Farm in Whitley for the development of the c.1.6-hectare site for c.18 dwellings. The current proposal is in direct conflict with policies 6 and 7 of the JMNP and would undermine the community-led neighbourhood plan process, by proposing unplanned development outside the settlement boundary for Melksham and Bowerhill.

Furthermore, in accordance with criterion c) of paragraph 14 this application must be assessed against a three-year supply of deliverable housing sites, in light of the 'made' neighbourhood plan. It is clear from the evidence provided in the latest HLSS that the council can meet this requirement. In allowing this development to be approved, it would undermine the delivery of the 'made' neighbourhood plan and the localism agenda of central government to enable local communities to influence and shape their local area.

Principle of Development: Care Home Provision

Core Policy 46 of the WCS seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of specialist accommodation, such as extra-care housing. The policy supports the provision of sufficient new accommodation for Wiltshire's older people outside, but adjacent to, Market Towns, in exceptional circumstances, subject to certain criteria being met. These criteria include:

- a genuine, and evidenced, need is justified
- environmental and landscape considerations will not be compromised
- facilities and services are accessible from the site
- its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement.

The applicants planning statement para 7.27 states 'In addition, the potential delivery of a residential care home (Class C2) as part of the site would assist in providing a more diverse housing mix and will address a specific type of accommodation the need for which continues to grow across the District.' However it is considered minimal information has been submitted with regards the need for the proposed care home and whether it is justified in the location proposed.

Five-Year Housing Land Supply

The NPPF, within the context of a presumption in favour of sustainable development, aims to significantly boost the supply of housing. It requires local planning authorities to identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing land supply. The NPPF makes it clear that, where this cannot be demonstrated, the most important policies for determining the application are considered to be out-of-date, and planning permission should be granted unless:

- i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Council's current 5-year housing land supply position is as follows: the latest published HLSS (April 2022) shows that the Council does not currently have a 5-year deliverable housing supply in the Wiltshire LPA (the Council's strategic housing policies are now over five years old and, under the provisions of NPPF paragraph 73, the requirement to be used in the 5-year housing land supply calculation is now the Local

Housing Need which is set out at a district level). The current position in the latest HLSS shows a 4.72-year supply.

It should be noted that:

- i) although the Wiltshire Core Strategy (WCS) is over 5 years old, this does not render the plan out-of-date⁴ and is still the starting point for determining planning applications.
- ii) the current Local Housing Need figure is very similar to the sum of the housing requirements for the three HMAs in the adopted policies of the WCS. This indicates that the housing requirement in the WCS continues to effectively represent the current housing need for Wiltshire.

Paragraph 11 (d) and footnote 8 of the NPPF state that where an LPA cannot demonstrate a 5YHLS of deliverable sites, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date. As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') should be applied and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations on a case-by-case basis. This will need to include consideration of what weight to assign to the most important policies.

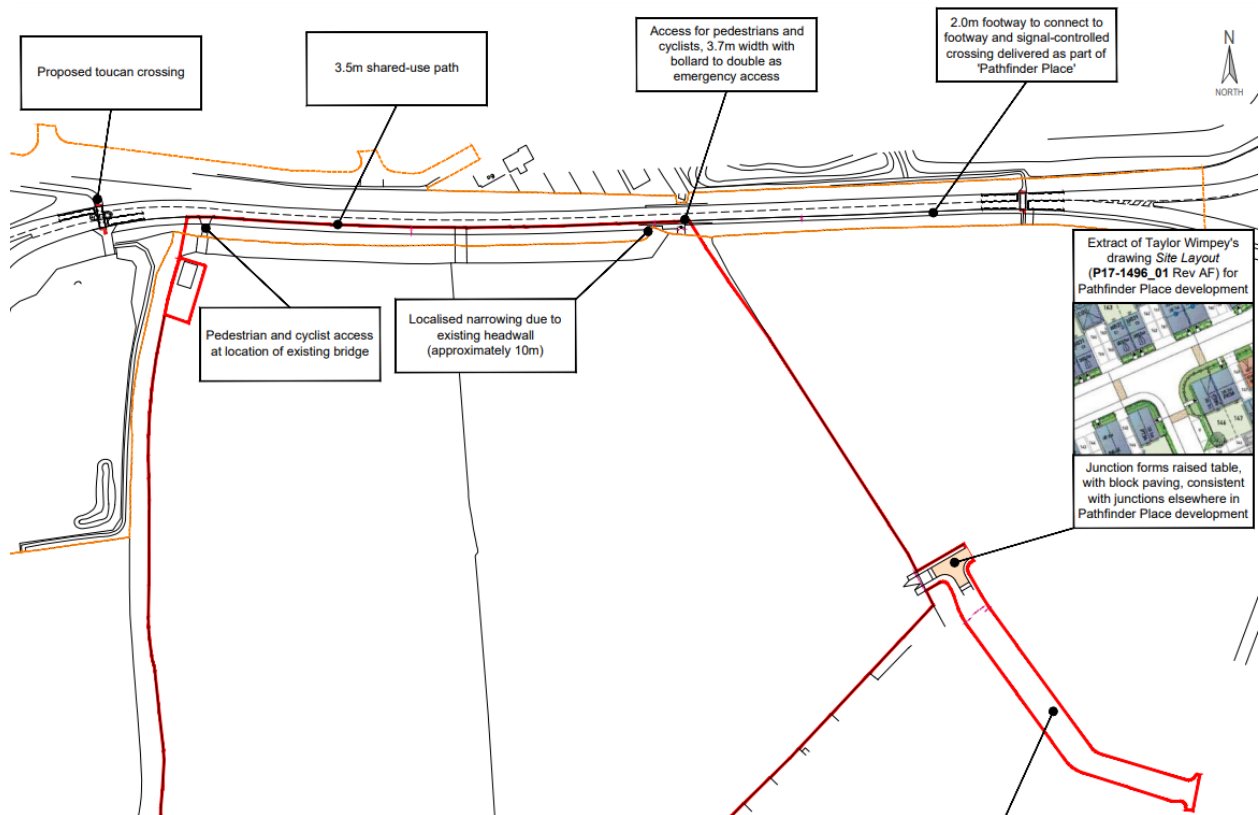
The extent of the 5-year housing land supply shortfall and the potential for the proposal to deliver housing in the current 5-year period to help remedy the current shortfall should also be taken into account in the balancing exercise. As stated earlier, NPPF paragraph 14, which refers to adverse impacts of allowing housing development that conflicts with a neighbourhood plan, is relevant in this case as the Joint Melksham Neighbourhood Plan was 'made' in July 2021. All four criteria of paragraph 14 are met, as confirmed in appeal decision APP/Y3940/W/21/3285428 (Land West of Semington Road, Melksham) where the Inspector stated (paragraph 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.*' Therefore for applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits

Highways Issues

Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be "*located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives*". CP61 also requires in criterion ii that proposals would be "*capable of being served by safe access to the highway network*". In addition,

CP64 requires adherence to residential parking standards. In addition to the abovementioned policies, paragraph 111 of the Framework states that developments “should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

This application is seeking outline planning permission, with all matters reserved except access. The application is also accompanied by a Transport Assessment dated November 2022 which concludes a safe and suitable access can be provided to and from the site for all users. Vehicle access to the site would utilize the existing Maitland Place junction as detailed in the plan below. The development proposal would include a new footway/shared use path along the northern boundary of the site and southern side of the A365. The footway would connect the site with the footpath to the northwest (that connects the A365 with the A350 to the north of the A350/A365 roundabout). The scheme also includes upgrading the existing crossing (a refuge crossing) to a toucan crossing. In addition a new path is proposed along the southern side of the A365 that links the site with Pathfinder Way to the west and the signal-controlled crossing delivered as part of 'Pathfinder Place' development. An emergency access is proposed onto the A365 to the northeast of the site.



Plan detailing new foot/cycle paths along southern side of A365 Western Way and site access onto Pathfinder Way (drg no. 19 rev P3)



Photo of proposed access point off Maitland Place

Although no comments have been received from the council's highway team it is noted the council's highways department did not raise any objections on highway safety grounds within their submitted representation on the formation of a new access under application 20/08400/OUT. The current scheme proposes the same access arrangements as application 20/08400/OUT. In addition the highways team raised no objections in terms of any capacity issues or cumulative impacts on the proposed road network, through the construction of 231 dwellings associated with application 20/08400/OUT. As such it is considered the current scheme cannot be refused on highway safety grounds, as an unacceptable impact on highway safety has not been identified and therefore the proposal is not considered to conflict with criterion ii of CP61 of the adopted WCS or paragraph 111 of the Framework.



Layout of proposed access off Maitland Place

Layout, Density, Design and Visual Impacts:

Core Policy 45 of the adopted WCS requires *"new housing, both market and affordable, must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities"*. Criterion ii of Policy 6 of the made JMNP also requires *"a suitable mix of house types, sizes and tenures"* to be informed by and to address the current housing needs for Melksham and Bowerhill. In addition to the above policy, Core Policy 57 of the adopted WCS requires a *"high standard of design"* for all new developments. This policy requires developments to *"create a strong sense of place through drawing on the local context and being complementary to the locality"* with applications being accompanied by appropriate information to demonstrate how the proposal would *"make a positive contribution to the character of Wiltshire"* and sets out a list of criteria that proposals for new development must comply with.

Policy 18 of the made JMNP also requires proposals to *"contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of Melksham and Melksham Without"* and requires proposals for major development to *"demonstrate through a masterplan how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without's settlements and landscape, both historic and topographic"*.

In addition paragraph 126 of the Framework states *"creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"*. Paragraph 130 of the Framework sets out a series of criteria which planning policies and decisions should ensure developments

create, including being of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, creating a strong sense of place and creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

This outline application is seeking consent for the construction of up to 210 new dwellings, with a mixture of market dwellings and affordable dwellings, equating to 147 market dwellings and 63 affordable dwellings. This proposal also includes the construction of a 70-bed care home. This outline application has been accompanied by an illustrative masterplan (drg no. 3200A), density plan (drawing no. 4020C), a scale parameter plan (drg no. 4030C) and a landscape parameter plan (drg no. 4050C) to illustrate the indicative layout for the proposed development. A Design and Access Statement has also been submitted with the suite of documents.

No housing schedule has been provided however paragraph 5.7 of the Planning Statement advises *'The exact housing mix will be determined at the detailed stage, but it is expected that the development will include a range of house types to allow for a wide demographic and a mix of new homes. The proposals will deliver a policy compliant (30%) level of affordable housing for those unable to access housing on the open market.'* Paragraph 5.8 goes on to state *'House types will be based upon 1-5 bedroom properties and are expected to include, terrace, semidetached and detached houses with private gardens and parking space.'*

The councils housing enabling team have requested the following housing mix with regards affordable dwelling provision –

Affordable Rent (60%) = 38 units
26% x 1 bed 2 person flats/in house-style /maisonettes (10)
5% x 2 bed 4 person bungalows (2)
35% x 2 bed 4 person houses (13)
26% x 3 bed 5 person houses (10)
5% x 4 bed 7 person houses (2)
3% x 5 bed 8 person house (1)

First Homes (25%) = 16 units
60% x 1 bed 2 person flats/in house-style maisonettes (10)
40% x 2 bed 4 person houses (6)

Shared Ownership (15%) = 9 units
56% x 2 bed 4 person houses (5)
44% x 3 bed 5 person houses (4)

This would be secured by legal agreement on any approval.

Proposed green infrastructure for the site would comprise approximately 3.77 hectares of land and include retained hedgerows and habitats, publicly accessible open space to include a LEAP and MUGA, a community orchard / allotments, sustainable drainage features, connections to adjacent public rights of way, and new walking and cycling routes. The majority of the existing hedgerows and trees on site are to be retained and bolstered by further planting where appropriate. The scheme would include the creation of an attenuation pond in the north western part of the site to attenuate surface water discharge that arises from the development. Appropriate grassland mixes and native planting will be introduced to enhance biodiversity. Informal landscaping would be provided along the boundaries of the development as well as a north to south green corridor. It should be noted however that appearance, landscaping, layout and the scale of the development are matters reserved for a decision at a later date and therefore the submitted details are indicative only.

Loss of Agricultural Land

The application site comprises largely of arable farmland which the council's mapping system identifies as predominately Grade 3, with an area classed as 'urban' to the north. Natural England's Agricultural Land Classification (ALC) defines Grade 3 land as 'good to moderate quality agricultural land', which has *"moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2"*.

Paragraph 174 of the Framework requires planning policies and decisions to contribute to and enhance natural and local environments and includes in criterion b): *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

The Framework defines 'best and most versatile agricultural land' (BMV) as land that is considered to fall within grades 1, 2 and 3a of the ALC. The submitted Ecological Appraisal (dated February 2023) considers this site to be predominately low-value agricultural land, with the proposal seeking to provide a net gain in biodiversity for habitats of c.10% and hedgerows of near/y 14.7% (p39). It is therefore considered that the quality of the agricultural land is limited and therefore would not represent BMV agricultural land, which has greater protection within the Framework.

Amenity Issues and Living Conditions for Future Occupiers

Core Policy 57 requires in criteria vii for developments to have *"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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*. Paragraph

130 of the Framework also requires planning policies and decisions to ensure developments have *"a high standard of amenity for existing and future users"*.

This application seeks outline planning permission only at this stage; however the illustrative masterplan demonstrates that the site is capable of being developed with acceptable property separation and having a clear plan on how to avoid detrimentally affecting the amenities of adjacent residents. Concern has been raised with regards the proximity of proposed development to the Bowerhill Industrial Estate to the south of the site. Although indicative only the proposed layout does indicate a vegetated boundary with proposed tree planting to the south of the site, providing separation between the proposed dwellings and the industrial estate. The proposed indicative plan also shows a landscaped area in the southwestern corner of the application site that would provide a buffer between the application site and the Bowerhill Sewage Treatment Works located approx. 150 metres to the southwest of the site.

However, as this application is seeking outline planning permission with access being the only matter to be considered, aspects relating to layout and landscaping cannot be fully considered as part of this current application and no specific details relating to these matters have been provided for officers appraisal and approved. Final design details, layout and landscaping are matters to be covered and appraised as part of a future reserved matters application.

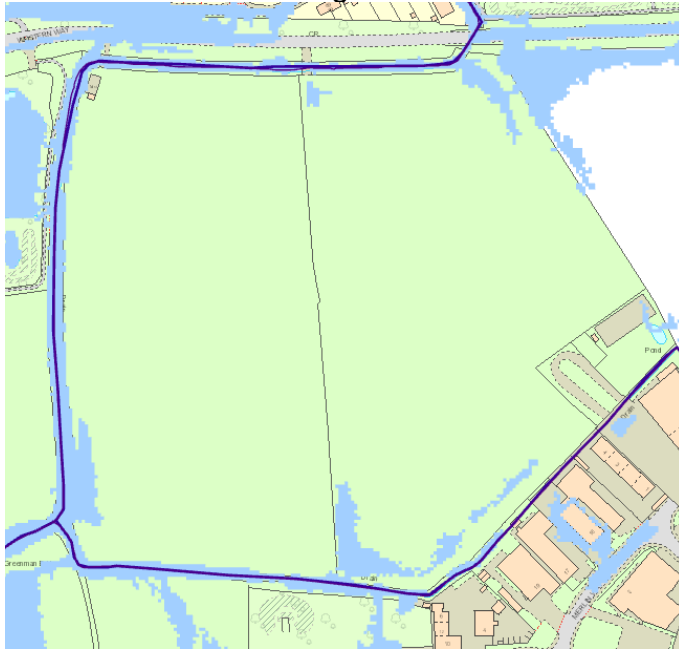
There is potential for the proposed development to impact the amenity of local residents during the construction phase of the development. However details of methods to minimise and control disturbance to neighbouring occupiers and the environment during the construction phase of the development could be addressed through the submission of a construction management plan, which should be requested by a planning condition on any planning permission granted.

