Planning Statement Addendum

Land to the South of A365 Bath Road and West of Turnpike Garage, Melksham

On behalf of Gompels Healthcare Ltd.

Date: November 2025 | Pegasus Ref: P25-1862

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Document Management.

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Executive Summary

Applicant's Response to Recommended Reasons for Refusal

The following table details the six original reasons for refusal (as outlined in the Planning Committee Report, Appendix 1) and confirms how the Applicant has addressed each point in the Planning Statement Addendum (V5, November 2025).

Recommended Reason for Refusal (Appendix 1)	Applicant's Position
Reason 1: Ecology and Legal Compliance – The applicant has failed to submit sufficient ecology-based information to adequately assess and mitigate the impacts of the development on protected species and priority habitat. Moreover, no appropriate assessment has been undertaken, which is a legal requirement for any endorsed grant of planning permission, and as a consequence, the proposal fails to meet requirements of the Habitat Regulations and are contrary to WCS CP50 as well as paragraphs 187a), 187b), 187d) and 193a) of the NPPF and in accordance with paragraph 193a) the development should be refused.	The Applicant submitted a comprehensive **Ecological Impact Assessment (EcIA)** and a revised **Biodiversity Net Gain Assessment**. The assessment confirms a **12.17% increase in habitat units**, exceeding the required 10% BNG. Detailed mitigation and compensation strategies are provided (e.g., protected hedgerows, new broadleaved woodland, and wetland grassland) to ensure the development **will meet the requirements of the Habitat Regulations** and accord with WCS CP50.
Reason 2: Principle of Development – The warehousing/office development proposals would be located outside any defined settlement limit and principal employment area (as set by the adopted Wiltshire Core Strategy), and it would result in a significant industrial building covering more than 2.2 hectares in the open countryside that would have a significant deleterious impact on the rural landscape character and would materially reduce the undeveloped land parcel between Bowerhill and Seend/Seend Cleeve which is considered important to maintain the separate identity of the two settlements. The application is contrary to WCS CP1, CP2, CP15 (with reference also to WCS paragraph 5.83) and CP34, CP51 as well as being in conflict with the made Joint Melksham Neighbourhood Plan and the NPPF, including para 8 and 187b.	The development **fully complies with WCS CP34** by meeting two required criteria: 1. **Criterion (i) Adjacency:** The definition of 'Adjacent to settlements' allows flexibility and is "not always restricted" to land adjacent to the 'limits of development', acknowledging the site's **functional and visual connection** to existing development. 2. **Criterion (iv) Strategic Interest:** The Wiltshire Employment Land Review (2023) identifies a **significant shortfall in deliverable employment land**, making this proposal **essential to the wider strategic interest** of the county's economic development. Furthermore, the site maintains a substantial gap of approximately **1 km**, ensuring continued separation of Melksham from Seend/Seend Cleeve, preserving the open countryside.
Reason 3: Design, Amenity and Mitigation – The proposed warehouse/office building by virtue of	As an **outline application**, all detailed matters (design/appearance) are reserved for later

its indicative size, siting, scale, design would be an incongruous and harmful feature within the area. The building would have materially harmful impacts on residential amenities (and most particularly on the properties at 454 and 455 Bowerhill, and to a lesser, but still materially harmful degree, at 450 – 453 Bowerhill) that would not be sufficiently mitigated by the applicants proposed landscape scheme. The proposal is therefore found to be contrary to WCS CP57, the made Neighbourhood Plan and the NPPF which require a high-quality form of development that is complementary to the immediate surroundings.	assessment. The Applicant has proactively submitted an **Amended Landscape Masterplan** which introduces a **substantial bund and enhanced planting** to reduce visual and overbearing impacts. Previous inconsistencies have been resolved, and landscape studies show the impact would be **"not significant"** once screening is established. Operational noise concerns are addressed in Reason 4 below.
Reason 4: Noise Assessment - In addition, the lack of a Noise Assessment, identifying existing and proposed levels of noise at the site boundaries of nearby vulnerable receptors (dwellings), means that the Council cannot be satisfied that the level of noise created by the proposed building and use of the site would not harmfully impact the amenities of local residential properties. The proposal is therefore found to be contrary to WCS CP57 and NPPF paragraph 135 f).	A comprehensive **Noise Impact Assessment (NIA)** was prepared and submitted. The NIA concludes that the development **demonstrates compliance with the noise rating level limits** derived from Wiltshire County Guidance and should no longer be considered a reason for refusal.
Reason 5: Heritage Harm - The application proposals would result in less than substantial harm (at a high level) to the setting of the Grade II listed building Old Loves Farm, and the historic farmstead, contrary to the Core Policy 58 and section 16 of the NPPF. The less than substantial harm is considered to be at the upper end of the scale and is not outweighed by public benefits or the applicants asserted economic benefits.	The harm to the heritage asset is assessed as being **"less than substantial harm"**. The Applicant has provided the strong public benefits that are derived from the proposed development, which include **196 new jobs** (net increase of 100), £9.4 million GVA annually, £25.9 million GVA during construction, and the release of the existing Gompels site to support a further **£32.3 million in GVA** by facilitating Knorr-Bremse's expansion.
Reason 6: Insufficient Drainage Information - In recognition of the substantial area of land to be developed and the indicative footprint and roof cover area, the Council is not satisfied that the applicant has submitted sufficient information to adequately assess and mitigate the impacts of the development pursuant to drainage interests and to satisfy the policy requirements that the application proposal would not lead to off-site flood risks as required by WCS CP67 and CP68.	further drainage works and information were submitted. The latest comments from the Council's Drainage team (5 November 2025) confirm they are **satisfied with the additional information provided**, subject to conditions being added to the decision. This technical reason for refusal has been resolved and should be withdrawn.

1. Introduction

1.1. This Planning Statement Addendum is prepared by Pegasus Group on behalf of Gompels Healthcare Limited ('the Applicant') to support planning application ref. PL/2024/11426. The application was validated on 20th December 2024, and the description of development is as follows:

> "*Construction of warehouse with office space, parking and associated landscaping including site access.*"

1.2. The proposed development has come forward in response to Gompels Healthcare Limited's demand for additional space to facilitate their expansion and continued investment in the local area. This is because of the Applicant outgrowing their existing facility in Melksham, at Bowerhill Industrial Estate. The development will retain a significant business that provides valuable economic benefits to the local community including, but not limited to, job retention & creation.

1.3. The application was presented to the Wiltshire Strategic Planning Committee on 1st July 2025 with a recommendation for refusal. The Committee Report (July 2025) (Appendix 1) recommended the application be refused for six reasons.

1.4. The Planning Committee resolved to defer the application, allowing the Applicant time to complete the requested ecology, flood risk, and noise assessments. These assessments were then be submitted to the Council for officer consultation. Updated documentation and consultee comments are to be presented at a future Planning Committee meeting for full consideration. The Planning Committee Minutes are provided in Appendix 2.

1.5. This Addendum will identify the six recommended reasons for refusal and provide the Applicant's response to each of them in turn.

1.6. This Addendum should be read alongside the full suite of documents which support the planning application. This includes the latest submission of documents, submitted following the Planning Committee, as follows:

- Ecological Impact Assessment, prepared by Abricon Ltd
- Ecological Perimeter Plan, prepared by Abricon Ltd
- Noise Impact Assessment, prepared by iON Acoustics
- Updated Flood Risk Assessment, prepared by
- Drainage Information, prepared by TJ Infrastructure
- Amended Landscape Drawings, prepared by WH Landscape
- Economics Benefits Statement, prepared by Pegasus Group
- Highways Documents, prepared by Neil Brant

- Site Plans, prepared by 3kO Architectural Design

1.7. The remainder of this Addendum will be structured as follows:

Section 2 – Planning Context

Section 3 – Recommended Reasons for Refusal

Section 4 – Planning Balance

Section 5 – Conclusion

2. Planning Context

Application Type

2.1. The Applicant seeks outline planning permission for the proposed warehouse development, with all matters reserved.

2.2. An outline planning application establishes the principle of development by providing the relevant information for the local planning authority to assess its acceptability, including site plans, parameter plans, and supporting statements.

2.3. These parameter plans set the maximum limits for aspects such as building heights, density, and access, creating a defined envelope within which future design must fit.

2.4. Detailed design and technical assessments are then submitted at the reserved matters stage to address appearance, layout, landscaping, and other specifics, ensuring compliance with the approved parameters.

Planning Policy

Adopted Local Plan

2.5. The Local Plan is the Wiltshire Core Strategy (WCS), adopted in 2015.
This incorporates Saved policies from former District Local Plans, that were not replaced by the WCS, and will continue to be saved until replaced as part of the Local Plan Review process.

2.6. The key Local Plan policies referenced in the reasons for refusal are listed below:

2.7. **WCS CP1** – details the settlement strategy for Wiltshire.

2.8. **WCS CP2** – states that development will be permitted outside the defined limits where proposals comply with other relevant policies. In this case this is Policy CP34.

2.9. **WCS CP15** – recognises further employment growth in Melksham will help to further diversify the employment base, providing protection against possible future changes in the employment market.

2.10. **WCS CP34** – assesses proposals for additional employment land.

2.11. **WCS CP50** – relates to biodiversity and geodiversity.

2.12. **WCS CP51** – seeks to protect, conserve and enhance Wiltshire's distinctive landscape character.

2.13. **WCS CP57** – relates to high quality design and place shaping.

2.14. **WCS CP58** – states that development should protect, conserve and where possible enhance the historic environment.

2.15. **WCS CP67** – supports a sustainable approach to surface water drainage, and development will be expected to incorporate Sustainable Drainage Systems (SuDS).

WCS CP68 – requires non-residential development to incorporate water efficiency measures. Developers will be expected to submit details of how water efficiency has been taken into account during the design of proposals.

Emerging Local Plan

Neighbourhood Plan – Joint Melksham Neighbourhood Plan 2 (2020-2038)

2.16. Following an independent examination and a positive referendum result, Wiltshire Council have decided to formally adopt the Joint Melksham Neighbourhood Plan 2 on 4th August 2025. This adopted Neighbourhood Plan was under examination when the Committee Report was completed, so it should be considered that the Neighbourhood Plan has changed since the recommended reasons for refusal were issued.

2.17. Policy 10 (Employment Sites) of the Neighbourhood Plan has been amended as part of the new adopted Neighbourhood Plan. The Policy now aligns with Policy 64 of the Emerging Local Plan which states that local plan is "***supportive of employment development on unallocated sites adjacent to Melksham as a Market Town where they are appropriate to the role and function of the settlement and certain criteria are met***.". It is therefore considered that the new Neighbourhood Plan is supportive of the application

Emerging Local Plan

2.18. Wiltshire Council's Emerging Local Plan (for the period of 2020-2038) has reached the independent examination stage. The Inspectors are satisfied that the Emerging Local Plan can proceed to Stage 2 of the hearings following meeting the duty to co-operate requirement. The stage 2 Hearings are continuing from 11th November 2025. As the Stage 2 Hearings have not concluded the Inspector's judgement on the soundness and remaining matters of legal compliance of the plan are not finalised, which includes a separate hearing session on employment land and emerging Policy 64.

National Planning Policy Framework

2.19. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be application. The latest version was published in December 2024.

3. Recommended Reasons for Refusal

3.1. This section provides the Applicant's response to each of the reasons for refusal detailed within the Committee Report (July 2025). Each reason for refusal will be discussed in turn and references will be made to the Reports/Plans submitted alongside this Addendum.

Reason for Refusal 1 –

> *"The applicant has failed to submit sufficient ecology-based information to adequately assess and mitigate the impacts of the development on protected species and priority habitat. Moreover, no appropriate assessment has been undertaken, which is a legal requirement for any endorsed grant of planning permission, and as a consequence, the proposal fails to meet requirements of the Habitat Regulations and are contrary to WCS CP50 as well as paragraphs 187a), 187b), 187d) and 193a) of the NPPF and in accordance with paragraph 193a) the development should be refused."*

3.2. The Council's Ecologist raised concerns regarding the level of information provided, especially in relation to the Bath and Bradford on Avon Bat Special Area of Conservation, hedgerows (priority habitat), bats (foraging and commuting including Lesser Horseshoe Bats ('LHB'), dormice, great crested newts, birds and reptiles. The Committee Report also states that no BNG assessments have been submitted to the Council as required by the Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3.3. The Applicant and the instructed Ecologist has carefully considered the above suggested reason for refusal. The Applicant has submitted a revised Biodiversity Net Gain Assessment which confirms that the proposed development will result in a 12.17% increase in habitat units and 18.48% increase in linear units. The Applicant therefore exceeds the required 10% BNG. **The application meets the requirements set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015**.

3.4. The Applicant has also submitted an Ecological Impact Assessment as part of their amendments. The Council had concerns in relation to the Bath and Bradford on Avon bat Special Area of Conservation, which is designated as a priority habitat. The Council is therefore required to complete an Appropriate Assessment to ensure that harm would not be caused to priority habitat and the protected species referred to above. Section 6 of the submitted EcIA details the mitigation and compensation strategy for bats. The strategy identifies the following:

- All retained hedgerows will be protected during site preparation and construction in accordance with BS5837:2012.
- A strategy setting out how retained habitats and associated species will be protected during construction should be set out within the Construction Environmental Management Plan (CEMP).
- New hedgerow planting is proposed, approximately 51m to the southwestern site boundary, as well as enhancement of the length of H2. The proposed design will protect and enhance the connective habitat within the Site to ensure bats can move around the Site unimpeded to foraging habitat beyond the Site, within the wider landscape. This corridor around the development Site will aim to retain the evidently

important commuting function of the Site and will also continue to provide foraging opportunities for bats. The new hedgerow planting and enhancement will be carried out before, or concurrent to works starting on Site in order to reduce the lag in establishment of habitats.

- Broadleaved woodland (consisting of a tree canopy and scrub/grassland ground layer) will be created on the majority of the site, totalling an area of ~1.9ha.
- Areas of wetland specific grassland are also proposed to be planted surrounding the edges of the proposed SuDS habitats which will aid with improving foraging resources for bats in the local area.
- The long-term maintenance and suitability of these measures can be secured through the implementation via a planning condition of a Habitat Management and Monitoring Plan (HMMP).