Drainage and Flood Risk

Core Policy 67 of the adopted WCS outlines that all new development should 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. Policy 3 of the 'made' JMNP requires proposals for major development to include the *"provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking"*. Paragraph 167 of the Framework requires local planning authorities when determining any planning applications to *"ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment"*.

The site subject to this application is located entirely within flood zone 1 (low probability of flooding), with a main river bordering the site to the north, west and east. Aspects of the application site are also subject to surface water flooding as illustrated on the below extract taken from the council's mapping system, which depicts the main river by the

dark blue line, with the areas coloured with lighter blue shading illustrating areas at risk of surface water flooding:



Surface water flooding plan

The application is accompanied by a Flood Risk Assessment (FRA). The proposed surface water drainage strategy would include a network of swales connecting to an attenuation basin that would be located in the north-west corner of the site. The proposed basin would be designed to discharge into the existing watercourse that runs along the northern and western boundaries. The basin would be designed to store surface water based on a 1 in 100-year event plus 45% climate change. Subject to conditions there are no objections to the scheme from the council's drainage team.

Ecology Issues

Core Policy 50 of the adopted WCS requires development proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*. All developments are also required to seek opportunities to enhance biodiversity with proposals for major development required to include *“measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”*. Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by *“.....establishing coherent ecological networks that are more resilient to current and future pressures”* in paragraph 174d.

The application is accompanied by an Ecological Appraisal dated February 2023. The proposed development would result in the loss of an existing greenfield, however existing hedgerows and trees are scheduled for retention, with the proposed landscaping scheme providing a buffer that would enhance the existing habitats. The on-site trees that have been surveyed as part of the ecological appraisal are considered to have low bat roost potential. The site does however contain suitable bird nesting and foraging habitat and Greater Crested Newts (GCN) are considered present in adjacent water bodies. The submitted ecology appraisal also confirms that there would be sufficient space within the site for reptiles to be sensitively managed and translocated should any construction works commence.

The current site consists of largely of two arable fields, separated by a native hedgerow and bounded by further hedgerows and narrow strips of species poor semi-improved grassland and scattered scrub. All hedgerows and trees, and the more valuable habitats, are scheduled for retention. The submitted ecological appraisal concluded that the proposal would provide a net gain of approx. 10% for habitats and 14.7% for hedgerows. The proposal can therefore demonstrate that net gains for biodiversity would be achievable. There are no objections to the scheme from the council's ecology officer.

Archaeology and Heritage Impacts

Core Policy 58 of the adopted WCS requires development proposals to *"protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance"*.

It is considered giving the distance in separation between the application site to the closest designated heritage asset, the Grade II listed Bowerhill Farmhouse located some 424 metres east from the site subject to this outline application, and the presence of intervening developments, that 'no harm' would be caused to its significance or setting.

The application is accompanied by a Historic Environment Desk-Based Assessment dated July 2020. The assessment concluded that the application site has a *"moderate potential to contain finds and features from the Bronze Age, Iron Age and Roman periods, although the potential for settlement features from these periods is considered low"* and recommended that a geophysical survey was carried out. Accordingly the council's archaeologist has requested a condition that secures a trial trench evaluation of the site should the application proceed in order to establish the true archaeological potential of the site.

Infrastructure and Planning Obligations

Core Policy 3 of the adopted WCS states that all new development would be required *"to provide for necessary on-site and, where appropriate, off-site infrastructure"*

requirements arising from the proposal” which would be delivered directly by the developer and/or through a financial contribution. Policy 8 of the made JMNP also requires “infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be delivered through the Community Infrastructure Levy, planning conditions and section106 agreements”.

The following s106 contributions have been identified by internal consultees and are considered to be reasonable, necessary and directly related to the development, should planning permission be granted. The council's Affordable Housing team have requested an on-site affordable housing requirement of 30% affordable homes with a tenure split of 60% affordable rented homes and 40% shared ownership homes. The council's education team have requested funding towards early years provision and primary education. There would be a requirement for a contribution towards waste and recycling containers. Section 106 contributions would also be required for public transport provision, strategic transport infrastructure, local walking and cycling infrastructure and towards a Travel Plan (as requested under application 20/08400/OUT). In addition a management company would need to be established to maintain the public open spaces to be provided.

It is considered reasonable for the application to be refused based on the lack of a section 106 agreement. Officers appreciate that any draft section 106 agreement would require negotiation and would need to be submitted in any case as part of any subsequent appeal. Providing the necessary levels of contributions are agreed in accordance with CP3 and the necessary infrastructure provision secured, this reason for refusal could be withdrawn at appeal stage.

CONCLUSION (THE PLANNING BALANCE)

As discussed above, the council accepts that at present it cannot demonstrate a 5-year housing land supply and it is acknowledged that the adopted WCS is now more than five years old. As such, paragraph 11(d) of the Framework requires, where the policies that are most important in determining an application to be out-of-date, the application should be approved unless either criterion i) the site is in a protected area or ii) the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, apply – known as the ‘tilted balance’. It is important to mention that although the adopted WCS is over 5 years old, the council maintains that the WCS still maintains a significant plan led role in determining planning applications, to ensure development is built in the most sustainable locations.

In applying the tilted balance in this instance, the council opposes the construction of up to 210 dwellings and a 70-bed care home at this particular site, which is located outside the defined settlement boundaries for Melksham and Bowerhill. The site has not been identified as a suitable site for future residential development within the recently ‘made’ neighbourhood plan or within the Wiltshire Housing Site Allocations Plan, and the council argues that the proposal would lead to adverse impacts as it would not constitute sustainable development and would fail to follow the appropriate plan led

approach to delivering new housing. The council submits that the principle of residential development would be in clear conflict with policies CP1, CP2 and CP15 of the WCS and when tested against the Framework, the site would not represent sustainable development.

In allowing a substantial residential development on this site, it would be in direct conflict with the 'made' JMNP and would contravene the appropriate plan-led approach to sustainable development. The council can demonstrate a land housing supply of at least three years (and this matter has not been disputed by the applicant) as required by paragraph 14 of the Framework as the made neighbourhood plan is less than two years old and allocates a site for housing. Therefore, allowing this unplanned site to come forward for residential development, when all criteria of paragraph 14 can be satisfied, would undermine the neighbourhood planning process and would significantly and demonstrably outweigh its benefits in delivering a community-led approach to shaping local communities. The proposal is therefore not supported in principle and would not constitute sustainable development, thereby is in direct conflict with the strategic policies of the adopted WCS, policies 6 and 7 of the made JMNP and the aims of the Framework.

RECOMMENDATION: Refuse, for the following reasons -

1. The proposal is considered unacceptable with regard to the strategic and sustainable development principles enshrined within policies CP1, CP2 and CP15 of the Adopted Wiltshire Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan, and given that the site is located outside any defined limits of development and within an area which has a made neighbourhood plan (confirmed in July 2021) that allocates land for housing to satisfy local housing requirements, this application conflicts with the plan led approach to delivering new housing at the local community level, and it would be contrary to the sustainable development principles set out within the National Planning Policy Framework and specifically to the provision of new housing, this application conflicts with NPPF paragraph 14 in its entirety.
2. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. Such infrastructure shall include (but not be limited to) affordable housing, educational facilities, public art, health care provision, public open space, footpath and cycle infrastructure, sustainable public transport provision, strategic transport infrastructure, travel plan, waste collection. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, Policy 8 of the made Joint Melksham Neighbourhood Plan, and the National Planning Policy Framework and specifically the central social and environment sustainable development objectives enshrined within paragraph 8.

INFORMATIVES TO APPLICANT

1. Please note that reason for refusal 2 cited above could be satisfactorily addressed via a s106 agreement.

**EXTRACT FROM LOCAL PLAN – PLANNING FOR MELKSHAM DOCUMENT
LAND SOUTH OF WESTERN WAY**

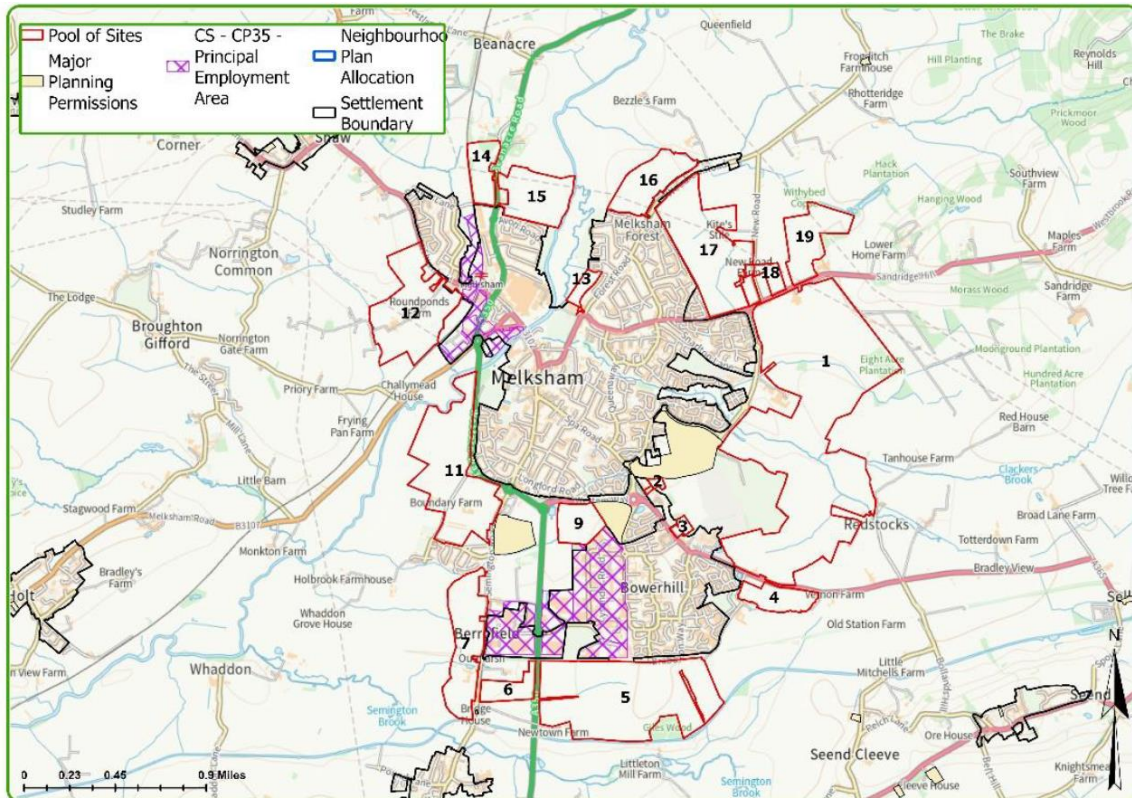


Figure 6. The pool of sites for sustainability appraisal at Melksham.

However, Site 9 has been subject to a recent planning application that was refused. The proposal was considered unacceptable with regard to the strategic and sustainable development principles enshrined within policies CP1, CP2 and CP15 of the Adopted Wiltshire

Core Strategy and Policy 6 of the Joint Melksham Neighbourhood Plan, and given that the site is located outside any defined limits of development and within an area which has a made neighbourhood plan (confirmed in July 2021) that allocates land for housing to satisfy local housing requirements, this application conflicts with the plan led approach to delivering new housing at the local community level, and it would be contrary to the sustainable development principles set out within the National Planning Policy Framework and specifically to the provision of new housing, this application conflicts with NPPF paragraph 14 in its entirety. The site is therefore removed at this stage as it will be considered by the Planning Inspectorate in due course.

Teresa Strange

From: Teresa Strange
Sent: 27 July 2023 10:01
To: Seed, Jonathon
Cc: O'Donoghue, Ruaridh; Luke Webb
Subject: RE: PL/2023/00808 - Land west of Semington Road, Melksham

Dear All

Thank you for progressing with this, I will report it back to the parish council, but In the meantime want to thank everyone involved for working towards this common ground.

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

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From: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>
Sent: 27 July 2023 09:43
To: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Luke Webb <lwebb@livingspacehousing.co.uk>
Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: Re: PL/2023/00808 - Land west of Semington Road, Melksham

Dear Ruaridh,

On the basis of this correspondence I wish to withdraw my call in for this application.

Thank you for your help.

Jonathon

Jonathon Seed
Wiltshire Councillor for Melksham Without West and Rural
Chairman, Melksham Area Board

From: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>
Sent: Thursday, July 27, 2023 9:13:34 AM
To: Luke Webb <lwebb@livingspacehousing.co.uk>
Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Teresa Strange <clerk@melkshamwithout.co.uk>
Subject: RE: PL/2023/00808 - Land west of Semington Road, Melksham

Dear Luke,

Having reviewed the s106 myself I am also content that a deed of variance will not be required for the Council to spend the money on improvements to walking routes to the nearby schools that will serve this development.

Kind regards,

Ruaridh O'Donoghue BA (Hons) MA TP
Senior Planning Officer
Development Management

Wiltshire Council

Tel: 01225 716761
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Web: www.wiltshire.gov.uk
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From: Luke Webb <lwebb@livingspacehousing.co.uk>
Sent: Thursday, July 27, 2023 9:11 AM
To: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>
Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Teresa Strange <clerk@melkshamwithout.co.uk>
Subject: PL/2023/00808 - Land west of Semington Road, Melksham

Morning Ruaridh,

I have just had a very positive call with Cllr Jonathon Seed about the current application. He is keen to see the Highways Contribution go towards local improvements, and I very much support this view. The current wording of the s106 states:

*means the sum of £70,000.00 (seventy thousand pounds) (levied at £1,400.00 (one thousand four hundred pounds) per Residential Unit within the Development) (or such other amount should less than 50 Residential Units be approved pursuant to the Reserved Matters Application calculated at £1,400.00 (one thousand four hundred pounds) per Residential Unit) **towards the improvement of pedestrian accessibility in the vicinity of the Development.***

As you will be aware, the payment is due to be made pre-commencement and I therefore support the money being spent toward local footpath improvements and suggest Highways work closely with Cllr Seed and the Parish to achieve this. There is no need for a variation to this deed given the current wording.

Following the receipt of this email, Cllr Seed will be removing the request for the call-in.

I would like to thank all parties who have pushed this scheme along and I hope we can now progress towards determination.

Kind regards,
Luke Webb MRTPI
Senior Planning Manager

T: 0121 752 3726
M: 07399250872
E: lwebb@livingspacehousing.co.uk

Hayfield House, Arlestone Way, Shirley, Solihull, B90 4LH



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Lorraine McRandle

Subject: FW: Blackmore Farm

From: Way, David <David.Way@wiltshire.gov.uk>
Sent: Monday, August 7, 2023 9:38:55 AM
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: RE: Blackmore Farm

Hi Teresa,

I hope you're keeping well. Hoping the weather improves a bit this week...

You can send in additional comments if you want to. Maybe contact the case officer Steve Sims to ask if this is acceptable? I don't know what the decision will be on the Blackmore Farm application and can't speculate on that. But I expect there will be an acknowledgement in the officers report that the Reg 19 draft Plan has been approved through Full Council, that there is a site allocation at Blackmore Farm, but that the application isn't for the same site area and doesn't meet the requirements of the draft allocation. It's also the case that the Local Plan is still at a relatively early stage of preparation and so doesn't attract great weight at this stage.

David.

David Way
Senior Planning Officer
Spatial Planning

Wiltshire Council

Tel: 01225 718458
Email: david.way@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Friday, August 4, 2023 12:00 PM
To: Way, David <David.Way@wiltshire.gov.uk>
Subject: Blackmore Farm

Hi David

A quick question for you.....

Now that the Blackmore Farm site is allocated in the draft Local Plan, what happens to the planning application for there?

Not sure what the process is? Does it stay regardless? Do WC refuse as not in line with the application?

I am sure I will be asked at our next planning meeting, so thought I would see what the answer is!

Or do we send in further comments to the applicaiton relating to the Local Plan?

So many questions 😊

Many thanks, Teresa

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

Teresa Strange
Clerk & Responsible Financial Officer
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Want to keep in touch?
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On twitter: @melkshamwithout
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EXTRACT FROM PLANNING COMMITTEE MINUTES 17 APRIL 2023 RE

PL/2023/01949: Land at Blackmore Farm, Sandridge Common. 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 hub (class E/class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate development of the site (access only). Applicant Gleeson Land

Councillor Wood raised a concern how this site would fit in with Wiltshire Council's Local Plan which had not yet been issued and asked the Clerk to explain the status of the current planning policy context

The Clerk explained that Melksham and Melksham Without currently has a made Neighbourhood Plan (July 2021) which covers the period up to 2026. It also had additional protection under the National Planning Policy Framework (NPPF paragraph 14) that if Wiltshire Council could not prove a 5-year housing land supply, meaning they did not have visibility of housing coming through to prove development was plan led, the Neighbourhood Plan provided protection for 2 years until July 2023. Even if Wiltshire Council could only prove a 3-year housing land supply the presumption in favour of speculative development could be turned down because it is not in a plan.

It was also noted that the Local Plan Review would allocate houses up to 2038 and was expected to be published in Q3 2023. Therefore, Wiltshire Council's current 'plan' (Core Strategy) was considered by developers to be out of date, even though it went up to 2026. Through previous consultation, it was understood Wiltshire Council were looking to allocate a housing figure of c2,500 for the up to 2038 in the Local Plan for the Melksham & Bowerhill area, therefore, there was a plan for plan led development.

Following recent consultation by the Government, it is proposed to make changes to the National Planning Policy Framework (NPPF), which is planned to come into force soon (Spring 23), which is understood would remove the requirement for local authorities to prove a 5-year land supply, in addition the paragraph 14 protection is proposed to be extended from 2 to 5 years.

It was noted a pre application meeting had recently taken place with Catesby Estates regarding an adjacent site with proposals for c300 dwellings, with the developers openly admitting they were looking to submit a planning application shortly, as they saw a window of opportunity with the Neighbourhood Plan's current protection about to run out in July and the Local Plan Review not being published as yet.

Whilst the Spatial Planning Officer had not yet submitted their report, their initial thoughts were that the Neighbourhood Plan still had its paragraph 14 protection, therefore the application should be turned down as it is not plan led.

Councillor Wood felt it was important to understand the Government had set housing targets for local authorities to adhere to, with it being understood via the Local Plan Review that Melksham would be allocated a housing figure of c2,000-2,500 dwellings, hence there would be significant development in Melksham moving

forward. However, both the Parish and Town Council as part of the Neighbourhood Plan, were of the view that piecemeal applications lead to incoherent building and did not allow for strategic planning such as education and medical facilities etc.

Comments: 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 hoggins.
 - 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

- 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.

Land East of Melksham

Concept Plan

NB. ALL AREAS ARE APPROXIMATE!

	Boundary	41.3 Ha
	Residential*	11.5 Ha = 425 homes @ 37dph(average)
	16m Bus Street	2.75Ha (~1720m)
	Employment	5.0 Ha
	Local centre*	1.0 Ha
	Primary school	2.0 Ha
	Nursery	0.4 Ha
	(Total	22.65 Ha)
	Remaining GI	18.7 Ha (45% gross area)
	Indicative SUDs	1.0 Ha (~4% of dev. area)

* there is potential for some additional dwellings above Ground Floor

* inc. 21 plots (5%) self build (~0.84 Ha@25dph)

	Vehicular Access
	Foot/Cycle access
	Existing PROW/bridleway
	Proposed diversion
	Proposed main street / Bus route
	Indicative Melksham Bypass corridor

NOTE

This Framework Plan demonstrates the area of land which has been assessed to have potential for development, based on the known site constraints and Core Policy requirements.

The design concept assumes a landscape-led approach, i.e. conserving natural features and creation of multi-use green infrastructure.

The exact location & shape of different land uses may vary, although divergence from what has been indicated is expected to be limited by constraints imposed by the site's natural features and Policy requirements to conserve and enhance them.

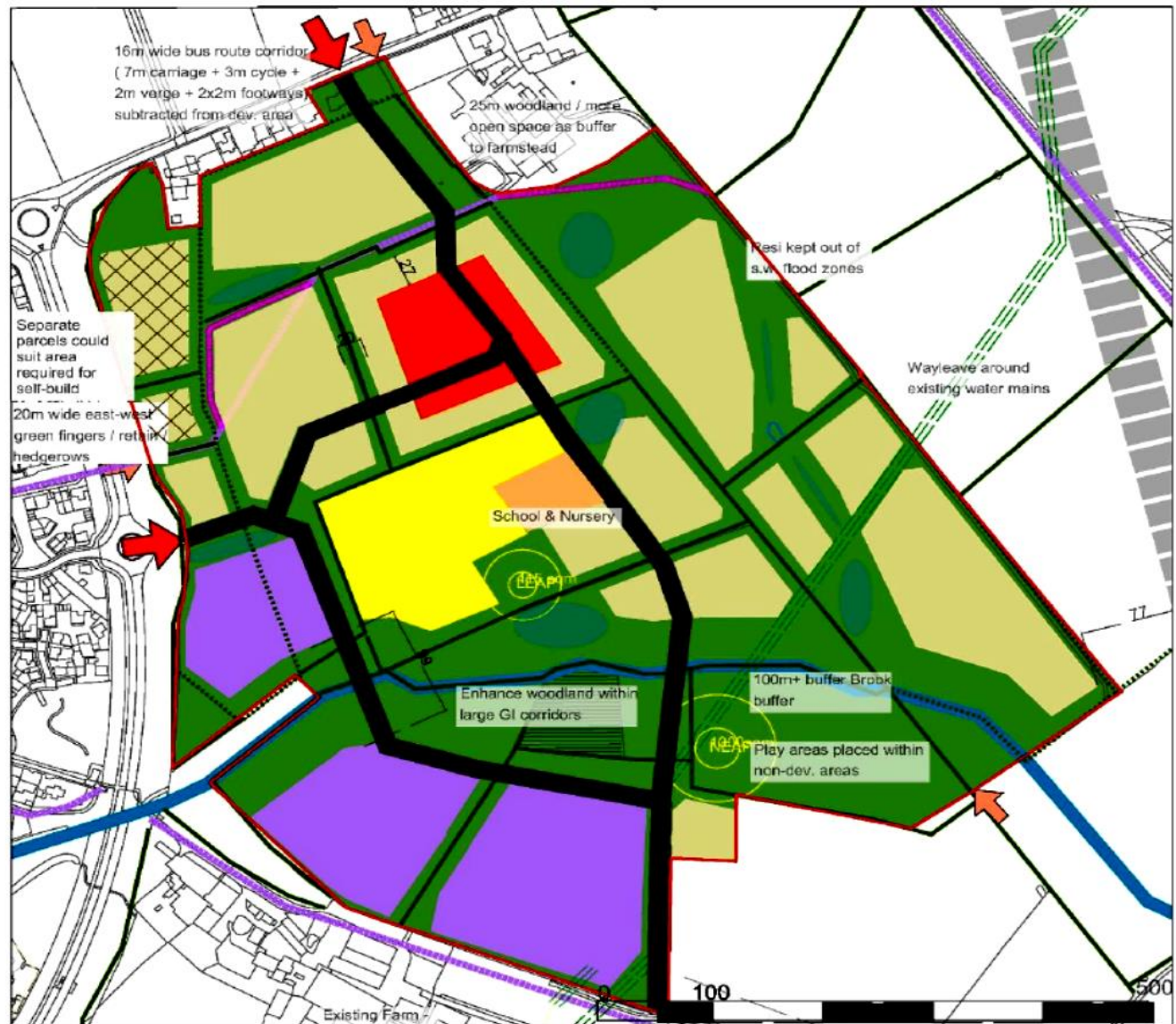


Figure 7. Concept plan for Land east of Melksham

Site 1: Land to the east of Melksham

Use	Scale/Area
Residential	Approximately 425 dwellings
Employment	5.0 ha
Education	2.0 ha (2 FE primary school) to include 60 early years places

Retail/Service	Local centre
Green space	Approximately 19ha
<p>Vehicular access is possible from both Eastern Way and A3102 Sandridge Common</p> <p>Greenspace would include a range of children’s play areas, public open space and allotments.</p>	

The main role of the site is to provide additional homes and land for employment over the plan period. There will be a variety of dwelling types, including a significant proportion of affordable homes.

It is intended that approximately 425 additional homes and 5 ha of employment will be delivered in the development.

This number of homes on Site 1 creates a new neighbourhood of the town that should include a local centre to include services and facilities to serve them. A small retail element in the local centre would provide convenience without undermining the primary role of the town centre.

Evidence shows that this scale of development will create a shortfall in nursery and primary school places. Land for new nursery provision of around 100 places and land for provision of a new 2FE primary school with 60 early years places is necessary within the development to enable development to go ahead. This may be situated at the local centre and/or co-located with new employment land. The primary school is required to not only support this development but also new residential development on Site 17 'Land north of A3102'.

Land for an extension to secondary school provision has been secured at the town and contributions will be required towards additional secondary school places.

An aim of the Plan is also to provide opportunities for business. This site will provide 5ha of employment land, separate to existing industrial estates and with easy access onto Eastern Way. There is an ongoing high demand for employment land in the town and few available sites. This will help broaden the town's economic base and accord with PSPs.

The site is reasonably well connected to the town centre; approximately 1.6km for walking and cycling and there are already regular bus services (Frome Bus 14 & 15) running along Eastern Way which provide a Melksham town circulatory service. However, a development of this size may also be served by a dedicated bus route. A mobility hub will be required, including bus

EXTRACT FROM LOCAL PLAN – PLANNING FOR MELKSHAM DOCUMENT - RE SITE 1

and cycle infrastructure provision. Residents would be able to easily visit the town centre through sustainable transport modes, which would help to increase footfall and boost local trade. The proposals support Place Shaping Priorities for town centre regeneration, provision of employment, provision of educational facilities to meet the needs of the development and delivering improvements to the town's green and blue infrastructure network.

Green and blue infrastructure will need to be provided through the development, that incorporates new and existing woodland and protect and enhances existing hedgerows and hedgerow/field trees. Water infrastructure that runs through the site will need to be safeguarded with appropriate buffers to allow for access and maintenance.

Lower density development will be required in the east of the site to prevent coalescence with and retain the rural character and separate identity of outlying rural settlements.

Evidence establishes potential for a range of negative effects that will be mitigated as follows:

- A number of tributary watercourses flow through the site. Significant buffers should be provided to these to create GI corridors and assist net gain for biodiversity. Protection, maintenance and enhancement should be provided for habitats such as hedgerows, trees and water features within and along the boundaries of the site alongside other ecologically valuable habitat/features. Appropriate mitigation and compensation for protected species, such as great crested newts.
- All development can be located within Flood Zone 1 but a more detailed Flood Risk Assessment will ensure there is no flood risk to the site and that development of this site will not exacerbate flood risk elsewhere
- Water infrastructure running through the site will need safeguarding through appropriate buffers to allow for access and maintenance.
- It is possible that significant off-site water infrastructure reinforcement will be required. Melksham has been identified by Wessex Water as a settlement which might encounter issues with water pumping stations if a site to the east of Melksham is brought forward for development
- The site is in close proximity to a multi-use games area (MUGA) – Melksham Football and Rugby Club. Developer will need to carry out a noise impact assessment in order to determine whether any noise impacts are likely to be significant
- The site has some medium to high value archaeological features including the former medieval settlement of Snarlton. Further investigation is likely needed across the site

during a planning application process to identify the extent and significance of potential remains

- Development could impact on the Grade II Listed Blackmore Farmhouse. Significant buffers are likely to be required to maintain the setting of the farmstead
- Green and blue infrastructure through the development that incorporate new and existing woodland and protect and enhances existing hedgerows and hedgerow/field trees.
- Development should be lower density in the east of the site to prevent coalescence with and retain the rural character and separate identity of outlying rural settlements.
- A mobility hub, including bus and cycle infrastructure provision.

How the site may be developed is shown on the draft framework plan below. This illustrates one treatment of the site that meets mitigation requirements and the homes, open space, access and other uses envisaged.

Broad Locations for Growth

The plan commits to planning for a longer-term pattern of growth for the town. This would include consideration of a significant urban extension. Further work will define where and what scale, type, mix and form of development it may deliver, enabling a lengthy lead in to identify and Plan for the co-ordination of major infrastructure and extensive community engagement to shape their form. They are intended to be delivered toward the end of the plan period and beyond its end date.



Date: Wednesday 7th June 2023

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)

Officers

Teresa Strange (MWPC)

Linda Roberts (MTC)

Task Group Members

Councillor Mark Harris

Councillor Alan Baines

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 to the meeting and that the meeting was being recorded and published on YouTube until the minutes were approved.

2. To note apologies

Apologies were received from Chris Holden.

3. Declarations of Interests

There were no declarations of interest.

4. Public Participation

One member of the public was present virtually who wished to listen but not participate.

5. To approve agenda item 7a)ii) to be held in closed session due to confidentiality (still draft plans/thoughts)

Due to the confidential nature of business to be transacted, it was asked if item 7a)ii) regarding site selection could be held in closed session.

Resolved: For item 7a)ii) to be held in closed session and that members of the Housing Task Group present remain for this part of the meeting.

6. To agree Minutes of Meeting held on 3rd May 2023

Proposed by Councillor Glover, seconded by John Hamley, and **RESOLVED UNANIMOUSLY** to approve, and for the Chair to sign, the minutes of the Steering Group meeting held on 3rd May 2023.