3.5. The above demonstrates the measures that the Applicant will implement as part of the application. The EcIA states that there will be no impact on roosting bats and the habitats proposed will maintain the foraging value of the Site for bats and in time are likely to enhance the diversity of habitats and potentially increase its foraging value.

3.6. The Applicant therefore considers that the additional information submitted will provide sufficient ecology-based information to adequately assess and mitigate the impacts of the development on protected species and priority habitats.

3.7. **The proposed development will therefore meet requirements of the Habitat Regulations and will be in accordance with WCS Policy CP50 as well as paragraphs 187a), 187b), 187d) and 193a) of the NPPF and paragraph 193a)**.

3.8. For the reasons outlined above, recommended reason for refusal no. 1 should be withdrawn.

Reason for Refusal 2 –

"The warehousing/office development proposals would be located outside any defined settlement limit and principal employment area (as set by the adopted Wiltshire Core Strategy), and it would result in a significant industrial building covering more than 2.2 hectares in the open countryside that would have a significant deleterious impact on the rural landscape character and would materially reduce the undeveloped land parcel between Bowerhill and Seend/Seend Cleeve which is considered important to maintain the separate identity of the two settlements. The application is contrary to WCS CP1, CP2, CP15 (with reference also to WCS paragraph 5.83) and CP34, CP51 as well as being in conflict with the made Joint Melksham Neighbourhood Plan and the NPPF, including para 8 and 187b."

3.9. The Committee Report states that the proposed development does not comply with WCS CP1, CP2 and CP34 and therefore the adopted development plan does not support the principle of development in this location. The Officer's Report explains the proposals are contrary to CP34 as the application is located outside of the development boundary and the development "*...would not be consistent in terms of localised built form and scale within its location*".

3.10. CP1 outlines the 'Settlement Strategy' for Wiltshire and defines Melksham as a Market Town. CP1 confirms "*Market Towns have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilitate and promote better levels of self containment and viable communities*". **The proposed development is therefore in accordance with the settlement hierarchy and CP1.**

3.11. CP2 provides the 'Delivery Strategy' stating the aim to provide for **at least** 178ha of new employment land. CP2 lists the identified sites to accommodate the new employment land. CP2 confirms that where permitted by other policies in the adopted plan, namely policy CP34 for this proposed development, development outside the defined limits can be considered accepted i.e. can be granted planning permission. **Therefore, development is not automatically contrary to CP2, and the principle of development should be assessed against CP34**.

3.12. CP34 confirms applications for employment developments (B1, B2 or B8), in addition to employment land allocated in the Core Strategy, will be accepted outside of the defined boundaries of Principal Settlements, Market Towns, and Local Service Centres where it meets the criteria listed.

3.13. CP34 is twofold; first the application must meet one of the criteria (i – iv) and where that is passed, the development is to comply with all criterions a-e.

CP34 Policy Test – Stage 1 (Criteria i-iv)

3.14. The first policy test wording states 'or' after each criterion and therefore the application only need to meet one criterion - is not required to meet multiple, or all the, criteria to be considered acceptable. Notwithstanding this, this application passes the requirements in criteria (i) and (iv) of CP34.

Criterion (i)

3.15. Criterion (i) requires application sites to be "*adjacent to the identified settlements and seek to retain or expand businesses currently within or adjacent to the settlements*".

3.16. 'Adjacent to settlements' is defined in the glossary of the adopted Local Plan as: "*A location which forms part of the contiguous urban edge of the settlement and is not always restricted to land adjacent to the 'limits of development' identified on the proposals map referred to in Core Policy 2*."

3.17. The Applicant recognises the application site is not immediately adjoining the settlement boundary, but the definition recognises, adjacent to settlements is not always restricted to land adjacent to the 'limits of development'. This crucial clause provides a degree of flexibility. It suggests that while the formal "limits of development" line on the map is a primary guide, the actual "contiguous urban edge" for planning purposes might, in some specific cases, be considered to extend slightly beyond that formal line. It should also be noted that there is currently a live application pursuant to the land immediately adjacent to the Site, which lies between the Site and the built up area to the west (Ref. PL/2025/06105). This application was validated 21 July 2025 and seeks outline planning permission for up to 50no dwellings. The statutory determination deadline for the application was 20 October 2025.

3.18. This definition is supported in the context of planning policy based on legal interpretation of the word. Grounded in the Corbett v Cornwall Council case, the Court of Appeal expanded the definition of "immediately adjoining" to be not inevitably “contiguous” or “next to” or even “very near”.

3.19. Figure 1 illustrates the relationship between the site and the defined Settlement Boundary of Melksham (shown with the red line). While the site lies outside the defined boundary, there is intervening built development between the two. On this basis, the site can reasonably be considered to ‘adjacent to the settlement’ through its functional and visual connection to existing development. This will be further supported if the live planning application (ref. PL/2025/06105) for residential development comes forward on the land immediately west of the application site and east of the settlement boundary.



Figure 1 - Plan showing relationship between adopted Settlement Boundary and application site

3.20. The second part of criterion (i) requires the development to seek to retain or expand businesses located within or adjacent to the settlements. The Applicant is a local business that is currently located within the Bowerhill Industrial Estate and has been in Melksham since 1967 and is one of the largest employers in the area. This application seeks to support the Applicant’s presence within Wiltshire and will allow the Applicant to further expand their business.

3.21. The policy requirements set out in criterion (i) are therefore met.

<u>Criterion (iv)</u>

3.22. The proposals also comply with criterion (iv) which states that developments will be supported that are considered essential to the wider strategic interest of the economic development of Wiltshire.

3.23. The Applicant acknowledges the policy states this is "*as determined by the Council*". To assist the Council in coming to this conclusion, the Applicant directs officers to the Wiltshire Employment Land Review (2023) which also forms part of the evidence base of the emerging local plan.

3.24. The Wiltshire Employment Land Review Update (September 2023) identifies a **significant shortfall in deliverable employment land**. While the review notes 160 hectares of existing or allocated employment land and a further 348 hectares of unallocated land, only 95 hectares are realistically deliverable when land under pressure for change of use is excluded. This is insufficient to meet the forecast demand across the county.

3.25. The Review explicitly states that new employment sites will be needed to ensure a sufficient supply of land over the Local Plan period and during any rolling five-year period. It identifies Melksham as one of the key towns where new sites should be sought. Gompels' expansion at the existing site is already recognised in the Review as a major investment in Melksham's economic landscape.

3.26. Furthermore, the document confirms that consultees have highlighted that the imbalance between supply and demand stems from a lack of land in the right locations—specifically around major towns such as Melksham and along strategic transport corridors like the A350 (paragraph 3.5.4). The proposed site directly addresses this issue, offering excellent connectivity and proximity to existing operations, thereby minimising disruption and safeguarding local jobs.

3.27. The Review also warns that if businesses are forced to relocate outside their travel-to-work area, they may exit the region entirely, resulting in economic loss. Supporting Gompels' expansion within Melksham mitigates this risk and ensures continued and increased local employment and investment.

3.28. The report continues to state "*xxxvii. New employment sites will be needed to ensure there is a sufficient supply of employment land to meet forecast demand over the Local Plan period, and during any rolling five-year period during this. New sites should be sought at Amesbury, Salisbury, Chippenham, Corsham, Malmesbury, Melksham, Marlborough, and Royal Wootton Bassett.*"

3.29. It is important to note that the emerging Local Plan does **not place a cap** on employment land provision. Additional sites beyond those allocated can be brought forward where justified. Gompels has considered that allocated sites are unsuitable for their operational needs, and the proposed site meets both strategic and local planning objectives. This has the benefit of supporting the Council's employment land need, particularly in the instance where sites identified by the Council to fulfil their requirement are delayed in coming forward, or indeed no longer come forward at all, and are of the wrong size, type and location, to meet the demand.

3.30. The recognition for additional employment land is echoed in the "Planning for Melksham" (September 2023) supporting document of the emerging Local Plan at paragraph 19.

3.31. The Council confirm that Employment Land Review identifies demand for 24.6 hectares of employment land in the Chippenham, Corsham and Melksham cluster. This application would contribute 2.2ha to this under provision.

3.32. The applicant acknowledges that the application site forms part of 'Site 4' assessed in the Employment Land Review which was discounted from a formal allocation.

3.33. However, since the initial information was provided at the Call for Sites stage and the subsequent Employment Land Review was undertaken, detailed assessments of the site have now been undertaken to support this application which concludes the proposals should be considered acceptable at this site.

3.34. It should be noted that the Applicant has provided an Economic Benefits Statement with the Application. As part of the Application process, the Applicant has actively sought to engage with the planning process by requesting that the Council's Economics Team review the document and assess the proposed development's benefits. However, the Applicant has been informed by the Council that the planning directive prevents their Economic Officers from formally commenting on proposals. This position appears to be in opposition to the Council's need to meet their employment land requirements and has the potential to hinder job creation.

3.35. **The Council have therefore currently failed to appropriately consider the substantial economic benefits associated with the development, as detailed in the Economic Benefits Statement, which should be considered and given proportionate weight in the planning balance.** The Applicant requests that the Council take the Economic Benefits Statement assessment into consideration when assessing the planning balance and merits of the proposed development.

CP34 Policy Test – Stage 2

3.36. Where the proposed development complies with one of criterions (i) – (iv), and in this the proposed development complies with both (i) and (iv), the second test is to comply with criterions (a) – (e). Table 1 below confirms compliance with each criterion.

Table 1: Compliance with CP34 criterion (a)-(e).

Policy Criterion	**Applicant's Response / Compliance with Policy**
(a) Meet sustainable development objectives as set out in the policies of this Core Strategy	Criteria (a) relates to the proposed development meeting the sustainable development objectives as set out in the policies of the Core Strategy. The key sustainable development objectives are economic, environmental and social. Supporting text of CP34 outlines the authorities need to deliver additional employment land beyond the allocated land.
(b) Are consistent in scale with their	An amended Noise Impact Assessment has been submitted as part of the new information. The Noise

location, do not adversely affect nearby, buildings and the surrounding area or detract from residential amenity	Assessment concludes that it is considered that there are no noise-related issues associated with the proposed development, which would prevent the granting of planning permission. The Applicant has proposed tree belts and hedgerow to filter the views from the residential properties to the site. The Case Officer in the Committee Report (July 2025) stated that there were 'significant anomalies' between the various supporting plans and documents. The anomalies have now been corrected, and an amended Landscape Masterplan has been submitted in support of the application. The amended Landscape Masterplan proposes a new wide bund to create additional height to the proposed planting. The new bund will further decrease the visual impact of the proposed development on the residential properties. Notwithstanding this, two landscape studies have shown that the impact is "not significant" on the local area. With the illustrative landscaping proposals in place, the development would be heavily screened. It is acknowledged that the proposed development will introduce a large-scale development into the area. The scale of the scheme is required to maximise potential flexibility when the Applicant determines their requirements. This is on the basis that this is an outline planning application, with further details to come forward at reserved matters stage. The proposed scale allows for flexibility for the Applicant in determining their final requirements for their planned relocation to the larger premises. The scale of the development is balanced with the need to provide space not currently available within the local area. As stated above the impacts of this have been mitigated against and the proposed development accords with Policy CP34 when read as a whole.
(c) Are supported by evidence that they are required to benefit the local economic and social needs	The submitted Economics Benefits Statement clearly outlines the economic benefits of the proposed development. The proposed development will result in a significant boost to the local economy by supporting around 196 new jobs on-site, with the potential for this figure to be as much as 287 based on industry employment density guidance. These roles will include technical positions such as IT, procurement, international trade, accounting, marketing and sales. Of the jobs estimated at the new site, 96 are existing roles supported at the current warehouse. These positions will be transferred to the new warehouse, ensuring

	continued employment for local residents as operations move to the new location. The Proposed Development is expected to generate approximately £9.4million in GVA annually and £7.1million in wages, with most jobs likely to be filled by Wiltshire residents, as is the case in respect of existing Gompels Healthcare Limited's operations. Additionally, the construction phase of the Proposed Development will support up to 384 temporary jobs and contribute £25.9 million in GVA, further contributing to the local economy. Once Gompels Healthcare Limited relocates, the vacated premises are expected to be occupied by Knorr-Bremse, a major employer already established in Wiltshire. This move will increase their on-site workforce from 500 to around 625, with an additional 50 jobs anticipated in relation to A N Other business, bringing the total to approximately 675 jobs at the site. The combined activities of Knorr-Bremse and A N Other business are projected to generate £32.3million in GVA per year. The site will therefore continue to support substantial employment and economic output, safeguarding jobs and promoting business growth in the region. This evidences the intertwining local economic and social needs.
(d) Would not undermine the delivery of strategic employment allocations	The proposed development will not detrimentally undermine the delivery of strategic employment allocations, on the basis that it is not located within or near any strategic allocations. The Site will support the Council's employment land needs and will complement the other strategic allocations within the Council's area. Section 4 of this Addendum also outlines that there is no allocated site that is suitable to accommodate the development. Therefore, the proposed development would not undermine the delivery of strategic employment allocations. It is clear that additional employment land is required. This is evident in the evidence to underpin the emerging local plan.
(e) Supported by adequate infrastructure	The application submissions demonstrate that the proposed development will be supported by adequate infrastructure. The application is supported by a Drainage Strategy; Transport Statement and the

	proposed development will be net zero in terms of energy usage. The application site is located next to the necessary road network. No further infrastructure is considered necessary that cannot and will not be delivered through the proposed development.

3.37. The Council state the formal reason for discounting the site as an emerging allocation as "*…the site would be an urban encroachment into the rural setting between Bowerhill and Seend / Seend Cleeve which could prove difficult to mitigate*".

3.38. Encroachment is an assessment concerning development in the Green Belt. The application site is not located in the Green Belt. A Green Belt has a much higher policy restriction for development proposals which are not applicable to this site. The proposed development would maintain a gap, of approximately 1 km, ensuring the continued separation of Melksham from Seend and Seend Cleeve, thereby preserving the open countryside. Within this gap there are very defined landscape features, most notably the canal which sustain the rural open countryside character. In addition, there is dense vegetation roughly equidistance between both settlement boundaries creating clear visual and physical separation. This has not been considered within the Council's assessment.

3.39. In addition, the land between Melksham and Seend (including the application site) was promoted as a Green Wedge designation in the Joint Melksham Neighbourhood Development Plan, referred to as 'Location 4: Bowerhill and Seend Cleeve'. The report prepared by AECOM confirmed that the site did not meet the criteria for the site to be designated Green Wedge. **Whilst this may have been the intentions of the Council and Parish Council, to designate the site as a Green Wedge, this is not the policy position and therefore must not be assessed in that way.**

3.40. Furthermore, the reasons states "*could prove difficult to mitigate*" (Applicant's emphasis). It does not determine it is not possible to mitigate. The Applicant has presented an enhanced landscape mitigation strategy which positively reflects the comments received from the landscape officer.

3.41. The site comprises 2.2ha. This is not considered to be a significant portion of the wider 'open countryside' within Wiltshire and therefore alone should not be weighed in favour of benefits capable of being delivered by the development.

3.42. Other reasons for discounting the site include heritage reasons, which are addressed in response to recommended reason for refusal 5, and transport. The Applicant has responded to the concerns raised by highways and therefore should no longer be considered a reason to discount the suitability of this site.

3.43. To conclude the Applicant's response to recommended reason for refusal no.2:

- The development is in accordance with CP1 and CP2.
- Planning policy (CP34) does support additional employment development outside the settlement boundary. This applicant complies with the necessary requirements of the policy.

- The proposals are proportionate to Gompels Healthcare Limited's demand and continued investment to the local community and economy.

- The development will not result in two settlements merging. There are prominent landscape features which contribute to maintaining the visual and physical relationship between Melksham and Seend / Seend Cleeve.

3.44. For the reasons outlined above, the Council should withdraw recommended reason for refusal no. 2.

Reason for Refusal 3 –

"The proposed warehouse/office building by virtue of its indicative size, siting, scale, design would be an incongruous and harmful feature within the area. The building would have materially harmful impacts on residential amenities (and most particularly on the properties at 454 and 455 Bowerhill, and to a lesser, but still materially harmful degree, at 450 – 453 Bowerhill) that would not be sufficiently mitigated by the applicants proposed landscape scheme. The proposal is therefore found to be contrary to WCS CP57, the made Neighbourhood Plan and the NPPF which require a high-quality form of development that is complementary to the immediate surroundings."

3.45. WCS Core Policy 57 requires a high standard of design in all new development and requires development to respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape, as confirmed in the Officer's Report.

3.46. This is an outline application which seeks to confirm the maximum parameters of the proposed development. All the detailed matters such as design and appearance will be assessed and determined at the reserved matters stage.

3.47. The Applicant has taken proactive and proportionate steps to address concerns regarding design quality and residential amenity. The revised Landscape Masterplan introduces a substantial bund and enhanced planting, dramatically reducing visual and overbearing impacts and ensuring effective screening sooner than previously anticipated. Earlier inconsistencies have been resolved, and the outline nature of the application allows further refinement at the reserved matters stage, including building appearance and materials to secure a high-quality design in line with Core Policy 57 and the NPPF.

3.48. In addition, robust and accepted mitigation measures are proposed: a Construction Traffic Management Plan and forthcoming CEMP will manage construction impacts, while lighting and noise assessments at reserved matters will safeguard operational amenity. These commitments demonstrate a proactive and responsive approach, ensuring the development integrates sensitively with its surroundings.

3.49. Noise impacts during the operational phase are addressed separately in response to reason for refusal no.4 below.

3.50. The reserved matters application will include a detailed lighting assessment, and appropriate planning conditions can be imposed to ensure that the development does not result in any unacceptable effects on residential amenity.

3.51. For the reasons outlined above, the Council should withdraw recommended reason for refusal no. 3.

Reason for Refusal 4 –

> *" In addition, the lack of a Noise Assessment, identifying existing and proposed levels of noise at the site boundaries of nearby vulnerable receptors (dwellings), means that the Council cannot be satisfied that the level of noise created by the proposed building and use of the site would not harmfully impact the amenities of local residential properties. The proposal is therefore found to be contrary to WCS CP57 and NPPF paragraph 135 f)."*

3.52. Following the planning committee, the Applicant has undertaken further Noise Assessment to address the reason for refusal listed above. The Noise Impact Assessment assesses the cumulative impact of the development and demonstrates compliance with the noise rating level limits derived from Wiltshire County Guidance at all receptors.

3.53. **The Noise Assessment concludes that there are no noise-related issues associated with the proposed development, which would prevent the granting of planning permission**.

3.54. The proposed development is therefore not contrary to Core Policy 57. On that basis, reason for refusal therefore no longer remains a valid and should be withdrawn.

Reason for Refusal 5 –

> *"The application proposals would result in less than substantial harm (at a high level) to the setting of the Grade II listed building Old Loves Farm, and the historic farmstead, contrary to the Core Policy 58 and section 16 of the NPPF. The less than substantial harm is considered to be at the upper end of the scale and is not outweighed by public benefits or the applicants asserted economic benefits."*

3.55. Reason for refusal 5 outlines the Council's position that the development will result in less than substantial harm to the heritage asset, and therefore the development is contrary to CP58 which seeks to retain and enhance heritage assets.

3.56. The proposed development for Old Loves Farm, which is located only metres to the east of the heritage asset, may have a modest negative impact on the farm's heritage significance. This is primarily due to changes to the setting of the farm, However, the greater portion of the farm's heritage significance, constituted by its architectural, archaeological and historic values, will not be affected by the development. Despite some minor loss of views from the farmhouse due to the proposed development and a reduction in the open space around it, appreciation of the farmhouse's architectural significance is still achievable.

3.57. While the proposed development will result in some harm to the Farm's heritage, it is noted that this potential damage is at the lower end of the scale of less than substantial harm, affecting only a small portion of the farm's overall heritage significance. It is also acknowledged that the harm anticipated resulting from the current application will not tip the balance into substantial harm for the farm's overall heritage significance given the robust nature of the asset's other avenues of significance, which will be unaffected by the development.

3.58. In light of this approach to heritage significance assessment, in compliance with the NPPF, PPG, and Historic England guidance, while acknowledging that some of the farm's setting will be impacted, the greatest components of its heritage significance remain intact. The inherent architectural and historical values, as well as important elements of the farm's setting to the north and northwest will be unaffected. Thus, to meet the requirements of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the identified less than substantial harm to the heritage significance of Old Loves Farm must be outweighed by the public benefits of the proposals in order for that harm to be justified.

3.59. Paragraph 215 of the NPPF states, where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.

3.60. The wording of the recommended reason for refusal suggests that economic benefits are separate to public benefits, where it says "*…not outweighed by public benefits or the applicants asserted economic benefits*". This is incorrect. Planning Practice Guidance (PPG) confirms that 'public benefits' are defined as "*anything that delivers economic, social and environmental objectives"*[1].

3.61. Public benefits are therefore summarised below and reiterated in the Planning Balance sections later in this report.

- The proposed development clearly delivers significant economic benefits through the expansion of a local business. The accompanying Socio-Economic Benefits Report states that the proposed development will contribute an estimated additional GVA, over a ten-year, period of £80.6million.
- Other economic benefits of the proposed development will also include Knorr-Bremse or another company occupying the currently occupied site. The additional GVA added by the wider benefits of this is estimated to be £277.7million over a ten-year period.
- The construction phase will deliver £30million in estimated construction investment over a 12-month build programme and would support 384 construction roles.
- The proposed development would also allow the Applicant to expand their business to support 196 jobs on-site, which is an increase of 100 from the current site. Analysis of the existing jobs also confirm that 98% of the employees are from within Wiltshire. This highlights the local importance of the business.
- The proposed development will also deliver environmental benefits such as a biodiversity net gain through habitat enhancements and creation.
- The development aligns with pillars of sustainability outlined in the NPPF.

[1] https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment

3.62. The above clearly demonstrates significant public benefits that arise from the proposed development. It is therefore ascertained that the public benefits of the proposed development outweigh the less than substantial harm to the heritage asset.

3.63. For the reasons outlined above, the Council should withdraw recommended reason for refusal no. 5.

Reason for Refusal 6 –

> *"In recognition of the substantial area of land to be developed and the indicative footprint and roof cover area, the Council is not satisfied that the applicant has submitted sufficient information to adequately assess and mitigate the impacts of the development pursuant to drainage interests and to satisfy the policy requirements that the application proposal would not lead to off-site flood risks as required by WCS CP67 and CP68."*

3.64. The Applicant has undertaken further drainage works and submitted the information to the Council. The latest comments from the drainage team (5 November 2025) confirm that they are satisfied with the additional information provided by the Applicant. Their consultee response confirm they have no objection to the proposals subject to conditions being added to the decision to approve the application

3.65. Recommended reason for refusal no.6 should therefore be withdrawn.

4. Planning Balance

4.1. The National Planning Policy Framework states that "*planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*". For the purposes of decision-making, the policies within the NPPF are material considerations.

4.2. Established case law makes clear that a breach of a particular development plan policy does not necessarily equate to a failure to accord with the development plan as a whole. The main principles relevant to determining whether a proposal is "in accordance with the plan" includes R v Rochdale Metropolitan Borough Council, ex parte Milne [2000] EWHC 650, where it is stated that Development plan policies can "pull in different directions", which means some policies can pull in support of an application, and some may pull against the proposed development.

4.3. **Planning policies within the Local Plan and NPPF should be read as a whole and consideration given to their effect.** When interpreting local plans, the words of the policies should be read sensibly and in the context of their objectives. **Policies should not be read in isolation from the local plan and the overall principles of the local plan should carry through the policies[2].**

4.4. **The proposed development aligns with both national and local policy objectives to boost employment land provision. This is underpinned at a local level by the development plan's evidence base. The scheme therefore represents a sustainable form of development that merits support within the planning balance.**

4.5. The adopted Local Plan is clear that proposals for employment uses outside of allocated sites, and the defined settlement boundary, can be approved. The proposed development at this site meets the requirements of CP34 and positively contributes to the additional provision of additional employment land. The need to provide additional provision is recognised in the adopted and emerging local plan, underpinned by the supporting evidence base.

4.6. Paragraph 85 of the NPPF identifies the importance for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. The NPPF states ***"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*** It continues to say, ***"areas with high levels of productivity which should be able to capitalise on their performance and potential"***.

4.7. Gompels' relocation to the application site provides the opportunity for the business to grow, which meets the aims of both local and national policy. Vacating the existing premises, which the Applicant has invest significant money into bringing up to modern standard and operative requirements, will unlock the opportunity for further employment

[2] Stratford on Avon District Council v Secretary of State for Levelling Up, Housing and Communities [2022]

potential within the Bowerhill Industrial Estate – further supporting the principles and aims of CP1 and CP2.

4.8. The application site presents a logical and functional location for employment development; expanding an existing business operating within Melksham, connections to a suitable highway network, proximity to a local workforce, serve the customer base, and be 100% self-contained avoiding 'spill' onto adjoining land and roads for paring or deliveries.

4.9. As set out in the NPPF, it is important that businesses such as Gompels are supported in their aspirations to expand and build upon their success and contribution to the local economy.

4.10. It is acknowledged that the site is located outside the defined boundary. However, this is supported in planning policy.

4.11. The proposed development will provide the following benefits:

- Significant investment to the employment provision in the area
- Significant creation of jobs - supporting around 196 new jobs on-site (net increase of 100 jobs from existing operations), with the potential for this figure to be as much as 287 based on industry employment density guidance.
- The Proposed Development is expected to generate approximately £9.4million in GVA annually and £7.1million in wages, with most jobs likely to be filled by Wiltshire residents
- The construction phase of the Proposed Development will support up to 384 temporary jobs and contribute £25.9 million in GVA, further contributing to the local economy.
- The combined activities of Knorr-Bremse and A N Other business are projected to generate £32.3million in GVA per year. The site will therefore continue to support substantial employment and economic output, safeguarding jobs and promoting business growth in the region.
- Biodiversity net gain above the national requirements
- Distils the three pillars of the suitability – social, economic, and ecological.

4.12. Overall, the proposed development is in accordance with the objectives and policies of the Development Plan for Wiltshire Council and will deliver sustainable development.

4.13. Paragraph 11 of the Framework confirms that 'Plans and decisions should apply a presumption in favour of sustainable development'. The Framework confirm that for decision making this means 'approving development proposals that accord with an up-to date development plan without delay.

4.14. Guidance within Paragraph 85 of the NPPF also emphasises the need to support economic growth through the investment, expansion and improvement of existing facilities. This proposal provides an investment which is critical to expand and adapt the current facilities to support its further growth and productivity. Therefore, significant weight should be

placed on the ability for this proposal to modernise, improve the technology and working conditions of the business.

4.15. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposed development is in accordance with the Policies contained within Wiltshire Council and National policies. The application should therefore be approved.

5. Conclusion

5.1. This application seeks outline planning permission for a proposed warehouse development, with all detailed matters reserved for further submission, assessment, and determination.

5.2. Gompels Healthcare Ltd are an existing business within Melksham that have been recognised for their employment contribution to the area. Gompels Healthcare Ltd are currently located at Bowerhill Industrial Estate. The existing site is located within the Primary Employment Area. As demonstrated in the main submission documentation, the existing site does not have the capacity to expand the business. A new site is therefore required to continue to grow their business. The Design and Access Statement (December 2024) (pages 14 & 15) provides additional detail why the expansion of the existing site is not possible.

5.3. A key consideration in these proposals is the aspirations of the Gompels Healthcare Ltd to stay within Melksham to support the local economy and retain the existing workforce.

5.4. The planning application has considered the key principles of the proposed development against policies set out within national, strategic and local planning policy and guidance.

5.5. The proposed development represents a well-justified and timely response to Wiltshire's employment land needs. It aligns with the findings of the Employment Land Review, supports a key local employer, and contributes to the sustainable economic growth of Melksham and the wider region. The development will help to resolve Wiltshire's slower growth than the rates seen in Swindon, the South West and England, identified in Employment Land Review[3]

5.6. The development proposals are in accordance with national and local planning policy and guidance, including the Development Plan and relevant material considerations. Accordingly, it is respectfully requested that planning permission be granted without delay.

[3] Wiltshire Employment Land Review (2023), Paragraph 2.1.2, Page 5.