7. Programme Update

ai) Confirmed dates for Local Plan Review

The Local Plan is going to WC cabinet for ratification on 11th July 2023.

a ii) Ongoing Site Assessment work

In closed session.

b) Progress against Programme

Vaughan gave an update on progress against the programme. Overarching progress has been made. Target for Regulation 14 is beginning of September and this is obtainable. First iteration of NP2 is before the committee. Reg 14 plan by end June or early July. Approval by MTC and MWPC needs to be woven in before Reg 14 consultation. Vaughan suggested late July.

Some critical external influences to get to Reg 14. In hands of WC. Essential to see Reg 19 plan. When selecting housing sites need crystalised target and site strategy. Important WC hits target of 11 July cabinet.

Need to talk to owners of sites to confirm availability for when we get to recommended suite of allocation.

SEA underway. Once site allocation work finished final piece of SEA can be undertaken. AECOM can undertake work within 3-4 weeks.

Habitat Regulation Assessment. To ensure plan has considered environmental effect on nationally significant environments like Bat Pathways or European Protected Environments like parts of the river Avon. Assessment done previously with no effects. Needs to be rerun where there have been material changes. Done by WC and could take 3-4 months. Vaughan of the opinion can be started but does not need to be completed before Reg 14. If anything comes up would need to be dealt with in NP2 but is low risk.

In short, on schedule to allow Reg 14 process in September, save for the HRA.

8. Plan Drafting:

Draft plugged into Desktop published version of plan. Changes made to bits of text that relate to NP1 or refer to things that NP2 intends to do. Some policies have crystallised. eg sustainability and green gap. Some more subtle, eg heritage assets and heritage policy.

Vaughan requested feedback on “significant factual stuff”. New policy cannot be added at this point. Mistakes in spelling, typos and mis-named locations would be helpful. Submit via the portal or email to Teresa, who has already added some suggestions made by email.

Priority Statements being driven by other organisations Teresa has done work obtaining views on bypass and canal. Some revisions have been corrected.

Page 71 Councillor Pafford pointed out paragraph about Campus should be removed as it is out of date Campus now open.

Page 32, Policy 1. Sustainable Design. “For major applications, applicants are encouraged to use appropriate sustainability” Chris Holden asks can the words major applications be removed.

Approved as requested.

Priority Statement 1. Proposed bypass. Comments made by Mark Blackham. Steve Wilson has confirmed statement does not conflict with WC policy. Mark Blackham felt the bypass was used to support the argument for housing and housing to support the argument for the bypass. Councillor Pafford stated figures for housing came from Government to WC and were not affected by the bypass. Shirley McCarthy and Mark Blackham commented on the narrow support from MTC and MWPC. Councillor Pafford stated both councils passed resolutions which became policy but councils not committed to supporting main proposal. Housing Needs Assessment shows housing is necessary.

Priority Statement 3. Wilts & Berks Canal Restoration. Paul Lenaerts suggested the first paragraph should read. “The Town and Parish Council continue to support the safeguarding of the future route for the restoration of the Wilts & Berks canal and its connection to the Kennet & Avon canal and the national canal network. The opening of a fully restored waterway will provide significant economic, environmental and social benefits to Melksham”

Approved as requested.

Priority Statement 2. Levels of Growth and Infrastructure. After discussion on employment, GP surgeries and the letter from local GP’s regarding capacity, and inward and outward commuting. Teresa suggested that a new sentence be inserted replacing the words “primary and secondary school places” with wording about employment.

It was proposed by Councillor Glover, seconded by Councillor Sankey, and **RESOLVED** that a sentence be added about employment with the final wording to be decided by Vaughan, Teresa and Linda.

Local Green Spaces and Heritage Assets.

Additional sites added. The committee noted the updates on green spaces and heritage assets.

9. Evidence documents

a) Town Centre Masterplan.

Councillor Pafford noted there were still some typos in the Town Centre Master Plan. Teresa confirmed it can go back to AECOM on this.

Proposed by Councillor Glover, seconded by Councillor Aves and **RESOLVED** to approve adoption of Town Centre Master Plan to enable AECOM to send to Locality for sign off.

Linda confirmed the Town Centre Masterplan would go to Melksham Town Council Economic Development and Planning Committee for approval on 20 June 2023.

b) Design Code

Proposed by Councillor Pafford, seconded by Councillor Glover and **RESOLVED** to use generic photographs of good and not so good practice.

The following points were raised about the Design Code.

DP – notes a reference to figure 23 and the next page the photograph is figure 75 and that this occurs throughout the text.

SM – Reservations about Point 2.7 advocating speed cushions or bumps which are shown to increase pollution. Queried what raised tables were. JG gave an explanation.

SM – Not as much as should be about retrofit cycle storage.

SM – Hedgehog gaps in fencing and walls should be mentioned.

SM – Inconsistent in reference to PV and solar thermal.

SM – No explanation that best solution for cooling is to design building to allow through draft.

SM – Pg 193. Omit reference to biomass as a contentious issue.

SM – Pg 193. “Opportunities for the use of the same technologies in existing buildings, when undergoing refurbishment, will also be expected”. Too passive and low key. Should emphasize that it is a really good idea.

SM – Pg 193. No reference to water source heat pumps.

MB – Pg 193. PV and solar panels are the same thing. Should be PV and Solar Thermal.

JG – There will always be something new coming along. Should refer to emerging technology.

SM – Reference to say most air source heat pumps can be used in reverse. Most installations in England, air source heat pumps that can be reversed in this way are not capable of doing it yet. AECOM to be asked to check.

SM – Pg 187. Re-use of water obtained by SuDs. An idea that needs “bigging up”

SM to supply full list to Teresa to be typed and circulated for approval by email.

SM – Overall, needs stronger wording about what we don't want to see in the future, such as 60's type development.

DP - Wording is sufficient in the code to allow council to say such development would not meet criteria.

SM – Does the code provide a barrier to another massive corrugated warehouse and is there a desire to stop such a development.

DP – Trying to push positive design and build attributes. If an application is made that does not meet the criteria council can respond accordingly.

LR – On way back from Cambridgeshire, warehouses in shades of blue and white to blend in. This was discussed and generally considered a good idea.

Pg 238 – Correspondence from AECON regarding what requested changes had and hadn't been made, and the reasons why was noted.

Proposed by Councillor Pafford, seconded by Shirley McCarthy and **RESOLVED** to adopt the Design Code once amendments discussed have been made.

10. Finance:

a) Teresa gave an explanation of the invoice and asked the committee to note that there would be a budget overspend.

It was proposed by Councillor Pafford, seconded by Councillor Glover and **RESOLVED** to approve the invoice for work by Place.

b) Teresa explained the application for further Site Assessment Technical Support for 2023/24 which was noted.

11. To approve the revised *Terms of Reference* as approved by both qualifying bodies

Item deferred.

12. Next Meeting of Steering Group

Next meeting on Wednesday 26 July at 6pm.

There was discussion after the last scheduled agenda item regarding advertising for Reg 14 consultation. It was agreed that Councillor Pafford, Councillor. Councillor Ellis, Teresa Strange and Linda Roberts meet to work on advertising material to be approved at the next meeting.

The meeting closed at 8.24pm

signed.....
Chair, 26 July 2023



Melksham Neighbourhood Plan

Steering Group Meeting

Date: Wednesday 26 July 2023
Start: 6.30 pm

Present:

Steering Group Members Present

Councillor Alan Baines (substitute MWPC)
Councillor Richard Wood (substitute MWPC)
Councillor Graham Ellis, Vice Chair (MTC)
Councillor Pat Aves (MTC)
Chris Holden (Melksham Community Area Partnership)
John Hamley (MTUG)
Shirley McCarthy (Environment)

Officers

Teresa Strange (MWPC)
Linda Roberts (MTC)
Lorraine McRandle (MWPC)

Task Group Members:

Councillor Mark Harris (MPWC)
Councillor Sue Mortimer (MTC)

Planning Consultants:

Vaughan Thompson (Place Studio)

Via Zoom: One member of public

MTC	Melksham Town Council
MWPC	Melksham Without Parish Council
WC	Wiltshire Council
MTUG	Melksham Transport User Group

MINUTES

1. Welcome & Housekeeping

As Councillor David Pafford was away, Councillor Ellis took the chair and welcomed everyone to the meeting reminding those present of the fire evacuation procedure for the building. As well as a reminding those present that the meeting was being recorded and would be published on YouTube, until the minutes were approved.

Councillor Ellis thanked everyone for all their hard work so far in producing the draft plan.

2. To note apologies

Apologies were received from Councillors David Pafford, John Glover and Wiltshire Councillor Mike Sankey who were on holiday.

Councillors Baines and Wood were attending as substitutes for Councillors Pafford and Glover.

Apologies were received from John Hamley, who was delayed due to traffic Congestion, similarly Shirley was also delayed.

Shirley McCarthy arrived at 6.35pm.

3. Declarations of Interests & Register of Interests

There were no declarations of interest.

4. Public Participation

No members of public wished to speak.

5. Closed Session:

Resolved: For item 8 to be held in closed session, with members of the Housing Task Group remaining for this part of the meeting.

John Hamley arrived at 6.37pm.

6. a) To agree Minutes of Meeting held on 7 June 2023

It was noted Paul Lennox's name needed to be amended to Paul Lenaert, Wilts & Berks Canal under item 9.

Resolved: To approve with the above amendment and for the Chair to sign the minutes of the Steering Group meeting held on 7 June 2023.

b) To agree Confidential Notes to accompany minutes of 3 May & 7 June 2023.

Resolved: To approve and for the Chair to sign the Confidential Notes to accompany the minutes of the meetings held on 3 May and 7 June.

7. Wider Contextual Policy updates: To note current variables influencing the current programme

a) Publication of draft Local Plan by Wiltshire Council for consultation Autumn 23. For approval at Cabinet 11 July and Full Council 18 July. Link to Cabinet Papers:

<https://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MId=14748>

i) To note report to [Cabinet](#) 11 July 2023.

ii) To note [Pre Submission Draft](#) 2020-2038 (Appendix 1)

- iii) **To note Schedule of Policies (Appendix 2)**
- iv) **To note Planning for Melksham Document:**
https://cms.wiltshire.gov.uk/documents/s216844/Planning_for_Melksham_July2023.pdf

Members noted the documentation relating to the Local Plan, which had been approved at Wiltshire Council's Cabinet on 11 July and Full Council on 18 July for consultation later in the year, with draft notes of both meetings available on Wiltshire Council's website, along with recordings of the meetings.

b) Pending changes to the NPPF (National Planning Policy Framework) – not expected until at least after Govt summer recess

Members of the group noted changes to the National Planning Policy Framework (NPPF) were not expected until at least after the Government Summer recess.

The Member of public present in Zoom was asked to leave the meeting during this item and to wait in the virtual waiting room.

8. Site Allocations:

- a) **To approve the recommendations on site selections for Melksham and Shaw & Whitley by the Housing Task Group (with feedback from Melksham Town Programme**

This item was held in closed session

It was agreed to invite the member of public back into the meeting, however, they had left the virtual meeting room.

In line with the Terms of Reference, Members gave approval for the meeting to continue beyond 8.30pm.

9. To approve final shortlists for policy inclusion:

- a) **Local Green Space designations**

The list included 48 sites.

It was noted several sites were not supported by the landowner(s) with clarification being sought if they could still be included.

Two sites had been removed from the list ie dog walking area to the rear of The Spa and the allotments to the rear of Locking Close. However, it was queried if the ownership detail relating to the dog walking area to the rear of the Spa was correct and why the allotments at Locking Close had been removed.

Vaughan explained the Steering Group could decide to withdraw those sites not supported by the landowner before Regulation 14, if it was felt the objections were suitable, or could take them forward and receive formal feedback at Regulation 14 and withdraw at this stage or continue with the allocation, in order the Examiner can consider the allocation and any objections received and if they were valid reasons for an objection.

Resolved: To approve the list of local green spaces as presented including those where the landowner had objected and to seek further clarification on the allocation of the allotments at Locking Close and land ownership of the dog walking area to the rear of The Spa.

b) Non designated Heritage Assets

The meeting was informed the following had been missed off the list in the draft plan, as they had been added at a later stage:

Avonside Chimney and distinctive roofline.
Parts of former Wilts & Berks Canal & Railway line (541 Outmarsh)

It was noted at a previous Housing Task Group it had been suggested the parapet of the former Wilts & Berks Canal Bridge on Forest Road should be listed as a Heritage Asset.

Spindles, Top Lane, Whitley, had been removed from the list, as there had been a misunderstanding about its heritage, with the Bowerhill Turbine removed by the Heritage Task Group.

RESOLVED: To approve the list of Heritage Assets as presented, including Avonside Chimney & distinctive roof line and former Wilts & Berks Canal & Railway line (541 Outmarsh) and to include the former Wilts & Berks Canal Bridge on Forest Road.

10. Plan Drafting:

i) To consider if Melksham Neighbourhood Plan #2 to reference and conform to adopted Wiltshire Council Core Strategy or to emerging Local Plan.

Vaughan explained the neighbourhood plan had to be in conformity with the adopted Local Plan, which at present was the Core Strategy. However, it was out of date and as the Neighbourhood Plan would be going to 2038 and the Steering Group wanted the Neighbourhood Plan to sit alongside the Local Plan, sought a steer how the group wished to proceed, particularly as the advice from the Spatial Planning Officer was to conform to the Local Plan. It was noted if going to Examination before the Local Plan had been examined, the Core Strategy would still be the adopted development plan.

Vaughan explained that currently, the draft text referenced the Local Plan but may have to be ready to adjust the text and Basic Condition Statement to

accompany the plan, noting it was difficult moving along the plan against the draft Local Plan being issued late in the process.

The Parish Clerk explained in order to make an informed decision and be sure the Plan in conformity with the emerging Local Plan was something that would get through an Examination that a health check could be undertaken via technical support, which had just opened up for applications via Locality.

RESOLVED: To work towards conforming to the emerging Local Plan.

ii) To note application for further Site Assessment Technical Support for 2023/24 (Healthcheck by Planning Inspector)

RESOLVED: To apply for a health check via Locality.

iii) To approve draft plan (subject to typesetting, accessibility, map updates)

Shirley stated she had a few comments on the wording, which she would forward on to the Parish Clerk.

It was noted there was still an opportunity to refine some of the text and incorporate wording from Shirley, given there would be another meeting to approve the plan.

RESOLVED: To approve the draft plan, excluding the site allocations and final green spaces and heritage asset allocations; noting that some tweaking to text, maps etc was still required.

11. Evidence documents:

The Group noted the final version of the following reports, noting the Strategic Environmental Assessment SEA could not be completed, as site selection was still being undertaken.

- AECOM's Site Assessment
- AECOM's Town Centre Master Plan
- AECOM's Design Guide

Vaughan agreed to talk to AECOM to ask if they could undertake the SEA based on what was discussed earlier in the meeting regarding site selection.

It was noted the Habitats Regulations Assessment (HRA) could be done alongside Regulation 14.

The Statement of Community Involvement was still work in progress.

12. Programme: To note current progress against Programme and agree timescale for Regulation 14 consultation (pending authorisation of the draft plan by the Qualifying Bodies, Melksham Town Council and

Melksham Without Parish Council in August) and the finalisation of the SEA by AECOM

Given the update regarding site selection, it was:

RESOLVED: To undertake the Regulation 14 consultation in the Autumn.