Appendix 1 – Planning Committee Report (July 2025)

REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	1 July 2025
Application Number	PL/2024/11426
Site Address	Land to the South of A365 Bath Road and West of Turnpike Garage, Melksham, Wiltshire
Proposal	Construction of warehouse with office space, parking and associated landscaping including site access
Applicant	Gompels Healthcare Ltd
Town / Parish Council	Melksham Without Parish Council
Electoral Division	Bowerhill - Cllr Nick Holder
Grid Ref	51.35716, -2.111517
Type of Application	Outline planning permission: All matters reserved
Case Officer	Russell Brown

Reason for the application being considered by Committee
This application is brought before the Strategic Planning Committee as it is a large-scale major development of more than 10,000 square metres of non-residential floor space which requires the application to be determined by the Strategic Planning Committee. The divisional ward member (Cllr Nick Holder) also asked a neighbouring division member (Cllr Tamara Reay) to submit a call-in request irrespective of the officer recommendation with the following key issues being identified:

The scale of the development; and
The visual impact upon the surrounding area

1. Purpose of Report

This report considers the relevant planning considerations for the above proposal, including the consultation responses as well as local and national planning policy and guidance. The report identifies the key planning issues and appraises whether this application proposal represents a sustainable form of development having regard to the respective social, environmental and economic dimensions.

2. Report Summary

The key planning issues for this application are considered to be:

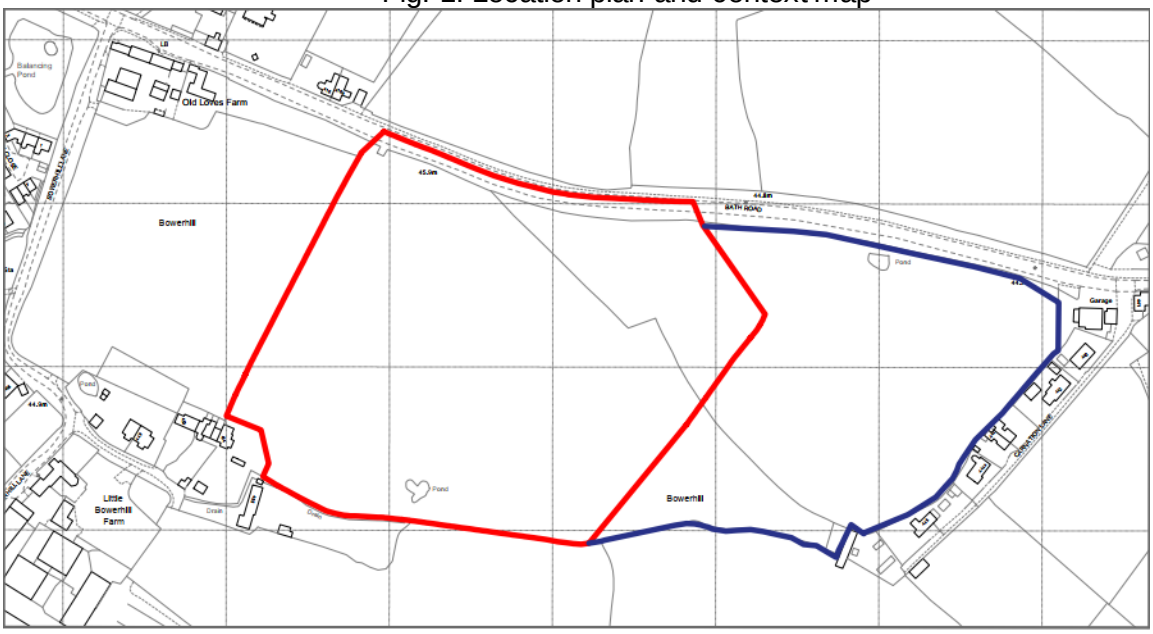
- Principle of development;
- Design, scale and visual impact upon the surrounding area and residential amenity;
- Landscape impacts
- Ecology impacts;
- Heritage impacts;
- Drainage and flooding issues; and
- Highways safety issues

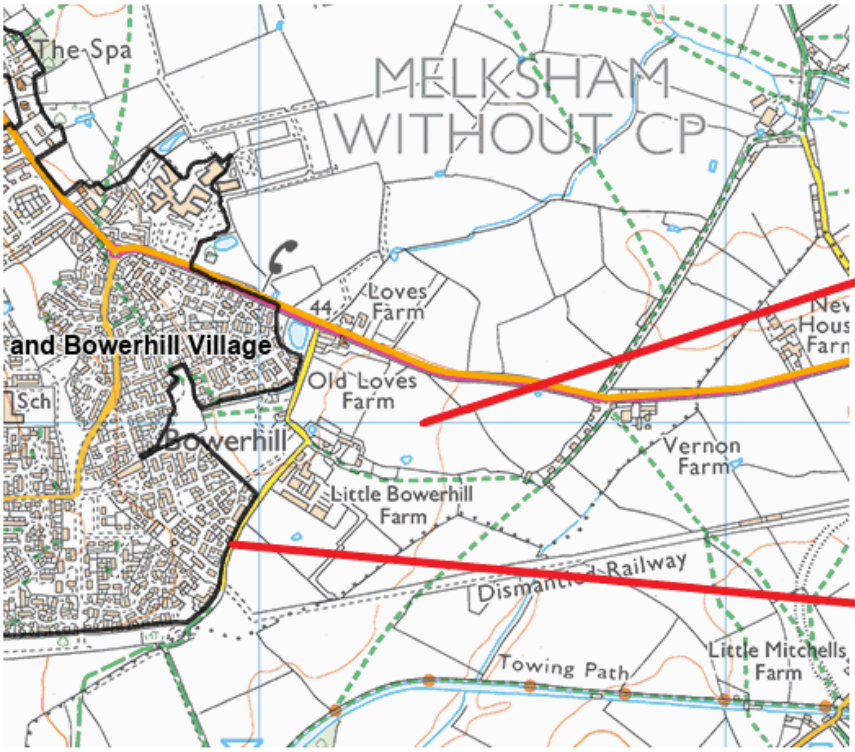
3. Site Description

The application site as illustrated on the following page and relates to land to the east of the Bowerhill and Melksham and sits within the open countryside and comprises agricultural land. There are residential neighbouring properties to the immediate south-west and north-west, and at longer distances to the east and west.

There is a Grade II listed building at Old Loves Farm, located to the north-west of the application site and shown in the below insert which is measured as being 95 metres from application site boundary and approximately 110m from the siting of the proposed warehouse.

Fig. 1: Location plan and context map





The above inserts reveal the application (in red), other land owned by the applicant (in blue) and the settlement boundary of Bowerhill village shown by a thick black line (above).

The boundaries of the site are formed by mature trees and hedgerows commensurate with the agricultural land use of the site and its surroundings.

The site is partly included within the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) and is wholly within the amber risk zone for great crested newts. The site is in an area where the flood risk is mapped as being low.

Fig. 2: Aerial view of site and surrounding



4. Relevant Planning History

There is no material planning history for the application site.

5. The Proposal

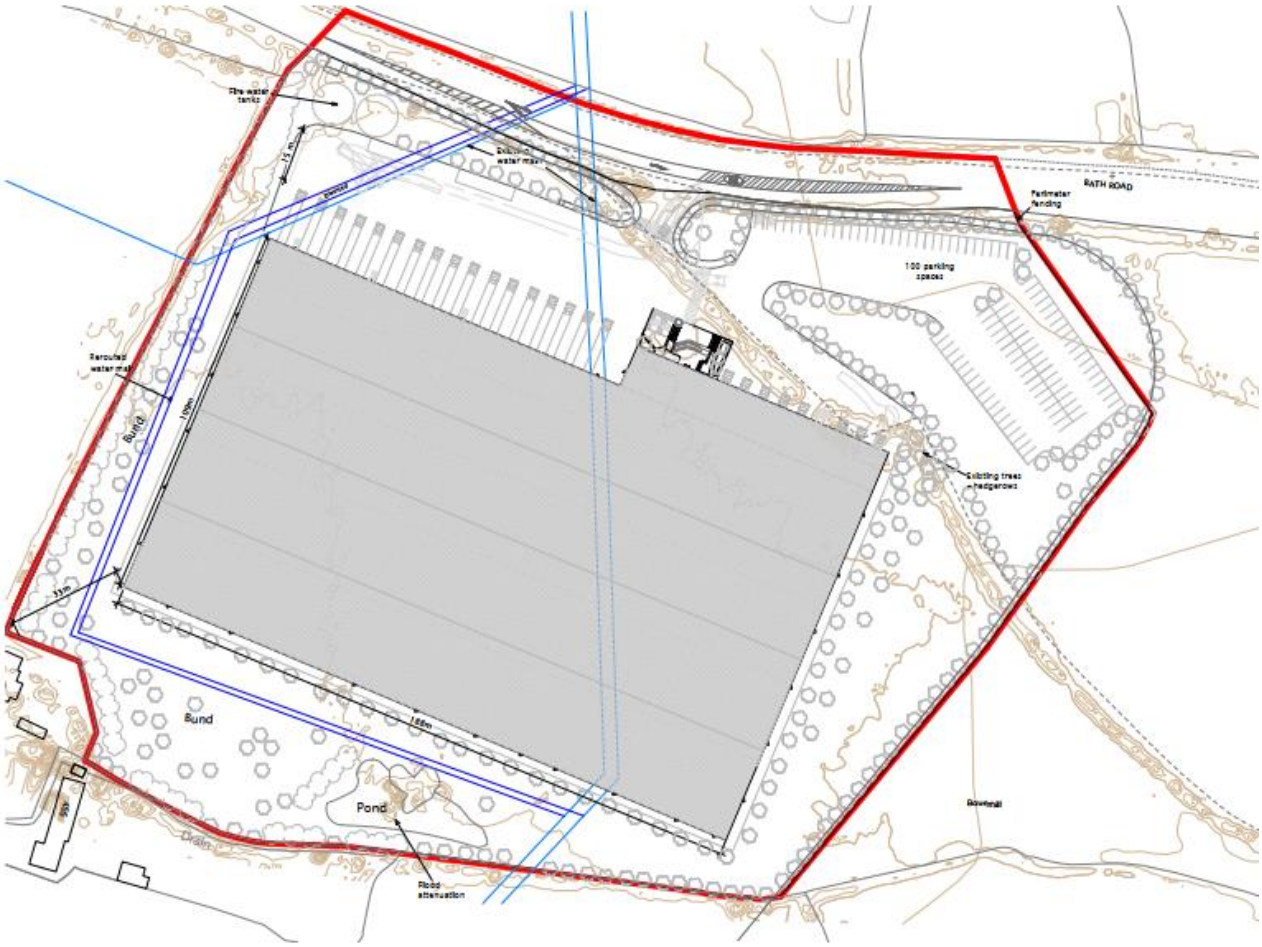
The proposal under this application seeks outline planning permission, with all matters being reserved for a later application pursuant to the proposed construction of a warehouse with office space, parking and associated landscaping including site access.

The proposal would include the following:

- A commercial warehouse, under B8 use, with a floor area of approximately 21,000 square metres.
- The proposed building would be 188m long and between 109m and 121m deep. The building would be 16m high at the eaves, rising to 17.5m at the apexes.

- 100 parking spaces would be provided.
- An external loading area for approximately 20 HGVs.
- Widening the A365 to the north, to facilitate a left-turn lane into the site.
- Removal and replacement of the northern site boundary hedge to allow for a proposed turning lane.
- Flood attenuation pond.
- Diversion of a water main.
- Landscape planting including bunding to the south and west.

Fig. 3: Proposed indicative site plan



All matters are reserved as part of this outline application, however the submission does include some indicative details, including the above site plan, as well as elevational details and floor plans (as set out within Figs. 5 and 6 included on the next couple of pages). The application is also supported by a series of supportive reports relating to transport, ecology, heritage, drainage and landscape.

The site is located outside of the defined settlement limits and is not allocated for employment use in the current Wiltshire Core Strategy (WCS), and the same applies to the emerging local plan.

The proposal would allow for the expansion of the Gompels storage and distribution business currently located within the Bowerhill Principal Employment Area.

The applicant asserts that this application would, if built, create about 100 additional jobs for the Gompels business as the following insert reveals:

Fig 4: The Applicant's Job Creation Projections

A breakdown of existing roles and employment growth is summarised below for Gompels HealthCare:

Role	Current numbers	With new development
Directors and management team	6	12
Procurement and accounting	14	25
Sales, Marketing, Customer services	24	48
Programmers and IT	4	10
Regulatory (H&S, Compliance)	2	7
Warehouse – pickers, supervisors	18	38
Forklift Drivers and other drivers	10	22
Maintenance and cleaning	2	6
New roles	-	12
Total	80	180

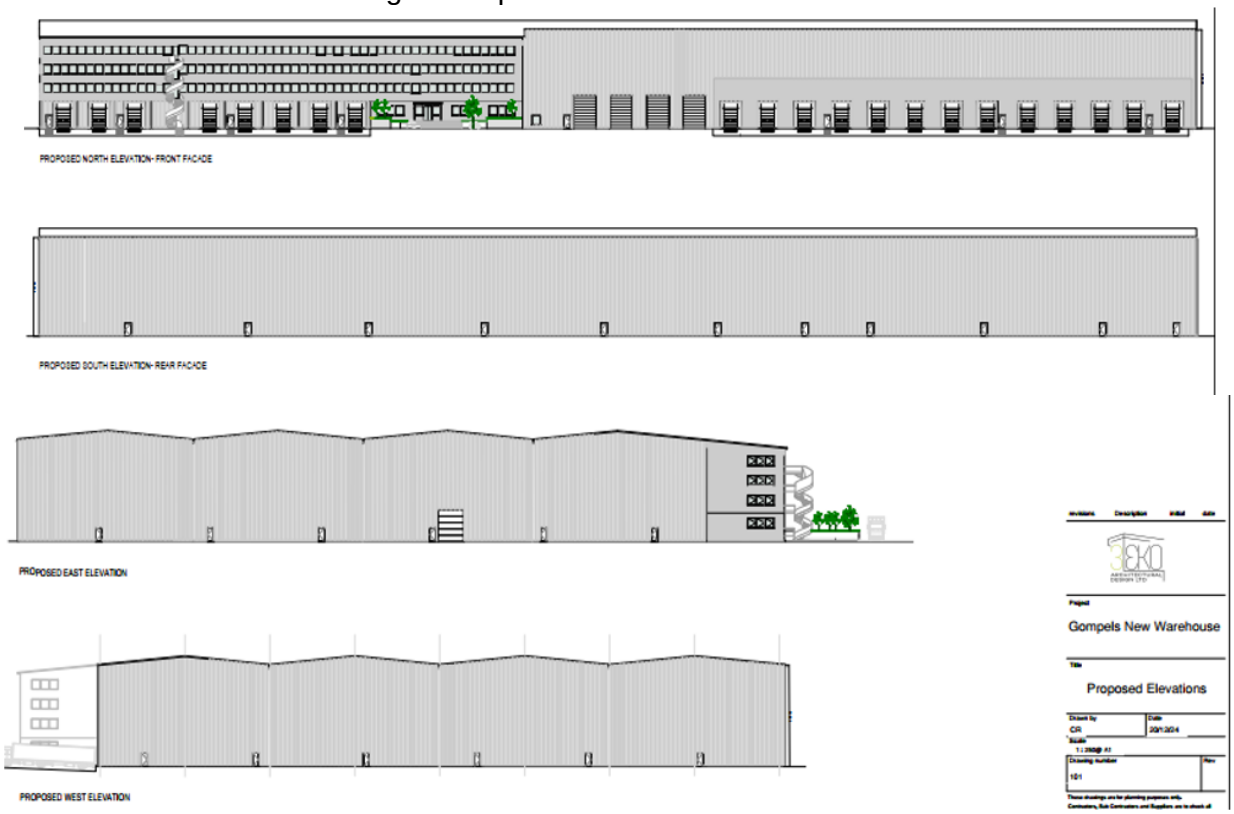
The applicant has also provided a document that shows the level of total jobs that could be created as a result of this application being between 275 – 547 (based on a "trickle down" assessment and assumption that other local businesses could expand to take over the existing Gompels building).