13. Promotion of Regulation 14 consultation:

a) To agree “message/principles” of new draft Plan for promotional materials

As it had been agreed to undertake Regulation 14 consultation in the Autumn, it was felt a decision could not be made on this item, as the message/principles may change as dependent on sites chosen.

b) To agree how to promote

Whilst it was noted there would be a delay in consultation on the plan, it would be useful to provide an update on progress of the plan at various upcoming events.

The Parish Clerk suggested it might be useful to hold a meeting prior to approval of the plan by the Qualifying Bodies (Melksham Town Council & Melksham Without Parish Council), with Members of both councils and Wiltshire Councillors in order to promote the highlights of the NHP#2.

RESOLVED: To provide updates on progress of the plan at various upcoming events and to arrange a meeting in early September of both town, parish councillors and Wiltshire Councillors.

14. Finance:

a) To note approved future budget approval by Melksham Town and Melksham Without Parish Councils

The Clerk informed the meeting Place had previously provided a quote in March 2022, in order to get the reviewed Neighbourhood Plan through to the Regulation 14 consultation, submission to Wiltshire Council, examination and adoption. However, additional work had been undertaken and other work would also be required to get the plan to the adopted stage, with a revised quote of £9,075 provided, with some of it previously approved under the original quote, therefore an additional £5,912.50 funding was required, to be split between both the Parish Council and the Town Council.

Breakdown of spending as at 31 March 2023 on NHP#2:

£29,024.60 (Total)
-£10,000.00 in grant funding
£19,066.33 (being split between both the Parish Council (30%) and Town Council (70%))

For financial year 2023/24 and into 2024/25:

Estimated to be: £16,632.60 (split £11,642.82 MTC and £4,989.78 MWPC)

These costs included the following to get to adoption stage:

Place invoice 6058	£3,957.60
+ Revised quote from Place	£9,075.00
+ Melksham News adverts for Reg 14 + Referendum (estimate)	£2,000.00
+ Leaflet drop & Reg 14 launch events (15,000 leaflets and delivery) (estimate)	£1,600.00

Both councils had approved the additional budget to enable the Steering Group to approve the additional costs, as well as the revised quote from Place.

RESOLVED: To approve the additional costs in order to get the plan through to Regulation 14 and adoption and the additional costs associated with the revised quote from Place of £ £9,075).

b) To approve quotation for additional work by Place and any invoices

Resolved: To approve the following invoices for payment:

Place Studio: £9,075 (inc VAT) Invoice Ref 6065 25/07/23
Wix £96 (for website hosting of new and old websites)

15. To agree date and venue of **Next Meeting of Steering Group**

Wednesday, 6 September at 6.30pm.

Meeting finished at 9.30pm

Signed.....
Chair, 6 September 2023

Draft Wiltshire Design Guide Consultation – July/August 2023

Comments from Melksham Without Parish Council & Useful things to note for future planning application consultations

Teresa Strange

Clerk & Responsible Financial Officer

Melksham Without Parish Council

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PAGE	PARAGRAPH	TOPIC	COMMENT
30	4.4 Expectation: Compact development to make efficient use of land	4.4.7 Where appropriate, consider utilising 2.5 and 3 storey homes for larger households, rather than 1 or 2 stories with larger floor plans.	Concern about this criterion when new development is adjacent to existing housing that is usually 2 storey, and occasionally bungalows. Would like to see a qualifying comment regarding this, so its sympathetic to abutting housing heights, and stepped into these

			higher heights away from the boundary of existing housing. Recent housing developments in the parish have used them to highlight entrances to the development, as place markers, and used for design reasons such as street hierarchies, not just in a blanket way.
33	Buildings	4.5.8 Roofs should generally be designed to maximise the amount of unobstructed south facing area on which solar panels can be fitted, recognising the fact that future owners may wish to retrofit additional panels.	This should be stronger, than “can be fitted”, if you are not able to use the word “must” then can you at least “encourage”?
33	Buildings	4.5.9 Designs should avoid using items which are visibly artificial in appearance such as sheets of plastic ‘roof tiles’ for porch canopies or bay windows, plastic false chimneys or ‘foam stone’ detailing etc. The careful use of innovative and recycled materials is welcomed but these materials must be demonstrated to be sympathetic to the local vernacular and weather well.	No mention of artificial grass in the list of artificial things to avoid; lots of recent media stories of problems with their poor drainage and that they hold their heat and people burn themselves on them in hot weather. They are also made of plastic of course; how does this sit with WC’s vision and climate strategy?
34	Buildings	4.5.16 Bins and containers left out for collection must not reduce the usable width of the footway to less than 1.5m, nor obstruct vehicles or pedestrian movement within shared spaces (where there are no footpaths). Therefore, a bin collection point should be provided on the inside edge of the plot. If that is not possible then a nearby space adjacent to the highway should be provided. Its design should	This is welcomed as is something the parish council comment on when looking at new developments, room should be given for all the bins and containers that are put out for collection. On new developments in the parish, there has had to be knee rails retrofitted to prevent the refuse lorries reversing over public space and making large ruts in the grass.

		neatly contain bins and containers without the enclosure itself being visually prominent. Its design and location should not allow for it to be used for or obstructed by car parking.	
41	Movement	5.1.9 Opportunities must always be sought to connect into adjacent residential areas, e.g. where existing roads and paths effectively abut the application site's boundary	This is welcomed and encouraged.
41	Movement	5.1.11 New movement networks and hierarchies should futureproof for potential development beyond but adjacent to the site boundary, e.g. avoid blocking access points into future development land with private drives and private parking.	This is supported, but should future proof, not necessarily put roads and pedestrian access to empty fields that the developer is hopeful will come forward in the future, which are meaningless to the development they are in. They should not just be dead ends but paths, particularly, should lead somewhere for the existing development.
42	Prioritising Active Travel	5.2.2 To enhance perception of safety movement routes must be designed to have natural surveillance, be well lit and avoid inadvertently creating blind spots and hiding places.	This is welcomed, as has been severely lacking on approved developments in the parish in recent years. s106 funds should be adequate to actually provide the path and lighting so that council (Wiltshire and parish) are then not required to vastly top up the amount, or even worse, it does not happen at. There should also be conditions to ensure its done before occupation, and enforcement action taken if this is not done.
42	Prioritising Active Travel	5.2.3 New developments must provide walking and cycling connections within the site and between the site and any existing or emerging network.	This is welcomed. The parish council have not been able to get this included on a recent reserved matters application for 144 dwellings where they wanted to see cycle access within the planned new development as it connected on the main road to a national cycleway and the Active Travel Melksham to

			<p>Hilperton route, the request was not upheld by the planning officer. 2022/02749 land at Semington Road refers.</p> <p>This should be stronger, with more emphasis on providing safe walking and cycling routes to schools and community buildings (existing and planned). Lots of evidence of large developments (150, 144, 50 dwellings on Semington Road) being approved (often by appeal or due to lack of 5 year land supply where applications have previously been turned down as not sustainable) and lots of discussions with Wiltshire Council who state that funding not available to implement safe routes to these facilities (particularly to schools where children and parents use the easiest/quickest/direct routes, not the ones that WC officers think they should take) the developer should be made to put this type of infrastructure in place.</p> <p>This also aligns with your draft school places strategy: “Page 21 Location of new schools: <i>The fundamental aim in planning school places is to provide places near to where children live, to meet parental preferences as far as possible; to locate schools at the heart of their communities and to minimise travel to school distances. Wiltshire Council 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. Wiltshire</i></p>
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			<p><i>has an agreed methodology for calculating the infrastructure needs arising from new development. A policy for requesting contributions from developers and for the use of such funding is in place.</i></p> <p><i>It is Wiltshire Council policy that where significant number of new places are needed, new primary schools should be provided, wherever possible, within major new housing developments.</i></p> <p><i>The site should ideally be within walking distance of most the development and Wiltshire Council will seek, through the planning processes, to provide for safe routes to school for pedestrians and cyclists. Sites of a suitable size to enable future expansion will be sought where the school can provide a natural focus for the local community, possibly in association with other local facilities such as shops or other community buildings”.</i></p> <p>The parish council were also unable to convince Wiltshire Council planners to include a walkway from a new development over the brook (owned by WC) to a new village hall built by the parish council – fortunately working with the developer and Cllr Seed we managed to get a unilateral undertaking that they would give funds to the parish council to implement themselves and a note on the plans that it would accommodate it, but it was very hard, persistent work. It shouldn't be this difficult.</p>
44	5.3 Expectation: Facilitating	5.3.7 Streets with bus stops must allow adequate space for bus shelters which do	This is welcomed. S106 funds have been improved/requested by WC for new bus shelters etc on existing roads adjacent to new development, with

	public transport use	not obstruct passing movement of pedestrians or cyclists.	no one actually checking that there is room for a new bus shelter..... and so, both these clauses should include for the roads adjacent/feeding into the new planned development not just the new development
44	5.3 Expectation: Facilitating public transport use	5.3.1 Masterplans and layouts must recognise the potential requirement for wider space for buses, in conjunction with dedicated cycle routes, on street parking and wider tree-lined footways	This is welcomed and must include room for bus shelters, and also pedestrian access from the bus shelter to the new development on desire lines – example at Pathfinder Place, Bowerhill (18/04477/REM) of the hard surface in the wrong direction – so when you get off the bus the access to the footway is in the wrong direction (to nowhere!), and not in the desire line for the new housing, resulting in the residents crossing the muddy grass.
44	5.3 Expectation: Facilitating public transport use	5.3.3 Bus stops can become a focal point within a local community, ranging from a little extra space with seating, to a location with neighbourhood shops and community facilities.	These should be bus shelters, with Real Time Information, and with a seat so that the less mobile, elderly, those with a push chair are actually sheltered from the rain, wind, and sun and so they can sit. The WC standard in s106s is for a cantilever shelter with a perch seat. The parish council feels strongly that the shelters should meet the needs of those needing/wanting to sit in them, and not the WC policy of not having them in case it's an attraction for anti-social behaviour or someone sleeping in there. They should also have Real Time Information in them, again, the statement from Wiltshire Council that bus users can find the information on their mobile phones is not accepted by the Parish Council; there are lots of residents who do not have smart phones, data, or even a phone and the information is readily available from the buses, and in the case of the Melksham area it's between routes that do have RTI. For some reason it is not provided in Melksham and the parish

			and town council are working to install their own to existing bus stops, but are very frustrated that requests for this in new development is not supported by WC and therefore not included in the s106, when the developer was prepared – and agreed – to fund.
48	5.6 Expectation: Successful Shared Spaces and Shared surfaces	5.6.1 Any street designated in a planning application as a shared space/surface must have the unambiguous appearance of a space in which pedestrians have priority within the main carriageway, e.g. a distinct change in the appearance of the surface material and the removal of features which reinforce segregation of vehicles from pedestrians, e.g. raised kerbs.	This is welcomed and supported. Lots of issues raised by residents in Goldfinch Road, east of Melksham development as the road and pavement were the same colour and height and surface and it was very confusing, also was not helped as no front gardens and the residents stepped right out onto the shared surface. Conflict of pedestrians and vehicles reported often (particularly vans/commercial traffic that was not local traffic and aware) coming straight off the Eastern Distributor Road.
53 62	6. Nature 6.2 Expectation: More Green and Blue Infrastructure	6.2.2 Look for opportunities to extend designated wildlife sites and increase provision of pollen/nectar-rich wildflower habitats. 7.1.2 Some public open space, with seating, should be reserved in a central location and designed as a focal point for a new community; this may be predominantly hard or soft landscaping depending on the vision for new community.	This is supported, but there most still be room on a development for children to kick a football around. The recent developments approved (Bowood View, Berryfield 17/12514/REM & Pathfinder Place, Bowerhill 18/04477/REM) have very limited public open space, and what there is surrounds attenuation ponds, and is stipulated as wildflower meadow. This gives no opportunity for informal play at all, leads to children doing this (playing ball games) in a fenced play area as the only surface to do it on, and perceived anti-social behaviour. Often conflicts between residents (older) and those with young families as they then use whatever cut grass areas they can find. We have also found this on the wildflower areas in Bowerhill on land owned by Wiltshire Council that is under new grasscutting regimes, from discussions with residents, and Cllr

			Holder, different cutting arrangements have been made than initially initiated as some informal play space on regularly cut grass is required.
53	6.2 Expectation: More Green and Blue Infrastructure	6.2.3 Plant more urban trees and treelined streets to help counter the urban heat effect and create shade. A tree-lined street is understood to mean a street with regular tree planting along both sides for the entire length of the street, to the effect that a significant amount of shade would be generated when canopies are fully grown. This is expected to equate to approximately 1 tree every 5m - 20m, (species and ensuring a suitable amount of well aerated and drained space is provided for the root system. For further information refer to the Urban Tree Manual Urban tree manual and BS 8545:2014	Whilst this is supported, there must be something stipulated about the way that roots are to grow/suitable species, as we have serious trip hazards on pavements in Bowerhill (industrial and residential areas) that are tree lined avenues planted many years ago but have major pavement upheaval that is unsafe and impassible in areas due to tree roots lifting the surface.
57	6.6 Expectation: Support rich and varied biodiversity	Trees: from nursery to independence in the landscape –Recommendations. 6.6.6 When planting new landscape, give plants the room they need to grow. The Council wishes to see more larger canopy tree species in new urban environments (rather than predominantly fastigate varieties) to reduce urban heat island effect, flash flooding and climate change as well as soaking up CO2, air pollution and creating habitats in the sky.	Planting in new developments have a high rate of trees dying in initial years, can a stipulation be put in about maintenance (keeping on top of competing grass/weeds, and watering regimes in the first couple of years – especially with drought/hot periods we are experiencing). There seems to be things written into s106 that they have to be replaced if they die in first few years, but can there be something about actually trying to keep them alive in the first place – historically some issues as they then pass across from the developer to the management company as to who is responsible for the replacements.
86	11.1 Expectation:		Shade should also be listed in the reasons for 6.6.6

	Well-managed and maintained	11.1.5 When planting trees, adequate ground preparation and planting systems must be used to ensure successful establishment and to allow the tree to grow with vigour appropriate to the species and situation. Tree pit design must allow for sufficient uncompacted rooting volume for the mature size of the chosen species of tree, with the correct provision of nutrients, water and oxygen.	
53 54	6.2 Expectation: More Green and Blue Infrastructure	6.2.4 Retain existing trees and hedgerows of significance within public open space where possible, as opposed to behind private properties. 6.3.6 Proposed street tree planting must select appropriate species and consider the soil type (Wiltshire has 'shrinking clay' in areas), extent of future branch and root growth, as well as the likely leaf/fruit fall and any corresponding maintenance requirements.	This is supported. An ancient hedgerow on a historic drover's route on Snarlton Lane was included in the boundaries of dwellings for the new east of Melksham development – and although respected by the developers, subsequently was ripped out and replaced by fences by individual private houses. Where the trees and hedgerows are adjacent to public open space, the trees must not be on the boundary of the public open space, as this causes conflict with the private residences. Lots of experience on the large public open space to the rear of Wellington Drive etc in Bowerhill where they cause much shade and leaf dropping in gardens and poor maintenance regimes and so residents take it into their own hands to prune, and even chainsaw down trees on public open space. Replacement trees have been insisted on by WC Tree Officer, but have gone back in the same place and so has not addressed this issue – and this is due to making it easier for the

			<p>grasscutting of the public open space by Wiltshire Council contractors apparently – that shouldn't dictate where trees are planted.</p> <p>We have also had issues when there is an existing water course between the hedgerow and the new housing (public open space at Hornchurch Road, Bowerhill) as neither can be maintained and have had to be ripped out and replanted a few metres forward.</p> <p>Trees have been cut down along Falcon Way (and left as an eyesore) and in public open space at Martlet Close due to the clay in Bowerhill and insurance claims for subsidence. These areas are then left as eyesores as no one wants to replace planting or adopt due to the risk.</p>
53	6.2 Expectation: More Green and Blue Infrastructure	6.2.6 Incorporate green roofs in urban areas (where an adequate amount of open space can't be created).	Why is this only encouraged in areas of limited open space, this should be widely encouraged everywhere in urban areas
54	6.3 Expectation: Higher Quality Green and Blue Infrastructure that mitigates increasing risk from surface water flooding and creates multi-functional open spaces	<p>6.3.4 Provide new developments with access to outdoor play facilities for all ages, within the recommended walking distances as per Fields in Trust website. The size of squares and open spaces should be proportionate to the intended use and level of activity generated.</p> <p>6.3.8 Consider whether outdoor gym equipment would be a benefit to the area.</p>	Outdoor play areas for ALL ages are supported and welcomed. At present, there seems to just be an interest from WC in LAPs, LEAPS and NEAPS, and the parish council at pre-app stage is always asking for facilities for teenagers, and all ages – some outdoor gym equipment, MUGA, calisthenics equipment; teen shelters.