The job creation numbers quoted above have not been verified by officers and represent what the applicant argues may happen.

The site would be accessed from a proposed new entrance from the A365 to the north.

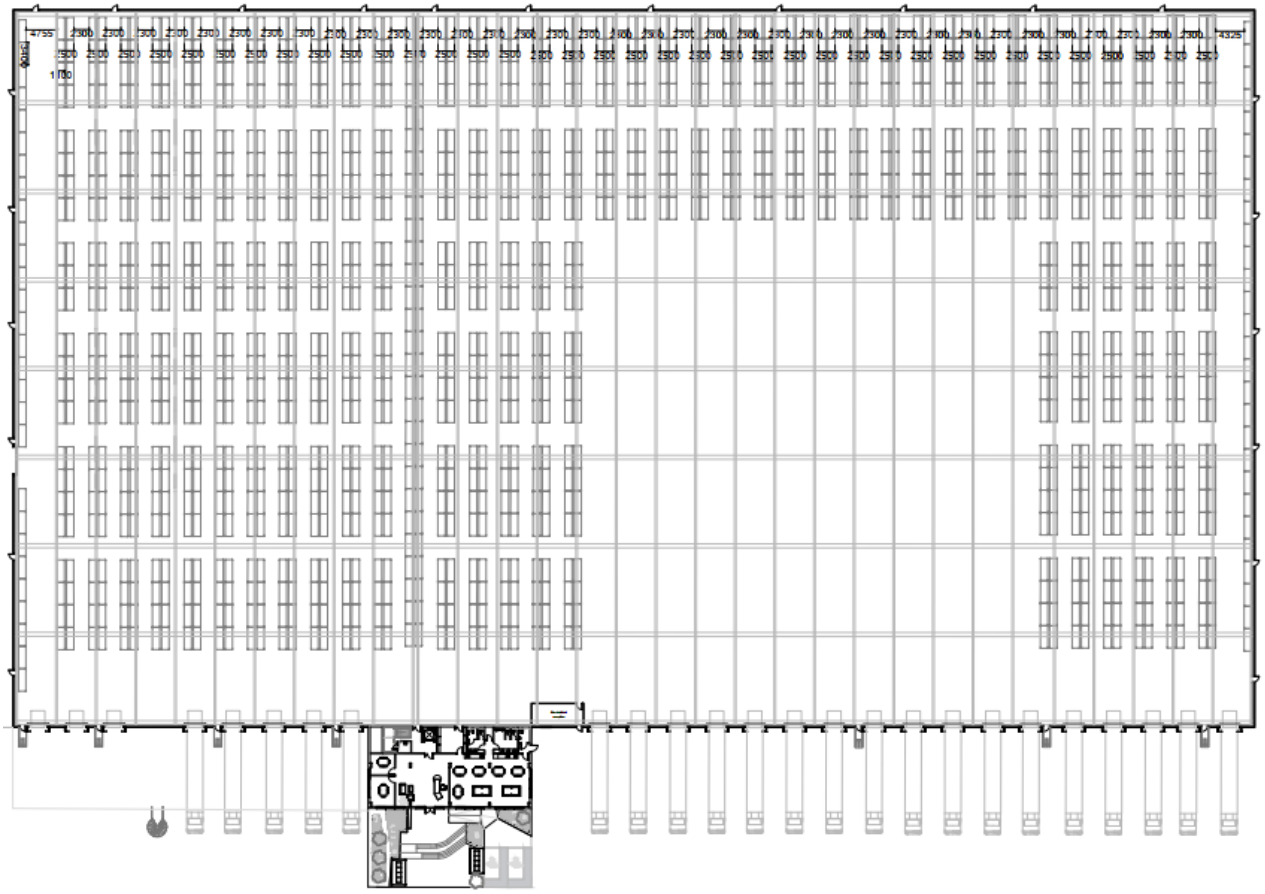
The proposed warehouse would operate between the hours of 7am and 7pm (Monday to Friday).

Fig. 5: Proposed indicative elevations



The proposed ground floor plan (Fig. 6) shows the extent of the warehousing, and as with the existing premises, there would be offices on the upper floors.

Fig. 6: Proposed indicative ground floor plan



6. Planning Policy

National Planning Policy Framework (NPPF, The Framework)

The adopted Wiltshire Core Strategy (WCS) 2015 - 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 34: Additional Employment Land; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Historic Environment; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and New Development; Core Policy 62: Development Impacts on the Transport Network; Core Policy 64: Demand Management; Core Policy 67: Flood Risk; Core Policy 68: Water Resources

West Wiltshire District Local Plan (1st Alteration) - saved policies U1a Foul Water Disposal

Other Material Considerations
Planning Practice Guidance (PPG)
Wiltshire Council's Design Guide
Wiltshire's Local Transport Plan 2011- 2026

Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD)
Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule)
Wiltshire's Community Infrastructure Levy - Regulation 123 List (123 List)
Strategic Housing and Economic Land Availability Assessment (SHELAA)

Joint Melksham Neighbourhood Plan 2020-2026 (Made July 2021)

Emerging documents

Wiltshire Council's Emerging Local Plan (for the period of 2020-2038) has reached examination stage and the first hearing will take place on June 24 to consider the duty to cooperate.
The Emerging joint Melksham neighbourhood plan to be known as the Joint Melksham Neighbourhood Plan 2 (for the period of 2020-2038) is currently subject to an independent examination whereby the appointed inspector has confirmed his satisfaction on the following:

- *the policies relate to the development and use of land for a designated neighbourhood plan area; and*
- *the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and*
- *the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.*

7. Summary of Consultation Responses

Melksham Without Parish Council: Melksham Without Parish Council recognises and respects the conflict and dilemma between the need for additional employment land and the loss of a greenfield site, its proximity to a heritage asset and the potential to impact the residential amenity and landscape. It is unfortunate that no other suitable employment land in Melksham has been found to accommodate the application proposals; or been allocated in the emerging Local Plan.

The parish council unanimously resolved on balance, to have no objection to this application but does have serious concerns about some aspects and therefore request planning conditions/mitigation measures be secured should the application be supported as detailed below.

Melksham Without Parish Council believes that the application meets the requirements for Additional Employment Land policies in Core Strategy (Core Policy 34) and the emerging Local Plan (Policy 64).

From the adopted Core Strategy Policy 34:
"*Proposals for employment development (use classes B1, B2 or B8)…Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that*:
i. *are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements*"…"*and are supported by evidence that they are required to benefit the local economic and social needs*"

From the emerging Local Plan Policy 64

"*Proposals for employment development (within use classes B2, B8 or E(g)(iiii)) will be supported on unallocated sites within or adjacent to Principal Settlements, Market Towns, Local Services Centres and Large and Small Villages where they are appropriate to the role and function of the settlement*."
"*and would not undermine the delivery of strategic employment allocations*".

The made Joint Melksham Neighbourhood Plan 1 and Emerging NHP2 Policy 10: Employment Sites is covered by NHP1 4.11.2 & NHP2 4.10.2:
"The level of out commuting to neighbouring towns and jobs along the M4 corridor is high, and community engagement confirms that people want to work closer to their homes. Expansion of new employment opportunities with the Plan area is considered desirable to reduce the amount of out commuting to deliver sustainable travel movements."

The parish council are very keen to safeguard existing employment and provide space for the expansion of jobs in the Melksham and Bowerhill area. With the Local Plan and emerging Melksham Neighbourhood Plan 2 housing site allocations, current planning applications for large housing developments and the changing landscape in light of the recent NPPF update, they feel strongly that Melksham should not develop any further as a dormitory town; jobs must be provided for the residents who currently live in the town and parish, and for those moving into the new houses in the future. Out commuting contributes to more car travel, congestion, and pollution, and takes money away from the Melksham community for local spend in shops and cafes. The parish council want to see Melksham, and its local economy, thrive.

The parish council have previously expressed their concerns at the lack of Employment Land allocated in the emerging Local Plan. Only 5 Hectares for industrial use is allocated, with 2 Hectares of that allocation already approved with a change of use to "Office and Research & Development" on the Blackmore Farm development (Local Plan Policy 18, Planning Application PL/2023/11188).

The "Planning for Melksham" September 2023 supporting document for the emerging Local Plan at paragraph 19 states "*The findings of an Employment Land Review has stated that businesses and agents report significant demand for expansion space in the area against a shortage of available sites and premises. This review has recommended that new employment sites are allocated to ensure there is a sufficient supply of employment land to meet forecast demand over the Local Plan Period".* The Place Shaping Priorities *"PSP2 Reducing Out commuting"* states *"Reducing out-commuting through and improved employment offer, including delivery of new employment land to allow existing businesses to expand and to attract inward investment*".

These statements are reflected in "Policy 17 Melksham Market Town" in the emerging Local Plan.

This planning application gives the retention and expansion for future jobs at Gompels and free up their existing premises for the retention and expansion of jobs at Knorr Bremse, who are adjacent to the current Gompels site. The parish council note the letter of intent provided in the "Planning, Design & Access statement" dated April 2022, but would like to see more recent evidence of this and suggest a draft Heads of Terms for Knorr Bremse moving into the vacated existing Gompels building.

The proposed building is large. On balance, the parish council feel that the need for retention and expansion of jobs outweighs the point in CP34 & LP64 relating to "harm to the residential amenity" but request mitigation on the following aspects.

Residential amenity/landscape/historic environment

CP34 requires new development to be "*consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity*".

Emerging Local Plan Policy 64 (LP64) as currently drafted seeks new development to be "*appropriate in scale with their location, do not adversely affect the operation of nearby uses or unacceptably harm residential amenity.*

LP64 also seeks to avoid "*unacceptable harm to landscape character or visual intrusion*" …and "*unacceptable impacts on the historic environment*".

1. Planting/Screening: the application proposes new tree planting being mature in 15 years' time; the parish council requests that mature, large specimens are planted to give more coverage, in a quicker time.
2. Design: the building is a functional warehouse, and thought is to be given to the design of the building to make it more architecturally interesting and appealing.
3. Colour scheme**:** the parish council request the use of graduated colour on the building to make it less "jarring" on the landscape; for example, the graduated colour on the Great Bear Distribution building for Cereal Partners on the A350, located on the other side of the Bowerhill industrial estate.
4. Lighting: External building lighting to not be obtrusive, use of downlighting, and not to impact on the residents and wildlife.

Highways/Footpaths

LP64 as drafted would seek new development to avoid "*unacceptable impacts on the local transport network*" which made Melksham NHP1 & Emerging NHP2: Policy 11 Sustainable Transport and Active Travel refers.

The parish council recognises that the site would be accessed via a ghost lane, rather than a roundabout, as per several other applications for major development in the parish at present. The lane must be long enough to allow for waiting vehicles to turn right and include sufficient width to allow vehicles to pass on either side of waiting vehicles.

There is an emerging Local Plan site allocation at Bath Road, adjacent to (MOCS) Melksham Oak Community School (Policy 19) for 135 dwellings which would require a new access (possibly a roundabout) onto the A365 at this stretch, as well as the long-held belief of the parish council that the entrance to MOCS is currently inadequate and should be a roundabout. The proposed route of the potential A350 Eastern Bypass would be located to the east of this planning application site, which would have another roundabout. Wiltshire Council's highway officers are asked to take all these access points into account and review a holistic approach to this stretch of road and not just look at this planning application's site access in isolation.

It is noted that the A365 at the proposed site entrance is an HGV advisory route, with HGV traffic encouraged to use the A365 rather than travel through Seend and the A361.

The parish council request an upgrade to the existing footpath surface and a safe pedestrian crossing for those employees walking to work.

Sustainable Design & Construction & EV Charging

WCS CP34 seeks new development to "*meet sustainable development objectives*".

Similarly, the made Joint Melksham NP1 and emerging NHP2: Policy 1 Sustainable Design & Construction refer.

Made Joint Melksham NP1: Policy 4 refers to Ultra-low emission vehicle charging and "*proposals for new employment, leisure or retail developments are also encouraged to make provision for charging facilities for staff and/or other users*."

Emerging Joint Melksham NHP2 Policy 4 covers ultra-low emission vehicle charging and states that "*Technology for charging low emission vehicles, such as electric vehicle infrastructure, will be required for all development proposals in accordance with national or Wiltshire Council standards as relevant*".

Whilst the application incorporates solar panels, air source heat pumps etc and an excellent BREEAM rating at pre-assessment, which are welcomed, there is no mention of EV charging points, and the parish council would like to see these provided. This would not only lead to decarbonising road transport, but more use of electric vehicles would mean quieter traffic.

Care needs to be taken with the siting of the solar panels to ensure there is not a large reflective surface when the building is viewed from further away, from Seend/Seend Cleeve.