64	7.3 Expectation: Make sure public spaces are inclusive and support social interaction	7.3.2 Public recreational space should include recreational facilities for adults, e.g. outdoor gyms, allotments and other events or activity spaces (not just young people's formal play spaces).	
54	6.3 Expectation: Higher Quality Green and Blue Infrastructure that mitigates increasing risk from surface water flooding and creates multi-functional open spaces	6.3.5 Furnish recreational open spaces with adequate amounts of seating and picnic areas, so that people of all ages and abilities can benefit from it.	This is supported and welcomed. They must be overlooked as can often become a magnet for real (or perceived) anti-social behaviour, and it then meets resistance from residents to implement after the development is occupied. Some in the sun, some in the shade, and with bins for rubbish. To tie in with the pedestrian routes, and some kind of destination/view point or related to circular/figure of 8 routes, not dead ends.
62	7.1 Expectation: Create well-located, high quality and attractive public spaces	7.1.2 Some public open space, with seating, should be reserved in a central location and designed as a focal point for a new community; this may be predominantly hard or soft landscaping depending on the vision for new community	

54	6.3 Expectation: Higher Quality Green and Blue Infrastructure that mitigates increasing risk from surface water flooding and creates multi-functional open spaces	6.3.6 Proposed street tree planting must select appropriate species and consider the soil type (Wiltshire has 'shrinking clay' in areas), extent of future branch and root growth, as well as the likely leaf/fruit fall and any corresponding maintenance requirements.	This relates to tree planting, but the clay issue in areas of the parish, particularly Bowerhill and East Melksham has caused major problems for residential gardens in new developments with water not draining away and impossible to garden – why can this not be taken into account when granting planning permission for houses, and not just for tree planting?
54	6.3 Expectation: Higher Quality Green and Blue Infrastructure that mitigates increasing risk from surface water flooding and creates multi-functional open spaces	6.3.7 Tree lined grass verged avenues and public greens may form a green infrastructure ribbon through new development. Active travel routes in particular should be tree lined.	They need to be tree lined and lit, and that may need some consideration as both on the highway together.
55	6.4 Expectation: Better Connected Green and Blue Infrastructure to improve equality	6.4.2 Improve links from new and existing developments into the existing network of countryside public rights of way. 6.4.6 The context analysis for all major developments must include a review of	All of the points on this page are welcomed and supported, and we would like to see a nod to improving the existing RoW network, styles to kissing gates for example and to improve/new routes in the existing network if the pedestrian traffic will increase significantly due to new development (these are often

	of access and the individual distinctiveness of each place	existing local GBI. The masterplan should then show how the new development will help deliver the above outcomes.	long held desires of existing communities but are cost prohibitive) eg improved access to the river in Berryfield in the parish, a safe way to access Praters Lane bridleway/RoW in the east, in the parish
56	6.5 Expectation: Improve and enhance water management	6.5.1 Retention and attenuation basins must not take the character of unnatural, engineered depressions or include utilitarian components within their design, i.e. materials for headwalls and any enclosures should be attractively detailed (as opposed to bare faced concrete and metal piping.)	They should also not take the place of genuine public open space, too often these are shown on landscape plans for new development, but are not actually USABLE open spaces, but attenuation. A circular walk around them is often desirable, especially if planted and a pleasant feature such as a pond – but should not replace public open space.
62	7.1 Expectation: Create well-located, high quality and attractive public spaces	7.1.4 High quality public spaces should draw attention to natural elements such as tree planting or water. These may be sited within the space itself (i.e. trees for shade and water for play), associated with the buildings around its edges (see Built Form) or in the backdrop of views (see Section Nature).	The parish council (on behalf of resident requests) have also asked for life belts, and there has also been mixed messages in planning permissions given as to if these should be fenced or not – could this be made clearer in this design guide?
56	6.5 Expectation: Improve and enhance water management	6.5.2 Permeable paving or other measures to slow water runoff should be employed in site designs, i.e. all runoff should not simply be accelerated to basins through drains and pipes. 6.5.5 At least some surface water should be captured for reuse to help with the	This is welcomed and supported and would like to see more of this.

		sustainable management and long-term maintenance of green infrastructure features within the scheme	
57	6.6 Expectation: Support rich and varied biodiversity	<p>6.6.4 Where appropriate, deadwood should be incorporated into new woodlands and as features in open spaces.</p> <p>6.6.5 Where space is limited, consideration must be given to the use of living roofs and planting façades, through the provision of climbing wires and planters.</p>	<p>All the criteria on page 57 are supported and welcomed, but these just cover birds, bats and hedgehogs. There is a photo with a caption of “strategic planting for insects” but no text to support this, or for pollinating insects or for bee bricks? And no mention of reptile refugia and hibernacula within the development either – something the parish council always ask for – the dead wood clause could be more specific</p> <p>Again, why are living roofs and planting facades only requested when space is limited? Can these not be incorporated or encouraged on say, bin storage areas, cycle storage, sheds, car ports?</p>
58	6.7 Expectation: Create edible Landscapes that support wildlife and better connect communities with food growing	6.7.2 Community orchards (minimum 6-8 fruit trees) should be provided within major applications. Public allotments should be provided within large developments with a substantial amount of POS, unless it can be shown that adequate local provision is already provided within 10 minutes walking distance of the development. Conveyance and management should be discussed with the town or parish council.	<p>This is welcome and supported, however, who is envisaged to manage the community orchards, it’s not clear if the statement re management relates just to allotments? They will need pruning for crop production and on public land to encourage community events like apple pressing.</p> <p>The allotments need to include water provision, to be secure as there will be lots of sheds with tools (and produce is also stolen) and have access via vehicle for deliveries of manure, top soil, tools etc, grass cutting of communal paths</p>
62	7.1 Expectation: Create well-located, high	7.1.7 Generally, bound local gravel surfaces should be considered in rural settings, parkland and open spaces where	The emphasis must be on BOUND gravel surface. We have very poor examples at Bowood View, Bellway development in Berryfield, on the public open

64	<p>quality and attractive public spaces</p> <p>7.3 Expectation: Make sure public spaces are inclusive and support social interaction</p>	<p>they can provide a suitably low-key definition to paths, drives and courtyards.</p> <p>7.3.1 Children's play areas and general public open space need not always be all grass or soft surfaced; enclosed paved areas provide safe space for other sorts of play.</p>	<p>space and the play area – where it's just loose gravel, with no sub base that has been tamped and it goes everywhere, you sink when walking. That is not we understand from "hoggin path" that is detailed in plans. The parish council had to replace the path through the play area at their own cost before opening it to the public as all over the play area, the neighbouring town council have had to replace theirs too, so please tighten this up to be explicitly bound and NOT for play areas.</p>
62	<p>7.1 Expectation: Create well-located, high quality and attractive public spaces</p>	<p>7.1.8 The enclosures of substations and such like must be detailed to enhance the character of the area.</p> <p>7.1.9 Areas for building servicing should be screened from public by the building itself, with its approach and any visible boundary enclosure being designed sympathetically to the public realm.</p>	<p>How is this envisaged? With planting? Screening? They are just blots on the landscape with security fencing at the moment! More details on the treatment here would be welcome.</p>
63	<p>7.2 Expectation: Provide well-designed spaces that are safe.</p>	<p>7.2.4 Formal play/activity space must be located in well overlooked locations and generally away from busy roads, especially children's spaces. They might however be located off a node of quieter street junctions where this reinforces a central community space.</p>	<p>This is welcomed and supported, the parish council have objected to recent reserved matters plans for 144 dwelling development (2022/02749) as the play area was not overlooked or central and this aspect was not upheld by the planning officer.</p>
63	<p>7.2 Expectation: Provide well-designed</p>	<p>7.2.2 Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them.</p>	<p>Should this go further and include something about actively designing out the opportunity for anti-social behaviour; to include communal parking areas for example for flats which the police often comment that</p>

	spaces that are safe.		they don't like as potential for crime if not well lit, overlooked, too far from housing
63	7.2 Expectation: Provide well-designed spaces that are safe.	7.2.7 Formal open space should generally include surfaced paths and places to sit and gather; the locations for seating must be thought about, i.e. some will require shelter from the rain and wind and should be warmed by the sun where possible. Proposals should include appropriate shading for seating to protect users from the summer sun.	The shading requirement is welcomed as the parish council is beginning to receive requests for seating in shade in play areas however, these do present higher maintenance due to the overhanging trees – from leaves, algae due to the shade and bird droppings from the overhead trees. Careful thought to location/setting of seating too as residents don't like being approached from behind, out of sight, whilst sat.
63	7.2 Expectation: Provide well-designed spaces that are safe.	7.2.8 Public spaces which people may reasonably expect to use after dark should provide appropriate levels of illumination that only light the space and not the sky, so that they are perceived as being safe to use after dark. Special design solutions may be required where there are local constraints on illumination.	This is supported and welcomed and is often overlooked in planning applications. Several examples of where this has not been done locally, and paid for locally retrospectively. S106 requests for improvements like this must be adequately costed and the appropriate levels of s106 funding requested if that is the route for delivery rather than the developer – often on improvements to existing abutting pedestrian network
64	7.3 Expectation: Make sure public spaces are inclusive and support social interaction	7.3.5 Developers are encouraged to take an integrated approach to art and design, to achieve overall design quality in architectural and landscape terms by involving artists in the design process from the earliest stage.	The parish council have experienced poor public art in the past, that has not engaged with the community at all and would like to see something here encouraging the parish/town council to be the conduit to community engagement and part of the process – it gives opportunity for some joined up work in new developments, so that the art is on the same theme as the street naming, play equipment – ie Sandridge Place that was an old dairy and the art is carved wooden cows and African drum style milk churns; likewise at Bowood View, so a mural on the new village hall with a canal theme as per the street

			names. It should not be done in isolation. It's a great opportunity to involve the existing community with some practical plans for the new development as due to the timing, this is often done before the new development is occupied; a great way to engage with them.
68	8.1 Expectation: Creating an appropriate mix of uses	<p>8.1.8 School pitches and leisure provision should be designed to provide shared facilities for communities to use.</p> <p>8.1.9 Sports hubs and changing facilities should be designed to be multi-use, combined with community meeting or café facilities to provide day to day presence in the community and casual security for pitches and facilities.</p>	<p>Thought should be given to how this works practically and not just a good idea that is never followed through. The community centre in the large east of Melksham development was removed from the s106 by WC officers, and the community retrospectively informed that they can use the new school facilities (Forest & Sandridge), some 10 years later this has still not happened as envisaged and the playing pitches have never been used as not up to the standards for formal play.</p> <p>Whilst access to local school facilities is technically available, this is often not practical or feasible on the ground. We have just tried booking the community hall at Shaw School for a council meeting, and its £50 per hour with a 4-hour minimum booking – comparable village halls are £8-£12 per hour with no minimum booking period. To book sports facilities at Melksham Oak school there is often an on-charge c£50 out of school hours to pay for the caretaker to open up, with restrictions in school holidays, and exam periods. We have been refused access to the school to run a community consultation session as it conflicted with their safeguarding policies.</p>

			These are welcome ADDITIONAL facilities but should never replace actual community facilities with genuine community access at reasonable prices, and during the day to ensure that they are available to ALL members of the community – toddlers, the elderly don't want to go out at night, they want to attend events and clubs during the day.
69	8.2 Expectation: Creating a mix of home tenures, types and sizes	8.3.1 When incorporating different tenures, they must be well-integrated and designed to equal standards of high quality, in order to create tenure-neutral homes and spaces, without discrimination to any group of residents. This includes distributing affordable homes across the site in small clusters and designing their architecture, their plot and their streets to all be tenure blind.	This is supported and welcomed, and has not been demonstrated in the past by approved developments (Chadwick Close and The Parade in Bowerhill). This also conflicts with 100% affordable housing that has been approved at appeal. This is often got round by different housebuilders putting in separate applications for housing on one large site, and they have all put their affordable/social in clusters, but when you look at the bigger picture on the whole site, they are all clustered together where they abut – can something be added about reflecting what they adjoin/be looked at in master planning?
69	8.2 Expectation: Creating a mix of home tenures, types and sizes	8.3.2 Large developments such as urban extensions should consider including a community building which is accessible from the outset. Any temporary arrangement should make a default provision for the community use to become permanent if required.	From bitter experience the parish council now have two examples of these being included in outline planning applications and then WC planners objecting to them when it comes to the detail, these really do have to be considered properly in the outline planning applications. The Berryfield Village Hall is seriously constricted in terms of opening hours and no patio doors, opening windows due to close proximity of housing, and the neighbouring town council had its application refused by highways due to the access – both were on the outline plan. Planning application conditions/s106 pertaining to these are too woolly

			with the developers not providing any services, utility spurs or even calculating capacity for rainwater run off for these community facilities. Again, great idea, welcomed and supported but the rest of the details need to be in place to make sure that these actually come to fruition, in a practical, realistic way. We have also had difficulty getting access from a new adjacent development to the new community centre included in the planning permission – developers willing, but not the officers at WC planning for technical difficulties – these obstacles need to be overcome; the planning department need to have the appetite to overcome the difficulties, not just a blanket refusal.
72	9.1 Expectation: Healthy, comfortable and safe internal and external environment	9.1.2 Applicants are encouraged to provide additional built in storage space for the ancillary features of new technologies such as inverters, battery storage and water tanks.	Appreciate that this section is about storage, but why are you just encouraging storage of these new features and not the actual features!
78	10.0 Resources	Thinking big - aiming for zero. Aiming for 'net zero' is a challenge that Wiltshire Council has embraced; how built development is delivered contributes to this and should be considered through the design process. Of key importance to consider for new development is movement, new buildings and provision of energy.	Surprised/disappointed that in a 10-point plan, that this is point 10. The Climate Challenge and WC's commitment to net zero is now several years old, and would have thought this should have been point/priority one, not ten.
81	10.1 Expectation: Help Deliver Wiltshire's	1. Energy Efficiency and micro-generation	Would like to see something about affordable housing and that these measures should have an emphasis for inclusion, so that they are affordable to live in from

	Climate Strategy		an energy costs point of view, and not just purchase price/rent point of view
82	10.2 Expectation: Follow the energy hierarchy	10.2.6 Where possible, every room within a building should have a window for natural ventilation, including bathrooms and hallways where these are adjacent to external walls. It may be necessary to include external shading such as louvres or shutters, to limit direct solar gain, as well as tree planting. External shading is preferable to mechanical cooling as it reduces the need for cooling in the first place.	To consider the possibility of including something for through draft too?
86	11.1 Expectation: Well-managed and maintained	11.1.2 Applicants should discuss opportunities for community management with Town and Parish councils and offer up for adoption any new public open space (POS) and play areas, so as not to convey their maintenance costs to new homeowners alone, especially if they are to be accessible by the wider population. (Further guidance available from Town and Country Planning Association Lessons in long term stewardship)	Yes, but from poor previous experience, this has to be backed up by Wiltshire Council in the s106 agreements. So often, the parish council makes such arrangements with the developer at pre-app, often someone different to the housebuilder at reserved matters stage, and what has been agreed by both parties originally is not backed up by the s106, either not in there, contradictory, or just too woolly. For a start, the parish and town councils don't see the s106 until after its signed, there are no discussions with the planning officers, and the only route for a discussion is 3 minutes to speak if it's called in – again, great idea, but operationally and practically very hard to actually pursue and achieve with WC.
87	11.3 Expectation: A sense of ownership	11.3.3 Involve the local community in the naming of new street names. 11.3.5 Engage the council's arts officer early on to discuss the public art strategy	How to do? Would like to see reference to the parish/town councils here as conduits to the community and to ensure that it actually happens, they are best placed to engage with the community, as it will be with the existing community and local

			context, the new residents will not move into until the houses are built – street names are asked for by developers before they start on site – as they need the road name, to sell the plot as it needs an address/postcode. Public art often used as a way to integrate the existing community with the new one.
87	11.3 Expectation: A sense of ownership	11.3.8 Post-occupation surveys should be undertaken to inform necessary amendments and future phases and schemes. Any applicant that has repeat work in Wiltshire should do this.	This is welcomed and supported but there should be an element about the results being shared and made public, otherwise there is no incentive/reason for developers to do anything about issues raised and at the rate of development, need to be shared in real time so that they can be used to influence other planned developments, not too late in the process
100	Appendix D – Design Guidance for Householder extensions	If the purpose of the extension is to provide accommodation for a relative, it must not have a separate entrance or staircase. The extension must be internally connected to the rest of the house and must share facilities such as a kitchen	Can there be something added in about ancillary accommodation not becoming a separate dwelling at a later date. We have experience of this being a condition, and one the parish council always ask for, and then down the line, find out that there is a claim for certificate for lawfulness for a property that has been used as such and then approved. Appreciate that this applies to extensions, but can there be something about ancillary accommodation that is above garages, garden rooms too? and spell out that they cannot be used as a separate dwelling at a later date?
No reference		Omissions?	The parish council would like to see reference to the following in the Wiltshire Design Guide: <ul style="list-style-type: none"> • If new development is being planned next to existing housing developments, the design


			<p>should be so that the layout is garden to existing garden</p> <ul style="list-style-type: none"> • Speed limit on new developments should be self-enforcing 20mph with the layout to ensure that no long stretches of spine road for example, where cars can speed, or that if this is the case, traffic calming is in place. • Can anything relating to the provision of high-speed broadband be included, we understand that it's not classed in the current NPPF as utilities but would like to see addressed, with some encouragement to providing access to existing housing too if putting in for new developments. Particularly as there are allocations in Large Villages in the draft Local Plan and these often are on a long waiting list for commercial schemes, and not eligible for WC funding but have really slow broadband.
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Useful to note for Melksham Without Parish Council members

PAGE	PARAGRAPH	TOPIC	COMMENT
5	1.1 Purpose of document	Therefore, as an SPD, the primary aim of this Wiltshire Design Guide is to elaborate on CP57 (or any subsequent design policies which are part of the forthcoming Local Plan Review) by including	To note for the NHP as this is how they are handling the Design Guide straddling the Core Strategy and the emerging Local Plan which is the issue that the NHP#2 has (which plan is the right one to hook into, due to timings).

		supplementary and locally relevant background and instruction.	
5	1.1 Purpose of document	It is a material consideration in the determination of planning applications.	For mainly (but not limited to) major housing and mixed-use developments – so to remember when looking at planning applications to hold up against the criteria in the Wiltshire – and Melksham – Design Guides.
30	4.4 Expectation: Compact development to make efficient use of land	4.4.3 In practice, housing mix directly influences the built form and the efficiency of land use. The mix of open market housing also informs the site capacity, physical character and the demographics of the new place. Over the long-term this also influences the rate at which greenfield land is developed. Therefore, on applications for major development, the proportion of open market dwellings of different sizes must reflect objectively assessed local need (as per Local Plan Policy) as opposed to commercial preferences alone. The Affordable Housing Mix should be agreed with the Housing Enabling Team	When commenting on planning applications for large developments – “housing mix must reflect local need as opposed to commercial preferences ”
31	4.4 Expectation: Compact development to make efficient use of land	4.4.11 In general the following average net density standards should be followed: Towns 30 to 55 dwellings per hectare. Villages 20 to 45 dwellings per hectare. Hamlets and Scattered Dwellings Not applicable	To consider asking at pre-application stage, and also at planning application stage, as to what the density is and to push for the rural density for applications in say Berryfield that is actually classed as a small village, and remember that Bowerhill is classed as a village! Useful for any Shaw & Whitley applications coming forward.

38	5. Movement	Wiltshire Council's priority is to provide a well-designed and connected network that gives people the maximum choice in how to make their journeys. Active travel is an important part of the picture. The success of a connected network is measured by how they contribute to the quality and character of the place, not only on how well they function.	To quote on replying to planning applications – they should give MAXIMUM choice in how to make a journey, so by foot, cycle, bus, car etc
41	5. Movement	5.1.8 Cul-de-sac development should only be used where unavoidable and foot and cycleways should follow desire lines and link cul-de-sacs to maximise permeability	To note when meeting a pre app and considering applications
41	Urban extensions	5.1.12 Within urban extensions care should be taken to reduce severance of communities by major transport infrastructure. Where such infrastructure already exists, new development should introduce a positive, 'active' development frontage to these routes, as well as frequent and attractive opportunities for direct, surface-level pedestrian crossings	Interesting to note that Sandridge Place (the prime minister's Barratt development on A3102) is shown as a good example of active frontage "Outward looking development provides an active frontage to a main road, Sandridge Place, Melksham"
42	Prioritising Active Travel	5.2.2 To enhance perception of safety movement routes must be designed to have natural surveillance, be well lit and avoid inadvertently creating blind spots and hiding places.	Must remember to look at this aspect at pre app and planning applications, we look at the routes, but not sure we ensure that they will be lit?
43	Prioritising Active Travel	Artwork such as 'Rings of Harmony' entrance sculpture in George Ward	To note that the public art at George Ward is included as a good example.

		Gardens development, Melksham, by Julie Edwards and Ron Thompson	
47	5.5 Expectation: Safe, secure and accessible cycle parking	5.5.6 Showering facilities should generally be provided within any new development which is to become a place of employment and to which someone may wish to commute by bicycle.	To note, and request when considering applications for employment use (and the new Pathfinder School for staff? The Head at Aloeric used to cycle in from Devizes once a week as a good example to students and then took a shower (the school already had one))
60	7.0 Public space	The quality of the spaces between buildings is as important as the buildings themselves, these should be inclusive and provide great opportunities to support social interaction.	To note when considering planning applications for new developments
61	7. Public Space	Calne Community Hub and Library with integrated public spaces with access to nature, Beach Terrace, Calne	Great photo of public space and riverside access – inspiration for the future for the Cooper Tires site? 

			Have had a response from Vaughan with something looking more industrial but it was the public access bit that I was thinking of....
88	Appendices Appendix A Neighbourhood Plans	Neighbourhood planning was introduced in the Localism Act 2011. It is an important and powerful tool that gives communities statutory powers to shape how their communities develop. It's written by the local community, the people who know and love the area, to ensure the community gets the right types of development, in the right place.	A useful description for promotion materials for NHP#2 moving forward.
98	GI and BI detailing	The DAS (Design and Access Statement) should indicate what facilities would be provided to support the function of open spaces, such as paths, seats, lighting, bins, picnic tables, bike parking, natural play. (NDG para 93). All these features have upfront costs which affect viability and so a benchmark of quantity and quality is important to indicate at Outline	This is in the pre app list, but something that we should be looking for/at as part of a planning application consideration.

Wiltshire Local Plan – factsheet for Large Villages and Local Service Centres

Wiltshire Council must provide town and parish councils with a number of homes that they should plan for through Neighbourhood Plans, as this provides more housing opportunities for existing residents and helps to keep communities together. In rural areas, the Wiltshire Local Plan provides a number of houses for each Local Service Centre or Large Village. This amount for each Local Service Centre and Large Village is set out in the tables at the end of this document.

The housing number does not mean that each Local Service Centre or Large Village must have a Neighbourhood Plan or that within their Plan they will need to allocate land to build houses to meet their requirement immediately. The figures indicated provide a guide for communities for the total number of houses that should be planned for during the life of the Local Plan, which is up until 2038.

Many homes have already been built or are committed to be built and this goes some way to meeting the requirement for many settlements. These are shown in the tables at the end of this document. Any homes built between April 2020 and March 2022 have been deducted from the overall requirement for each Local Service Centre and Large Village, along with any houses that are already committed to be built. This is reflected in the 'residual requirement' column in the tables.

Some of each settlement's housing requirements will be delivered through private landowners securing planning permission on their land. This could be where someone secures permission to convert one house into two homes, or building on brownfield/previously developed sites. The rest of the requirement will be developed through allocated sites, led by parish/town councils and local communities through Neighbourhood Plans. If a village does not have a Neighbourhood Plan, communities are encouraged to develop one with help and support from the council's Planning team. If a village does not have a Neighbourhood Plan and does not wish to have one, the council may identify land for housing development in a future Local Plan.

What are Local Service Centres in planning terms?

Local Service Centres are situated in areas away from larger Market Towns and have a reasonable level of services, facilities and employment opportunities and provide support for a significant rural area. There are seven in Wiltshire, with four in the rural part of south Wiltshire where there are fewer Main Settlements. Local Service Centres will accommodate less development than that at Principal Settlements or Market Towns. Developments at Local Service Centres will provide for local employment opportunities, improved communities facilities and/or additional homes, including affordable housing provision. This will safeguard their role and help to support the more rural smaller communities around them.

What is a Large Village in planning terms?

Large Villages contain limited facilities and services that serve a village community and its immediate surrounding area. There are 58 Large Villages designated across Wiltshire. Development in these Large Villages will help to ensure their communities thrive; for example, by meeting housing needs and supporting employment opportunities, services and facilities.

How to use the tables below

The tables below set out an overview of the overall and residual requirements for each of Wiltshire's Local Service Centres and Large Villages – as set by the Wiltshire Local Plan (2020-2038).

The tables provide an overview of the overall housing requirements for each settlement, along with a residual figure, which is the number that is still left to plan for, as of 2022. The content of each column is as follows:

- **Column a: Overall requirement:** This is the overall requirement for the settlement over the Local Plan period of 2020-2038. This does not account for any housing that has already been built or was already committed to be built, after April 2020.
- **Column b: Completions:** The number of additional homes that have already been built at the settlement between April 2020 and March 2022.
- **Column c: Commitments:** The number of homes that have received planning permission; or that are allocated in a previous Local Plan or neighbourhood plan document, but not yet built, up to a cut-off point of March 2022.
- **Column d: Recent major commitments:** This figure accounts for additional large-scale planning permissions that have been granted in the last year, such as large sites allowed at appeal, up to March 2023. This does not provide full picture of commitments in the year 2022/23 but provides update where significant permissions have been granted.
- **Column e: Residual requirement:** This is the remaining number of homes that need to be planned for in the Large Village or Local Service Centre. This is calculated by deducting the completed and committed houses (columns b, c and d) from the overall requirement (column a). $a - (b + c + d) = \text{residual requirement}$. For the Local Service Centres and Large Villages, the residual requirement is the number that should be planned for through Neighbourhood Plans.
- **Column f: Historic build rate:** This figure is the average number of homes per annum that have been built at the settlement over a 15-year period up to 2022, for comparison with projected build rates.
- **Column g: Projected build rate:** This is the average number of homes per annum that are projected to be built at the settlement over the Local Plan period, accounting for commitments that have yet to be built added to the settlement requirement, for comparison with historic build rates. $(a - b) / 16 = \text{projected build rate}$.

Requirements for the Local Service Centres and Large Villages

Requirements for the rural Local Service Centres and Large Villages are provided to meet national planning policy requirements to provide a number for the purpose of neighbourhood planning. Rural requirements give Neighbourhood Planning groups certainty over how many homes they should be planning for, alongside any separate evidence of local needs that they identify through local evidence gathering. It is important to note that:

- The rural requirements are for the lifetime of the Wiltshire Local Plan, and so may be delivered over several iterations of a Neighbourhood Plan within this timeframe, so they may not all be delivered through a single version of the Neighbourhood Plan.
- Rural requirements can be contributed to by a range of means, including brownfield development within settlement boundary, conversion and subdivision, and small/medium scale allocations within and at the edge of the settlement.