Other points raised at the public parish council meeting

Members recognised and respected the many points raised by the residents of Bowerhill Lane and Bath Road and the wider Bowerhill and Seend areas who attended the meeting but felt that points raised were not material planning considerations. For example, concerns of loss of view, or reduced property values. Likewise, there were suggestions for Gompels to look at other sites, to swop their land with the parish council's sports field, to work night shifts at their existing site, or to take less orders and not expand as a business, but the parish council were only able to consider the current planning application in front of them and the material planning considerations.

The parish council also noted that the site was looked at previously by the Council and registered as "SHELAA (The Strategic Housing and Economic Land Availability Assessment) 3331 Land South of Bath Road (A365) West of Carnation Lane" in the Local Plan review (September 2023) as part of "Site 4: Land to the east of Bowerhill" and was considered the joint 6th most sustainable site (out of 19 sites reviewed by the Council's strategic planning team), but was not allocated in the Local Plan.

The parish council welcomed the additional information provided during the application process, but having considered the new information, the PC saw no reason to change their view on having no objection (with the previous caveats remaining).

Melksham Town Council (MTC): Melksham Town Council acknowledges that this development falls within the boundary of Melksham Without Parish Council, but the outcome of the application would affect the town as well. The consultee comments made by Melksham Without Parish Council are fully endorsed. Concerns were expressed about the location of the proposed warehouse and vehicle access to the site.

The Town Council are sympathetic to the views and concerns of residents but ultimately felt that

the employment benefits were paramount and on that basis the Town Council voted not to object to the application. However, if the application is to be granted, Melksham Town Council requests that planning conditions are imposed to mitigate the effect on local residents, as suggested below.

Planting/Screening – MTC would like to see larger, more mature trees planted at an early stage, to provide some immediate cover and give full coverage in a shorter time period.

Design – MTC would like to see more architectural appeal in the design, rather than a basic functional warehouse.

Colour – MTC would like to see graduated colouring on the warehouse to help it blend into the landscape and make it less jarring to residents.

Lighting – MTC is concerned about intrusiveness of external lighting for residents and the adverse effect of external lighting on wildlife. MTC requests that any external lighting be mitigated downlighting.

As well as any other mitigating conditions that are considered suitable in addition to the above.

Seend Parish Council: During the Council's meeting on 28th January 2025, more than 20 local residents attended and raised concerns about this application, three residents were invited to speak on their behalf.

The concerns included:

The height and scale of the proposed building
Possible impact on Septic Tanks if the water table rose
Wildlife impact
Impact on the current view enjoyed by Local Residents
The detrimental effect on adjacent property values
Increase in traffic pasting the adjacent school

It was however conceded there is a recognised need for local employment opportunities but there were questions whether there were more suitable locations nearby and that some would prefer the land to remain undeveloped agricultural land.

At the PC meeting, the applicant responded to these concerns explaining they had completed a full landscape impact assessment with a plan to screen the warehouse with tall trees and hedging. In addition, provision would be made to increase biodiversity and provide the necessary drainage to ensure the existing water table does not rise and may actually be slightly lower.

Councillors shared some of the concerns raised and noted that this is a very difficult planning decision to make. Given time, it is believed that although the building could be screened, it is very high and perhaps a compromise could be found by lowering the overall height of the building by covering a larger land area. The Parish Council's understanding is that the applicant has looked at more than 20 sites.

There was a suggestion made regarding potentially redeveloping the recreational land adjacent to Gompels present site and be exchanged for Gompels land.

Wiltshire Council appears not to have fully understood the Company's plight. Gompels has been a

local success and is a growing company. All of their employees are directly employed, and they have been supportive of their local staff.

Without Wiltshire Council's support the company may be forced into a position that could ultimately become a choice between jobs or housing. It is a decision the applicant did not want and one the Parish Council feels would have been unnecessary had Wiltshire Council fully considered the long-term needs of its locally based medium sized enterprises.

This situation has a wider impact as it calls into question the value of local Neighbourhood Plans as it is possible they could be over-ruled. Guidance on the creation of future Neighbourhood Plans may need to be revised to include adequate provision of 'Employment' land so that people have the opportunity to live and work within the same community area without having to travel.

Wiltshire Council Highways Authority: No objection, subject to conditions and subsequent reserved matters application, along with a s278 agreement.

The Highways officer raises concerns over the detail included within the application, whilst acknowledging that the application is in Outline with all matters reserved.

There are some conflicts within the submitted plans, but these are shown as indicative and not set as a detailed matter at this stage. The works to the highway would require a s278 agreement. It is pointed out that the Indicative Preliminary Junction Layout shows area of embankment support to the south of the widened carriageway which conflicts with the proposed parking arrangements within the site.

The pedestrian links to the site would need to be upgraded and there may be pressure to create a shared use path for pedestrians and cyclists.

Nevertheless, the highways officer does not object to the outline proposal and considers that there is enough space within the highway land and application site to create a safe access.

Wiltshire Council Drainage Authority: Objects

While it is noted this is an outline application, the drainage authority is not satisfied that the applicant has demonstrated the surface and foul water drainage strategy would be feasible based on the current information provided.

Further information was provided by the applicant that has not resolved all of the technical objections.

There remains a concern that there is no source control SuDS, which would cause unrestricted flows through the swale until the final discharge control device at the connection into the watercourse. The applicant has not demonstrated that this would be managed appropriately.

The applicant has also failed to satisfy the drainage authority that the proposal would have a strategy to deal with various flooding events.

Wiltshire Council Conservation Officer: Objects.

Key Issue – the effect of the development on a designated heritage asset, a grade II listed farmhouse and historic farmstead at 'Old Loves Farm'.

Relevant Legislative / Policy Position:
- Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 – requirement to have special regard to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses.
- The National Planning Policy Framework (2024) outlines government policy, including the historic environment (Section 16). National Planning Policy Guidance provides guidance on making changes to Heritage Assets.
- Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.
- Wiltshire Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Issues:
- Impact upon the preservation of the listed building and/or its setting or any features of special architectural and/or historic interest.

Assessment:
The farm is a good intact example of a traditional farmhouse and farmstead, of national importance, and whilst some of the farm buildings have been converted to residential use, the overall character of the site and its relationship with its rural surroundings has been preserved. Farmsteads have a fundamental relationship with their surrounding hinterland, which contributes to its understanding and special interest. Wide open spaces and field systems contribute to the immediate and wider setting of historic farmsteads such as this.

The proposed warehouse would be a vast building, built up close to the boundary of the site and would have a visual impact on the setting of the designated heritage asset at Old Loves Farm, causing harm, justifying a conservation-based objection with the proposals being considered contrary to current national and local policies that seek to preserve or enhance the historic environment.

Revised comments:

Following the submission of additional information by the applicant, including a heritage statement and proposed mitigation measures, the following updated conservation-based comments were provided.

Whilst it is accepted to a point that the early 21st century residential development to the west has eroded the setting of the designated heritage assets, the historic rural lane ('Bowerhill Lane') has been an historic physical and visual separation of the farm site from the land to the west. Whilst each application is assessed on its own merits, and therefore the presence of development to the west sets no precedent for this proposed development, the type and scale of the housing development is quite different to the proposed warehouse.

The fact that there is development to the west does, and should, not automatically mean that further erosion of the wider setting of the listed farmhouse is acceptable. The additional erosion of the rural character of the setting would have a negative cumulative impact and therefore would fail to

preserve or enhance the setting of Old Loves Farm, which is contrary to the NPPF and Core Strategy.

It is noted that additional mitigation measures in the form of planting have now been proposed, and whilst the principle of providing improved greenery and bunding is generally positive, it does not take away from the fact that mitigation measures are required to reduce the visual impact on the character of the rural setting. These measures acknowledge that there would be a visual impact on the wider rural setting, which is harmful to the point that mitigation is required.

The additional information is appreciated, however the conclusions set out within the heritage statement are not agreed with, and the degree of visual harm to the setting of the listed farmhouse is substantive grounds to maintain an objection. Accepting that some harm has occurred in the past should not be a reason to allow further harm within this sensitive setting. Other suitable sites for industrial buildings should be explored that will not result in harm to heritage assets.

Wiltshire Council Public Protection: Objects

There are existing residential properties in close proximity. With regard to noise and the effects on the amenity for all the residential receptors, a noise assessment is required which should consider factors such as background noise and hours of working. Following the submission of such an assessment, planning conditions may be necessary regarding noise mitigation or to restrict hours of work/deliveries, but a baseline understanding is required.

The development should be designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

Where this criterion cannot be achieved, the various noise control measures considered as part of the assessment should be fully explained (i.e. relocation of noise sources, use of quieter equipment, enclosures, screening, restriction of the hours of operation) and the achievable noise level should be identified. This information would allow a judgement to be made concerning the application and its likely impact on the surrounding area. In addition to the above, maximum noise levels should also be adequately controlled.

Deliveries and collections are usually controlled by restricting operational hours but depending on the extent of these activities, a Noise Management Plan (NMP) may be necessary, which would include an assessment of noise. This would usually involve assessing the noise upon arrival, loading/unloading period and then departure.

The NMP may also need to include controls such as acoustically sealed delivery bays, and restrictions on vehicle mounted refrigeration units, audible alarm systems or white noise reversing beepers. Where applicable, the noise assessment will take account of multiple noise sources operating simultaneously and report the cumulative impact.

Wiltshire Council Ecologist: Objects.

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	Impacts on protected and notable species.	CP50, NPPF, Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended).	Ecological Impact Assessment to include (but not exclusively) detailed survey for protected and notable species bats (foraging and commuting including LHB), dormice, great crested newts, birds and reptiles. Assessment of impacts on lesser horseshoe bats.	
2	Protection of features of nature conservation value including local biodiversity resource and ecological networks.	CP50, NPPF	Ecological Parameters Plan	
3	Biodiversity Net Gain	Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)	A completed statutory metric calculation confirming the baseline and predicted post- development biodiversity units of Site (including the condition assessment sheets (if applicable) and maps.	

An ecological assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following protected sites, habitats and protected/ notable species: Bath and Bradford on Avon Bat SAC, hedgerows (priority habitat), hedgerows (priority habitat), bats (foraging and commuting including LHB), dormice, great crested newts, birds and reptiles.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species.

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming. Information required by the Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been submitted.

The site extends to approximately 5.6 hectares that is not covered by any statutory on non-statutory nature conversation designation. The southern boundary of the site does however lie within a lesser horseshoe bat LHS Core Roost Buffer for a maternity roost located at Seend Head Mill and as such impacts on the Bath and Bradford on Avon bat Special Area of Conservation must be fully considered.

Based on walk over surveys carried out in 2022 and 2024 the site is reported to be predominantly arable land bound with hedgerows, with one hedgerow cutting across the site from North-West to

South-East. The hedgerows would be considered habitat of conservation importance (i.e. Priority Habitat) and are considered to be ecologically important.

Detailed surveys for protected and notable species as recommended by the applicant's own submitted ecology reports have not been completed however preliminary results indicate that the hedges may support protected and notable species bats (foraging and commuting), dormice, great crested newts, birds and reptiles.

To avoid impacts on features of nature conservation value, including ecological networks and protected and notable species the hedges would need to be retained and buffered from the development (including artificial light spill).
The submitted site plan shows the proposed development encroaching on hedgerow that would result in significant loss and fragmentation of this habitat.

Detailed survey for the following species is recommended in the submitted reports, but these have not been completed:

bats (foraging and commuting), dormice, great crested newts, and reptiles.

It is also noted that the assessment does not consider farmland birds.

As recommended by the applicants own surveys, the application must be supported by an Ecological Impact Assessment predicated on completed surveys.

Ecological Parameters Plan (EPP)

An Ecological Parameters Plan (EPP) is required. The EPP must clearly identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and any areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. The EPP would become an 'approved document' of any outline permission granted and any future reserved matters application would need to be designed and planned to be in compliance with the EPP.

The EPP must include:
1. A scaled drawing showing existing ecological features, distinguishing between those to be retained and those which will be lost e.g. hedgerows, trees, water features, badger setts etc
2. Specify the minimum distance from each feature to the footprint of development e.g. to curtilage of properties, car parks, roads.
3. Specify the buffer distance from light sensitive ecological features where the increase in lux levels will be zero or, if lux contours have been modelled, show contour lines for 1, 0.5 or 0.1 lux depending on the sensitivity of ecological features
4. Identify where new habitats will be created on site, include minimum area in hectares or length in metres and habitat type
5. Identify areas where habitat enhancement will be undertaken, include minimum area in hectares or length in metres and habitat type, e.g. defunct hedgerow to be grubbed up and replanted
6. Provide stand-off distances to the footprint of development e.g. curtilage to properties, car parks, roads for each tree to be retained, sufficient to ensure the tree will survive throughout the operational phase without risk of it being removed for health and safety, loss of amenity or liability reasons.

Habitat Regulations Assessment (HRA) – Bath and Bradford on Avon Bat SAC

The application site is partially located within a consultation zone for bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and therefore the proposed development has the potential to result in significant adverse impact on the special features of that site.

Insufficient information has so far been submitted to undertake the HRA, which must be completed and the conclusion agreed with Natural England prior to the application being determined.

Biodiversity Net Gain

This application was submitted after Biodiversity Net Gain (BNG) becoming mandatory however the requisite information required for applications subject to the biodiversity gain condition has not been submitted. Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG).

Applications subject to the biodiversity gain condition must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, which includes:

- the completed statutory metric calculation tool showing the calculations of the predevelopment biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value.
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

Note: the above is only a summary. The applicant should refer to Paragraph: 011 Biodiversity net gain - GOV.UK for full details.

If the applicant considers that the development would not be subject to the biodiversity gain condition, Schedule 7A of the Town and Country Planning Act 1990 the applicant should provide a statement setting out the reasons why they believe this is the case. The submission of a completed metric calculation tool is also considered necessary to evidence any such statement.

Wiltshire Council Rights of Way: A Public Footpath MELW35 is located in the field to the south of this proposed development. If the diversion of the A350 goes ahead and the route of the A350 is to be located to the east of this development, it is likely that MELW35 would need to be diverted over the A350. If possible, it would be advantageous to have a public bridleway dedicated within the area of planting which would run between the new road and the proposed building. This would allow for a connection to the north without the need to cross the new road. It would also help improve the connectivity of the bridleway network to include the potential linkage with public bridleway SEEN13 to the south-west of the site.