Trowbridge Housing Market Area: Housing requirements at the rural settlements for the purpose of Neighbourhood Planning.

	a Overall requirement (2020 – 2038) a.	b Completions (1 Apr 2020 – 31 Mar 2022)	c Commitments (up to 31 Mar 2022)	d Recent major commitments (1 Apr 2022 – 31 Mar 2023)	e Residual requirement (to 2038)	f Historic build rate per annum (completions (Apr 2008-Mar 2022))	g Projected build rate per annum Apr 2022 – 2038 (Overall requirement minus completions)
Large Villages							
Bratton	44	3	2	35	4	1.7	2.5
Chapmanslade	47	2	45	0	0	0.7	2.8
Codford	29	2	4	0	23	2.2	1.7
Corsley	0	0	0	0	0	0.8	0.0
Dilton Marsh	61	2	18	0	41	1.5	3.7
Heytesbury	22	1	1	0	20	1.2	1.3
Hilperton	52	26	21	0	5	7.1	1.7
Holt	66	17	39	10	0	5.3	3.1
North Bradley	51	2	26	0	23	0.6	3.0
Semington	53	0	53	0	0	1.0	3.3
Southwick	65	4	35	0	26	7.4	3.8
Steeple Ashton	31	0	1	0	30	0.1	2.0
Sutton Veny	22	2	4	0	16	0.3	1.2
Westwood	15	0	2	0	13	0.7	1.0
Winsley	15	0	1	0	14	0.3	0.9

Chippenham Housing Market Area: Housing requirements at the rural settlements for the purpose of Neighbourhood Planning.

	a Overall requirement (2020 – 2038)	b Completions (1 Apr 2020 – 31 Mar 2022)	c Commitments (up to 31 Mar 2022)	d Recent major commitments (1 Apr 2022 – 31 Mar 2023)	e Residual requirement (to 2038)	f Historic build rate per annum (completions (Apr 2008-Mar 2022)	g Projected build rate per annum Apr 2022 – 2038 (Overall requirement minus completions)
Local Service Centres							
Market Lavington	117	1	61	0	55	1.1	7.2
Large Villages							
Ashton Keynes	42	8	11	10	13	1.9	2.1
Atworth	66	0	0	0	66	0.5	4.1
Box	26	0	23	0	3	2.4	1.6
Bromham	66	3	2	0	61	0.7	3.9
Christian Malford	37	7	30	0	0	1.8	1.9
Colerne	25	1	2	0	22	0.9	1.5
Crudwell	39	0	28	0	11	0.9	2.5
Derry Hill/Studley	33	0	3	0	30	7.1	2.1
Great Somerford	88	4	63	21	0	1.2	5.3
Hullavington	76	2	3	71	0	1.2	4.6
Kington St Michael	38	1	3	0	34	1.3	2.3
Oaksey	29	12	2	0	15	1.3	1.1
Potterne	78	1	23	0	54	0.3	4.8
Rowde	67	6	4	10	47	1.1	3.8
Rudloe	255	88	167	0	0	7.5	10.4
Seend	27	0	4	0	23	0.0	1.7
Shaw/Whitley	73	5	18	0	50	0.7	4.3
Sherston	87	3	54	0	30	1.1	5.2
Sutton Benger	77	14	18	45	0	8.5	3.9
Urchfont	65	9	22	0	34	3.4	3.5
West Lavington/Littleton Panell	58	3	53	0	2	1.9	3.4
Worton	34	0	27	0	7	0.1	2.2
Yatton Keynell	39	4	33	0	2	1.2	2.2

Salisbury Housing Market Area: Housing requirements at the rural settlements for the purpose of Neighbourhood Planning.

	a Overall requirement (2020 – 2038)	b Completions (1 Apr 2020 – 31 Mar 2022)	c Commitments (up to 31 Mar 2022)	d Recent major commitments (1 Apr 2022 – 31 Mar 2023)	e Residual requirement (to 2038)	f Historic build rate per annum (completions (Apr 2008-Mar 2022)	g Projected build rate per annum Apr 2022 – 2038 (Overall requirement minus completions)
Local Service Centres							
Downton	116	16	0	0	100	12.7	6.2
Mere	145	9	0	0	136	12.9	8.5
Tisbury	116	4	60	0	52	11.6	7.0
Wilton	174	3	141	0	30	30.5	10.7
Large Villages							
Alderbury	97	6	64	0	27	5.1	5.7
Broad Chalke	23	1	10	0	12	0.7	1.4
Bulford	63	0	2	0	61	24.1	4.0
Collingbourne Ducis	39	3	6	0	30	2.7	2.2
Coombe Bissett	18	1	1	0	16	0.5	1.0
Dinton	25	1	6	0	18	2.3	1.5
Durrington	141	6	80	0	55	14.3	8.4
Fovant	32	4	2	0	26	1.1	1.8
Great Wishford	14	0	0	0	14	0.1	0.9
Hindon	31	0	31	0	0	0.0	1.9
Ludwell	21	0	4	0	17	0.3	1.3
Morgan's Vale/Woodfalls	49	3	11	0	35	2.7	2.9
Netheravon	45	3	5	0	37	0.2	2.6
Pitton	18	1	1	0	16	0.2	1.1
Porton	38	32	6	0	0	2.4	0.3
Shrewton	82	1	9	0	72	4.7	5.1
The Winterbournes	42	4	20	0	18	0.7	2.4
Tilshead	4	1	3	0	0	0.1	0.2
Whiteparish	46	3	1	0	42	2.1	2.7
Winterslows/Middle Winterslow	64	1	13	0	50	2.9	3.9

Swindon Housing Market Area: Housing requirements at the rural settlements for the purpose of Neighbourhood Planning.

	a Overall requirement (2020 – 2038)	b Completions (1 Apr 2020 – 31 Mar 2022)	c Commitments (up to 31 Mar 2022)	d Recent major commitments (1 Apr 2022 – 31 Mar 2023)	e Residual requirement (to 2038)	f Historic build rate per annum (completions (Apr 2008-Mar 2022)	g Projected build rate per annum Apr 2022 – 2038 (Overall requirement minus completions)
Local Service Centres							
Cricklade	144	80	12	0	52	11.9	4.0
Pewsey	137	19	63	0	55	19.7	7.4
Large Villages							
Aldbourne	42	0	35	0	7	2.2	2.6
Baydon	1	0	6	0	0	2.1	0.4
Broad Hinton	0	1	0	0	0	0.1	0.0
Burbage	38	1	33	0	4	5.3	2.3
Great Bedwyn	26	4	6	0	16	1.5	1.4
Lyneham	320	5	259	56	0	3.8	19.7
Purton	146	41	58	47	0	9.7	6.6
Ramsbury	37	0	2	0	35	0.5	2.3
Shalbourne	0	1	0	0	0	0.9	0.0
Upavon	50	22	28	0	0	2.1	1.8

PUBLIC NOTICE

Goods Vehicle Operator's Licence

**Broughton Transport Solutions
of Norrington Gate,
Broughton Gifford,
Melksham, Wilts, SN12 8LW**

is applying to use:

Hangar 7, Melksham, SN12 6SS

as an operating centre for
15 goods vehicles and **30** trailers

Owners or occupiers of land (including buildings) near the operating centres who believe that their use or enjoyment of that land would be affected, should make written representations to the **Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF**, stating their reasons, within **21** days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.



MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

Sports Pavilion, Westinghouse Way,
Bowerhill, Melksham,
Wiltshire, SN12 6TL
Tel: 01225 705700

Email: clerk@melkshamwithout.co.uk

Web: www.melkshamwithout.co.uk

Traffic Commissioner
Hillcrest House
386 Harehills lane
LEEDS
LS9 6NF

17 May 2023

Dear Traffic Commissioner

APPLICATION FOR GOODS VEHICLE OPERATOR'S LICENCE BY BROUGHTON TRANSPORT SOLUTIONS FOR USE OF HANGAR 7, LANCASTER ROAD, BOWERHILL INDUSTRIAL ESTATE, MELKSHAM, SN12 6SS

At a Planning Meeting of Melksham Without Parish Council on 15 May 2023, Members, having been made aware of the Public Notice placed in Melksham Independent News on 27 April 2023, considered the application for a Goods Vehicle Operator's Licence, to use Hangar 7, as an operating centre for **15** goods vehicles and **30** trailers by Broughton Transport Solutions.

As the owners of Bowerhill Sports Field and Pavilion on Westinghouse Way, which is in the vicinity of the application site, the Parish Council welcome this transport operator who is doing the right thing and applying for the correct licence and have every confidence they will abide by the regulations.

Unfortunately, the Parish Council is aware and have written to you separately, that other transport operators are not adhering to the regulations and are consistently parking and leaving unlit trailers on the industrial estate roads causing congestion. Therefore, this could present a difficulty to this operator in safely accessing and egressing their premises.

Yours faithfully

Teresa Strange
Clerk

COPY TO: Broughton Transport Solutions, Norrington Gate, Broughton Gifford, SN12 8LW
Councillor Nick Holder (Wiltshire Councillor for Bowerhill)

Serving rural communities around Melksham

Lorraine McRandle

From: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Sent: 31 July 2023 12:42
To: Teresa Strange; Thompson, Andy
Cc: Holder, Nick; Lorraine McRandle
Subject: RE: Maitland Place Crossing, Bowerhill

Thanks Teresa,

The resident may wish to contact Taylor Wimpey directly to discuss the implications of the traffic calming.

Just to let you know I have been allocated the pre-application enquiry for the new school which I have not yet had the opportunity to review.

Kind regards,

Julie Cleave MCIHT
Highways Development Control Engineer (Level 3)
Sustainable Transport
(Part time: Mon – Thurs)

Wiltshire Council

Tel: 01225 713463
Email: Julie.Cleave@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Wednesday, July 26, 2023 5:07 PM
To: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>; Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>
Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: RE: Maitland Place Crossing, Bowerhill

Hi both

Just to note that this is an enquiry from a resident at the moment, so have not had chance to see if the parish council agree with their concerns. They would need to understand what is actually proposed here to make a view..... We do have a pre app meeting lined up with the developers of the new school w/c 7th August.

Thankyou for your prompt responses!

Kind regards,
Teresa

From: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Sent: 26 July 2023 15:20
To: Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>; Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: RE: Maitland Place Crossing, Bowerhill

Hi Teresa,

Further to Andy's email below, I have recently spoken to Clive about a build-out/ traffic calming that is shown on the approved S38 drawing but has not yet been installed on Maitland Close – I suspect the markings might be for that? Reading the email from the resident below, it sounds like traffic calming would be welcomed.

Kind regards,

Julie Cleave MCIHT
Highways Development Control Engineer (Level 3)
Sustainable Transport
(Part time: Mon – Thurs)

Wiltshire Council

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Email: Julie.Cleave@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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From: Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>
Sent: Wednesday, July 26, 2023 3:01 PM
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>
Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: RE: Maitland Place Crossing, Bowerhill

Hi Teresa,

I hope you are well.

I'm due to meet Clive Aveyard tomorrow morning and will discuss the concerns of the Crossing with him. If the Crossing has been given 'Technical Approval' that may still allow options on moving the location. There will also a 'Safety Audit' undertaken prior to Final Adoption of the Site.. It may be a case of 'build outs' being formed as you travel down Maitland Place which will help reduce traffic speed. I also suspect the current location of the Crossing is placed with the proposed School in mind.

Kind Regards,

Andy.

Andy Thompson
Highways Technician
Section 38 & 278 Works
Local Highways
Highways and Transport
Mobile **07376 343337**
Email Andy.Thompson@wiltshire.gov.uk

From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Wednesday, July 26, 2023 2:41 PM
To: Cleave, Julie <Julie.Cleave@wiltshire.gov.uk>; Thompson, Andy <Andy.Thompson@wiltshire.gov.uk>
Cc: Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Subject: FW: Maitland Place Crossing, Bowerhill

Hi Julie and Andy

I hope that this email finds you well..... please see enquiry from a resident of Maitland Place about a pedestrian crossing that is being installed.

Is this just a dropped kerb?

With kind regards,

Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
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01225 705700
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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: 26 July 2023 14:32
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>;
Subject: Maitland Place Crossing, Bowerhill

Dear Ms Strange,

Further to my conversation with Lorraine this morning, please find attached the photographs I have taken of the potential crossing. My husband and I had queried what this cutting was going to be, as they are currently raising all of the metalworks on Maitland Place before tarmacing.

We spoke to a gentleman from Flynn, who is carrying out the works, and they confirmed to us that this will be a pedestrian crossing.

This raises serious concerns for us as residents of Maitland Place, as we believe that the crossing has been planned in a dangerous place, on a blind corner, with driver visibility hindered by hornbeam plants, installed by Taylor Wimpey. This is also complicated by the fact that residents of Maitland Place who live beyond my stretch of road, and their visitors and delivery drivers, drive up and down Maitland Place like it is a racetrack. Eventually the road will have 20mph signs, but as I am sure you have experienced, most drivers don't obey speed signs.

Please raise this issue with the Parish Council, and hopefully we'll be able to find a way to ensure that this crossing, if it goes ahead, which no doubt it will, is safe for families, their children and their pets moving forward.

Yours sincerely,

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Lorraine McRandle

From: Teresa Strange
Sent: 07 August 2023 08:56
To: Lorraine McRandle
Subject: FW: Currently 3 pre application/application for Care Homes in Melksham at present

From: BROOKES, Amanda (BRADFORD ON AVON AND MELKSHAM HEALTH) <amanda.brookes@nhs.net>
Sent: 07 August 2023 08:19
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>; estates (NHS BATH AND NORTH EAST SOMERSET, SWINDON AND WILTSHIRE ICB - 92G) <bswicb.estates@nhs.net>
Cc: Linda Roberts (linda.roberts@melksham-tc.gov.uk) <linda.roberts@melksham-tc.gov.uk>
Subject: RE: Currently 3 pre application/application for Care Homes in Melksham at present

Morning Teresa

Thank you for the update.

Yes, we are aware of all of these, especially the one next to Spa Medical Practice, as a local Estate Agent asked Spa if they would allow access across their Car Park, we are also aware that an alternative route across the owners drive way is now being proposed.

I'll bring this email to the attention of our Primary Care Network Board for comment.

Thank you
Amanda

From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: Friday, August 4, 2023 3:07 PM
To: estates (NHS BATH AND NORTH EAST SOMERSET, SWINDON AND WILTSHIRE ICB - 92G) <bswicb.estates@nhs.net>; BROOKES, Amanda (BRADFORD ON AVON AND MELKSHAM HEALTH) <amanda.brookes@nhs.net>
Cc: Linda Roberts (linda.roberts@melksham-tc.gov.uk) <linda.roberts@melksham-tc.gov.uk>
Subject: Currently 3 pre application/application for Care Homes in Melksham at present

Dear Amanda/Estates team

I hope this email finds you well.....

I wanted to flag something up to you as I know that there was a response to the initial planning application for a care home in Melksham, and there is now the prospect of three!

Back in 2020 there was a planning application for 210 dwellings and a 70 bed care home, which the NHS raised concerns about being about to support in terms of both the housing numbers and the enhanced services required for a 70 bed care home (see attached).

This application was refused, and another for the same thing submitted again in 2022, which again was refused but they have just gone to Appeal to challenge that decision.

Planning application ref 2022/08504 refers, there were no comments from the NHS on this application; but if you did have comments now we could submit to the Appeal.

There are also two recent pre application presentations at the town council's Economic Development meetings, one for a care home on land at Verbena Court, on the waste bit of land behind the car park (this is where the shops and

Water Meadow pub are). No minutes yet as the meeting was only on Tuesday night, but they will appear hear <https://moderngov.microshadeapplications.co.uk/MelkshamTC/ieListDocuments.aspx?CId=137&MId=857> And another one in the last few weeks too, and that is for one on Longleaze Road, but right up close to the Spa Medical Facility. Link to Town Council minutes here <https://moderngov.microshadeapplications.co.uk/MelkshamTC/documents/s10522/Minutes%20of%20Previous%20Meeting.pdf>

Are you aware of these, are there any comments from yourselves as to the cumulative affect of these? Just wanted to flag to you and feed any comments to the planning officers at Wiltshire Council so that they are aware that there are the prospect of 3 of them at present.

With many thanks,

Teresa Strange
Clerk & Responsible Financial Officer
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