Wiltshire Council Landscape Officer: Objects

This application follows a pre-app enquiry (ENQ/2022/00548) which focused on the site and the surrounding landscape character – which s referenced as Landscape Character Type 12B.

The site is isolated from the main industrial estate located to the west of Bowerhill and is thus potentially out of scale to the landscape character and context. The LCA states under broad management objectives to *'Consider screening views to intrusive urban edges through planting new woodland.'*

It is noted that the applicant's submitted masterplan has included considerable tree planting to the South, East and Western boundaries of the site although more could be done to strengthen the Northern boundary. The building would be approximately 17.5m high at the ridgeline and would be considerably taller than any of the nearby development, making it a visual outlier. There is a 146m gap between the site and the settlement boundary of Bowerhill, whilst the nearest similar sized industrial / warehouse buildings at Bowerhill Industrial Estate are over 1km to the west.

Set against this is the onward eastern expansion of Melksham to the north of the site with substantial housing development either approved or in the planning stage creating a long-term urban extension to Melksham that this development could add to cumulatively. There is also the future delivery of a Melksham Bypass to consider that could potentially pass the eastern boundary of the site. Whilst the bypass has been out to public consultation there is no formal planning application submitted, so it cannot be relied upon from a landscape perspective that this major infrastructure project would be implemented at the location envisaged, and if at all. At this stage, the consulted upon bypass cannot be used as defining a future settlement 'edge' for an expanded Melksham.

The eastern expansion of Melksham on land to the north of this site is low rise housing development and primarily residential in nature which would again make this scheme an outlier even if the eastern edge of Melksham was fully built out. The development therefore has to be able to stand on its own merits without relying on other development to either weaken the surrounding rural character of the landscape so that the scheme can be deemed acceptable or help to filter views.

The substantial economic benefit to the local economy that the expansion of this local business would generate are fully appreciated (as set out in the applicant's Design and Access Statement (DAS), but this needs to be weighed up alongside the harm the proposed development would have to landscape character by virtue of the large scale warehouse being proposed on an isolated greenfield site in the rural countryside contrary to Core Policy 51 and NPPF (2024) para 187 (b) '...*recognising the intrinsic character and beauty of the countryside...*'

The DAS suggests using a horizontal pallet of matt coloured cladding to match into the landscape setting in order to reduce the visual impact of the building. This would certainly help to reduce the buildings impact, but a fuller understanding of the colour scheme to be used based on an analysis of the local landscape would be helpful. Currently the DAS gives some examples from a bright blue to shades of green. It would be helpful to know what the applicants design team considers most suitable for the Avon Open Clay Vale character Type.

This form of 'camouflage cladding' would however impact more on long distance views rather than close up views where a colour scheme would not hide the bulk of the building. It is also noted that whilst the examples given in the DAS indicate the use of horizontal cladding, the submitted sketch plan elevations show vertical cladding for the main warehouse building which would not work with the proposed coloured cladding system.

After reviewing the applicant's masterplan, two large fire water tanks have appeared on the front of the development since the pre-app scheme was submitted. These are potentially unsightly and

could be located away from the boundary to reduce their visual impact and allow the north boundary landscape to be strengthened. No information has been given on their height / colour and these characteristics along with their location are likely to be detrimental to the impact of the scheme on the surrounding landscape context.

The footpath and front entrance layout do not match the swept pathed analysis submission contained in the transport report. The landscape layout plan needs to be updated to the latest scheme as this would have the benefit of reducing the number of pathways along the northern boundary and thereby increasing the width of landscape screening and bunding.

It would also be useful to know if approaching lorries to the site would be required to wait in front of a security gate before being allowed to enter the site and if there is enough room for this without the longer lorries causing a hazard.

It is also noted that a utility wayleave needs to be relocated in order to accommodate the building, yet its new path leads right across several landscape bunds and is shown with tree planting underneath. Is the utility provider content with trees being planted so close to their diverted infrastructure and if not, does the plan need to be amended to suit their wayleave preferences so that we can have a better understanding on the landscape mitigation.

The proposed car parking would be very close to the site boundary with little potential to provide effective screening. There is also a large area of tarmac to the south of one of the parking areas that does not seem to have any real purpose. A betterment would involve relating the car parking at least 5m away from the site boundaries in order to allow for additional substantial landscape planting with bunding similar to that currently proposed to the east of the current fire water tank location. This would provide a better landscaped edge and would not rely upon any future planting associated with a bypass roundabout – which appears to be something the applicant is indicating on the masterplan.

As noted above any proposed scheme must be able to show that it can manage the impact on the current landscape without relying on future landscape mitigation for another development. Whilst it is useful to know that the proposed scheme would not directly conflict with a potential future bypass it would be more helpful if the illustrated outline layout drawing was drawn with the A365 based on its current alignment to show how the scheme would work currently with perhaps the bypass arrangement faintly dashed in without any of its potential tree planting being shown because at this stage, there are no planning or landscape certainties with the bypass, and this will remain the case until a formal planning application has been submitted for the bypass.

The proposed wide areas of woodland planting are welcomed in order to try and reduce the visual impact of the building in the landscape although how much of this is achievable due to the utility wayleave diversion is yet to be confirmed, and even with substantial depth of tree planting it could be 15-20 the years before the tree planting reaches a height and maturity that would adequately screen/filter views of the building from local PRoWs which run close to the development to the south and east.

The DAS notes the use of solar panels and roof lights on the roof, but the illustrative outline layout does not show this. It would be useful to understand where solar panels are proposed as glint or glare issues could offset the attempts at reducing the buildings impact at distance with coloured cladding choices.

With respect to sites the applicant has considered prior to submitting this application, the

applicant's own review of sites in the DAS takes no account of potential landscape impacts and thus whilst this site might meet all the technical requirements as stated in the DAS other sites may have been more suitable from a landscape character perspective.

The applicant's submitted Landscape Visual Assessment (LVA) does not provide a plan setting out the viewpoints, so it is difficult to judge exactly where they have been taken from and whether they are representative of the views experienced along the local PRoW network. The viewpoints do not have the site location or extent noted on them which is standard practice when undertaking LVAs / LVIAs in accordance with GLVIA (3rd Edition) guidance. This makes it especially difficult to appreciate the impact on a particular view presented in the LVA.

The submitted LVA states under para 5.4 that the scheme would be set in the context of '*...existing industrial development to the west of Bowerhill is present within outward views from the ridge tops, and therefore the proposed building would not be without precedent*.' However, none of the viewpoint photographs in terms of the close and middle-distance views make this point. As noted previously Bowerhill industrial area is 1km west from this development and despite the proposed architectural detailing and landscape mitigation that this development may offer, it would be seen as an isolated industrial development in the countryside.

All the applicant's submitted VLA viewpoints generally show a largely wooded undeveloped edge to this part of the Melksham and Bowerhill settlement Boundary. Placing a 17.5m high large-scale warehouse would be completely out of context with the landscape character of the Open Clay Vale.

The LVA argues that the proposed Melksham bypass would significantly degrade the landscape to such an extent that would *'fundamentally alter the baseline condition of the site'* (para 4.23). The Melksham bypass has not reached application stage, and the extent of its landscape mitigation is unknown. The applicant's assertion that a future bypass (which may never reach application submission stage or be approved and constructed) should have material weigh, is not accepted.

Conclusion

The applicant's DAS concentrates on the economic importance of securing a site for the expansion of an important local business. The proposal however fails to recognise '*...the intrinsic character and beauty of the countryside*...' as required under NPPF (2024) para 187 (b) or the following parts of Core Policy 51:

ii. The locally distinctive character of settlements and their landscape settings.
iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe.

The landscape mitigation proposed by the applicant could be compromised by the need to divert the utility wayleave across the site. And by virtue of the proposed size and scale of the proposed warehouse and its prominent location, there are substantive landscape-based concerns in an area that is characterised by *'level landform with wide open skies and views to ridges and downs'*. The proposed landscape mitigation would take too long to have the desired screening impact and may have a detrimental impact on the openness of the Open Clay Vale landscape character.

The Council's landscape officer refutes the LVA's conclusion that the initial *'significant (adverse - my addition) effects'* on the landscape character would be mitigated by the proposed landscaping due to the overall scale of the building, the poor master planning at the northern boundary, and the utility way leave that would require a considerable area to be kept clear to allow for management

access. The applicant's assertions made with respect to the undefined impacts associated with a future Melksham Bypass scheme are also rejected.

The scheme fails, by its scale and form, to reflect the landscape character of the site and the surrounding countryside at odds with Core Policy 51 / NPPF (Dec 2024) para 187 (b). Whilst mention is made in the DAS to make use of coloured cladding to reduce the visual impact of the development this has not been followed through in the elevations of the building.

The landscape mitigation does not reflect the potential impact of utility wayleaves on the ability to plant screening vegetation along the boundaries of the site.

Concerns remain regarding poor master planning and layout of ancillary structures in particular on the northern boundary of the site and the impact on public views into the site and the ability to fully mitigate the sites impact on the surrounding landscape.

Concerns around discrepancies between plans (particularly around site entrance layouts shown on different plans)

The applicant canno0t reasonably rely upon theoretical negative impacts of a potential future development (in particular the proposed Melksham Bypass) devaluing the landscape character.

Updated Landscape Comments:
Following the submission of an LVIA (produced by consultants WH Landscape), along with a new site plan, and a SUDS / drainage report, the following landscape-based comments are made:

The new LVIA still concludes that the development '...*can be acceptably integrated into the receiving landscape on the edge of Bowerhill / Melksham.*' (para 7.1) and *'[o]n balance these effects are considered acceptable in the context of the site's proximity and spatial relationship to the urban edge of Bowerhill and Melksham, which exert an urban fringe influence over the site and its environs. Impacts on these receptors can be partially mitigated by landscape enhancements*.' (para 7.5)

The above is fundamentally disagreed with. The localised built-form character is defined by low rise residential housing and not by large scale warehousing which is found 1km to the west of the application site forming part of the Bowerhill Industrial Estate with a significant number of residential properties in between. This would make this development an outlier in the urban fringe.

The applicant's new LVIA repeats the previous LVA's note on the potential negative impacts of a future Melksham bypass as a reason to allow this development to go ahead (para 7.6). This is not accepted. The Melksham bypass and its potential impacts on Landscape Character are too difficult to quantify at this stage and in the absence of a formal planning application, this current application must be judged on its own merits and compared with the current baseline landscape assessment and known development that is planned for or has approval to date (as well as any application with a Council endorsement to approve, subject to the sealing of a legal agreement).

The concerns raised over the utility wayleave remain. The updated SUDS / flood risk report and revised site plan show the diverted wayleave still running along the western and eastern boundaries of the site right through the proposed landscape mitigation. This is not what is shown on the revised landscape layout. The revised landscape layout suggests the diverted wayleave

would be taken through the road verge and diverted along the verge of the proposed Melksham bypass. This is important conflicting information provided by the applicant/his consultants.

Substantive concerns remain in place regarding the poor master planning and no noticeable changes have been to the layout following the initial Council landscape concerns were logged.

The new SUDS plan would undermine the landscape mitigation that both the new LVIA and previous LVA proposed. Instead of substantial landscape buffer planting to the south, east and west being reinforced with suitable bunds, the SUDS scheme proposes substantial attenuation ponds in these areas with much reduced opportunities to provide bunds or landscape buffer planting.

[Below image extracted from LVIA to illustrate this commentary]:



Fig. 1 Distribution warehouse at junction of Portal Road/A350.

The applicants recently submitted LVIA provides an example of the sort of buffer planting being proposed in Fig1 which shows a large warehouse being screened by a substantial landscape buffer of native trees and shrubs along with a large bund. However, having found out where this photograph was taken from, and scaling off the figure, the illustrative bund would be approximately 30m wide and densely planted. Even the proposed planting shown on the WH Landscapes drawing is only 20m wide at its widest point, which is 2/3rds the width of the planting shown in Fig 1 which would mean the bund would have 2/3rds the height.

If the attenuation basins are now added the ability to provide any form of bunding would be virtually removed and the width of planting would be further reduced to perhaps 10m or approximately 1/3rd of that illustratively shown in Fig.1.

Based on the above, Fig 1 gives an inaccurate visualisation of what screening is achievable or even proposed for this application due to the site constraints.

No attempt has been made to address the landscape-based concerns regarding the weak landscape mitigation along the northern boundary of the site and the poor location of the firefighting tanks. Even the amenity space set aside for the workers has been lost to the large attenuation basin down the eastern side of the building.

The landscape plan shows the existing pond to be retained and planted with marginal species, but this does not match the SUDs drawing which incorporates a virtually new 'wet' pond within a new southern attenuation basin. Considering the substantial amount of landscape buffer planting proposed along the southern boundary, serious doubts are held as to whether the marginal planting would successfully establish or instead if this proposed 'ecological feature' might just become over shaded, deoxygenated, and full of leaf litter.

The landscape masterplan and site plan still do not match the transport assessment proposed site access layout and the original queries around footpath layouts and lorry pull-ins and gate locations remain.

Final Landscape Conclusions

This development does not sit well with the existing urban fringe (contrary to the LVIA's conclusions), and that the landscape mitigation that has been proposed in order to justify the resultant levels of visual and landscape character impacts caused by the development are fatally undermined by the requirements of the SUDS drainage design.

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring properties within close proximity of the application site as well as the display of site notices. As a result of this publicity, many representations have been received:

Approximately 760 representations have been received in support of the application, with approximately 690 of those being submitted as a petition or pre-written letters that were signed.

Approximately 400 representations have been received objecting to the scheme, including some petitions, and some from duplicate addresses.

The third-party comments are available to read in full on the Council's planning portal, and can be summarised as follows:

SUPPORTIVE COMMENTS:

- Gompels is a family run business, there is a longstanding commitment to the area.
- This would create 275 new jobs, which is important given the thousands of new homes being built in the area. Keeping jobs local and supporting growing population.
- This creation of these jobs would reduce the need for out-commuting, cutting traffic congestion and pollution, and creating a better work-life balance.
- As a local business we have struggled to find space to expand in and around the Melksham area. Development of unused land is key in keeping businesses and employment within the area. Failure to develop unused land and build capacity will mean that housing expands at a faster rate than commercial property and a lack of jobs for local people. More development of industrial units is urgently needed. Whilst we understand that warehouses

are maybe not beautiful in the landscape, we are pleased to see the comprehensive screening and non-significant impact at 15 years.

- British businesses should be supported.
- The economic benefits of this project are substantial. By expanding their infrastructure, Gompels will be better positioned to drive growth across the supply chain, fostering stronger relationships with suppliers and creating new business opportunities. The new facility will also contribute to local economic priorities by generating employment and supporting the region's industrial development.
- If this shortage of industrial land is not addressed, businesses like ours, Gompels and many others on the industrial estate face an uncertain future, with the potential for job losses and reduced economic activity in the region. Gompels' proposed warehouse offers a sensible solution to these issues by allowing them to expand their operations and continue to grow in a sustainable way, as well as freeing up their existing site for other local businesses in such desperate need for space.
- a state-of-the-art premises will reinforce Gompels' commitment to sustainability, allowing for eco-friendly practices and energy-efficient operations.
- Government supports economic growth.
- This project aligns with broader community goals for sustainable growth and development.
- Knorr-Bremse is also expanding and would take over the existing Gompels site, creating jobs.
- Gompels Healthcare has demonstrated an exceptional commitment to innovation and collaboration in the technological sphere. Through the provision of warehouse space, operational insights, and knowledge-sharing initiatives, Gompels has enabled the Oxford Robotics Institute to develop, test, and refine cutting-edge robotics systems in real-world environments. These contributions have been instrumental in advancing our understanding of autonomous systems, machine learning in logistics, and robotics deployment at scale - fields that are critical to both regional and global technological progress.
- While some comments suggest the site is a "wildlife haven," it is not designated as a protected habitat or green belt land. Like any field, it has passing wildlife, but it is not an ecologically significant site. The proposal includes substantial tree planting and landscaping improvements, which will enhance biodiversity rather than diminish it.
- For the past 25 years, Gompels has been a key provider of essential pharmacy services to Nutricia, a specialized medical nutrition division of the Danone Group. Our market-leading service in the UK has enabled thousands of individuals to receive nutritional support in the comfort of their homes, rather than in a hospital setting. The strategic partnership with Gompels continues to grow as we develop our service and adapt to NHS reforms. We encourage you to support Gompels in their application for a new warehouse. This expansion will enable them to continue providing vital support to us in the future from their Melksham base as well as contribute further to the local economy.
- Employees of the business are in support of the proposal:
    - Noting that additional commuting time to a different location would put off existing employees due to longer commuting.
    - The business has attempted to secure a new site in numerous locations around Melksham but all to no avail.
    - The local school children would not be in danger.
    - The business produces little pollution.
    - Everyone would prefer land to remain as fields but we all know that cannot always happen.
    - We've outgrown our current space, and this move is essential for the business to expand and continue supplying to care homes and nurseries.

- I understand there are concerns about views being affected for a small number of residents. However, I believe the long-term benefits of securing hundreds of jobs and supporting a thriving local business far outweigh the impact on a handful of individuals.
- The building would only operate Monday to Friday.
- Gompels supports local community clubs and charities.

OBJECTIONS:

- The loss of sun light in the early mornings from a structure that will stand 52 feet high and that will only be a few feet from our boundary and will stretch the entire length of our Garden some 400 feet plus! We will instead focus on the reasons why it should be rejected.
- The field has standing water on it from late Autumn to early Spring that does not drain away.
- We are concerned about the noise levels from the forklift trucks, lorries and vans and air conditioning units etc. And that in time they will move to working a night shift as well.
- This proposal stands in stark contrast to the character and environment of our community and threatens to irreversibly damage the local ecosystem, diminish the quality of life for residents, and endanger the safety of children in local schools which are a few hundred meters away.
- The proposed industrial facility, with its colossal structure standing at 16 meters in eaves, is entirely out of place within our community. Our area is known for its scenic landscapes and tranquil environment, qualities that have drawn many residents, including myself, to purchase properties here. The introduction of such a large-scale industrial operation is not only aesthetically jarring but will lead to a significant increase in noise pollution, thereby eroding the peace.
- The proposed site is outside the settlement boundary, on greenfield land, adjacent to a listed building and a primary school, with limited infrastructure and poor pedestrian/cycle access.
- Object to this proposal on the grounds that this agricultural land is not eligible for industrial development. Therefore, no exception should be granted by Wiltshire Council, not least because of the sheer disproportionate scale and size of this project.
- This is wholly inappropriate and will be extremely detrimental to the area in question, which comprises farmland, countryside walks, a heritage site, local residents and a community secondary school.
- The negative environmental impact is immeasurable in terms of the upheaval that will result, not least changes to the landscape, infrastructure, increased volume of traffic/pollution levels, endangering wildlife and decreasing the quality of life for the immediate population - all of which contribute towards making this development unjustifiable.
- There is no reason why Gompels cannot achieve their goal in a more suitable, pre-existing industrialised location, for which there is already plenty of scope on the nearby designated Trading Estate.
- This stretch of road is also used twice a day by students walking and cycling to/from Melksham Oak School, often over spilling into the busy A365 traffic. Accidents have already happened.
- Ridiculous place to even consider such a thing. Thought that was what industrial/trading estates were for, to keep these unsightly things away from our lovely countryside.
- The LVIA is flawed and there is an over-reliance on long-term mitigation and mischaracterised the landscape context.
- The letters signed in support of the scheme were misleading.

- I do not disagree with the need for the warehouse, but the location is completely inappropriate and wrong, and they fail to properly consider the existing residents.
- The environmental impacts on existing agricultural land in a solely residential area, not only visually but audibly, etc. Instead, by building a new warehouse instead of expanding in the Bowerhill Industrial Estate or re-locating, the impact on the environment and carbon levels would be considerable.
- The current and previous government both adopted a "Brown Field First" policy so therefore this application should be rejected because it's a Green field site.
- The redundant Cooper Tires site would be a better place for this development.
- The emerging Local Plan and the Neighbourhood Plan have not allocated commercial land on this proposed site.
- Core Strategy policy 34 (additional employment land) states that the proposal must be appropriate to its surroundings and not affect residential amenity.
- The location proposed is too close to a grade II listed farmhouse Heritage Asset.
- Increased traffic both during the building phase and during the operational phase, with potential for over 200 HGV movements/day. This high level of heavy vehicle movements will potentially make roads more dangerous for pedestrians and cyclists. The A365 does not have suitable capacity for more HGVs.
- Noise, light, and air pollution —While the applicant claims the site is not currently expected to operate 24 hours a day, no firm restrictions have been proposed to prevent extended or overnight operations in future. A facility of this size bring serious risk of long-term disruption through noise, artificial lighting, and increased air pollution including for schoolchildren at Melksham Oak School.
- The proposals would destroy the rural character of the area & impact a Heritage Site. The development would set a terrible local precedent for more industrial buildings in the wrong location, altering the character and appearance of this mostly rural area. Old Loves Farm nearby is a Grade II listed building that would be harmed.
- The Scale and Design of the warehouse is very unsuitable for this rural and low-rise residential setting.
- Some material submitted by the applicant is not related to material planning considerations.
- CP34 only allows employment development outside allocated employment land when:
  1 - There is clear evidence that no suitable sites exist within designated areas (There is no such evidence - see below)
  2 - The location is sustainable and well served by infrastructure. (It isn't)
  3 - The development supports rural economic needs or strategic employment objectives (It does neither)
  The test for CP34 is about land use planning — not business preference, staff convenience, or operational habits.
  The applicant has not convincingly demonstrated that allocated sites elsewhere in Wiltshire are unavailable. In fact - on page 4 of his own Design and Access Statement he does the exact opposite. He quite rightly identifies that Trowbridge and Chippenham sites exist and meet his criteria: Size, Viable, Deliverable and Road Access. He chooses to rule those sites out on the basis of distance alone stating that staff would leave due to child care commitments and being unable to commute on foot or by bike.
- This warehouse would be massive — totally out of place next to fields and houses. No amount of planting trees or digging banks is going to hide a building that size. It's going to stick out like a sore thumb and spoil the countryside that people here value.
- Projected job creation numbers are not accurate.
- The new documents do not demonstrate that this location is the only viable option. Core Policy 34 explicitly requires that alternative sites be ruled out before employment

development can be justified outside designated areas. Yet the applicant offers no detailed evidence that other industrial sites beyond those in the immediate vicinity of Swift Way were fully explored. Claims that sites were ruled out due to the potential impact on existing employees travel or childcare arrangements are not valid planning considerations. These sites exist, and the council should be focusing its efforts on unlocking their potential—not allowing the countryside to be lost to speculative development.

- Transport concerns also remain unresolved. The Highways response confirms the need for pedestrian safety improvements and highlights the narrowness of the existing footway, but the proposed upgrades are minimal and still leave significant risks. HGV movements are set to double, yet there are no detailed plans for mitigating the impact on local roads or improving public transport or cycle access.
- Core Policies 60 and 61 are clear: developments must be supported by appropriate infrastructure and located where they make use of existing sustainable transport links. This site does neither. The outline nature of the application leaves too much undefined, and there is no binding commitment to provide the infrastructure needed to make it viable. Supporting business growth should not come at the expense of landscape, heritage, and road safety. I urge Wiltshire Council to stand by its own planning principles and reject this application, encouraging future investment to focus instead on the industrial areas already designated for this purpose.
- Environmental & Landscape Harm Confirmed – The site supports local biodiversity and forms part of our rural landscape. Even the applicant's own assessments acknowledge permanent landscape changes. The drainage proposals also raise concerns about long-term flood and pollution risks.
- If this is approved, it sets a dangerous precedent – it says that any business with enough local goodwill can override planning policy and build whatever they want, wherever they want, regardless of the impact. That's not how planning is supposed to work.
- Environmental Impact - The development threatens to disrupt the local ecosystem by the removal of trees, destruction of green spaces, and poses an increased flood risk.
- The negative impact that this proposal will have on the countryside landscape and general character of this area is significant. There is no development remotely similar in the area and Outline Landscape and Visual Appraisal openly notes this fact. I would hope that the Wiltshire Council Planning Team consider the 15-year timeframe associated with the suite of landscape mitigation methods that would diminish these impacts to a "non- significant level." Again, I would question the strength of the statement that the potential bypass route would have in influencing how this application is determined from a Landscape and Visual impact perspective.

9. Assessment

9.1 Principle of Development

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

Adopted Wiltshire Core Strategy (WCS) Core Policy (CP) CP1 details the settlement strategy for Wiltshire. Melksham is identified as a Market Town where there is potential for development that will increase the jobs and homes in the town in order to promote sustainable communities.

WCS CP2 of the WCS states that development will not be permitted outside the defined limits of development unless the development falls under an exception policy, in this case CP34 – additional employment land.

WCS CP15 sets out the community area strategy for Melksham. It points to the issues stated at paragraph 5.83 and sets out that "*Melksham and Bowerhill village have a functional relationship and are considered together for the purposes of this strategy. … The identity of these separate communities will need to be preserved through the planning process. … However, it is recognised that … Bowerhill ha[s] strong functional links to Melksham and ha[s] important individual characteristics which should be protected where practicable."* And that *"development at Melksham should protect the historic environment".*

WCS paragraph 5.83 also states that *"further employment growth in Melksham will help to further diversify the employment base, providing protection against possible future changes in the employment market.* ***The regeneration and improvement of existing employment sites, such as the Bowerhill Industrial Estate, remains a priority****"* (officer emphasis added above).

WCS CP34 states that "*Proposals for employment development will be supported within the … Market Towns … in addition to the employment land allocated in the Core Strategy. These opportunities will need to be in the right location and support the strategy, role and function of the town, as identified in Core Policy 1 (Settlement Strategy) and in any future community-led plans, including neighbourhood plans, where applicable*."

The site is not situated within the defined limits of development, and CP34 is very clear in stating that employment development outside market towns development will be supported that "*are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements"* where they "*are consistent in scale with their location, [and] do not adversely affect nearby buildings and the surrounding area or detract from residential amenity*". (WCS CP34, i, b)

Officers assert that the application site is not adjacent to the boundary of the limits of development, and that the proposed building would not be consistent in terms of localised built form and scale with its location would adversely affect the nearby residential dwellings and would have a harmful impact on residential amenity. In addition, given the lack of any baseline noise assessment supporting evidence officers are unable to support the application in terms of fully appreciating the potential noise impacts this development may have.

The proposal is therefore considered contrary to WCS CP34. The emerging Local Plan includes a similar policy to CP34 (under Policy 64), which, as drafted, would seek to secure the same safeguarded forms of sustainable development. It should also be noted that emerging Local Plan can only be given some weight at this stage, appreciating that the first examination hearing session has been scheduled to only address the legislative duty to cooperate requirement.

The made Joint Melksham Neighbourhood Plan under Policy 10 requires that "*Proposals for the retention and reuse of previously developed employment land will be supported in principle, particularly by start-up and small businesses bringing a range of new employment opportunities. The Principal Employment Areas and the central Commercial Area".*

The application site does not comply with the above as the site is a greenfield site in the open countryside.

Officers fully appreciate that there would be employment benefits to the proposal in terms of creating jobs associated to the expanding local business. It is also fully understood that the expansion of the business to the identified site would release the current Gompels buildings for

other businesses to move/expand into. Officers also acknowledge that the application submission includes a job creation projection that starts at 275, based on what is planned with some assumptions based on the knock-on impacts of other businesses also expanding. 100 additional jobs are projected to be created by this application for the Gompels business as the following breakdown submission made by the applicant suggests:

A breakdown of existing roles and employment growth is summarised below for Gompels HealthCare:

Role	Current numbers	With new development
Directors and management team	6	12
Procurement and accounting	14	25
Sales, Marketing, Customer services	24	48
Programmers and IT	4	10
Regulatory (H&S, Compliance)	2	7
Warehouse – pickers, supervisors	18	38
Forklift Drivers and other drivers	10	22
Maintenance and cleaning	2	6
New roles	-	12
Total	80	180

Notwithstanding the job creation benefits that the applicant projects for this application, officers strongly submit that this application proposal is in the wrong place.

The emerging Local Plan proposes new allocations of employment land in Wiltshire; and, as part of the Local Plan evidence base, an Employment Land Review (ELR) was undertaken which identified a demand for up to 24.6 hectares of employment land in the Chippenham, Corsham and Melksham cluster.

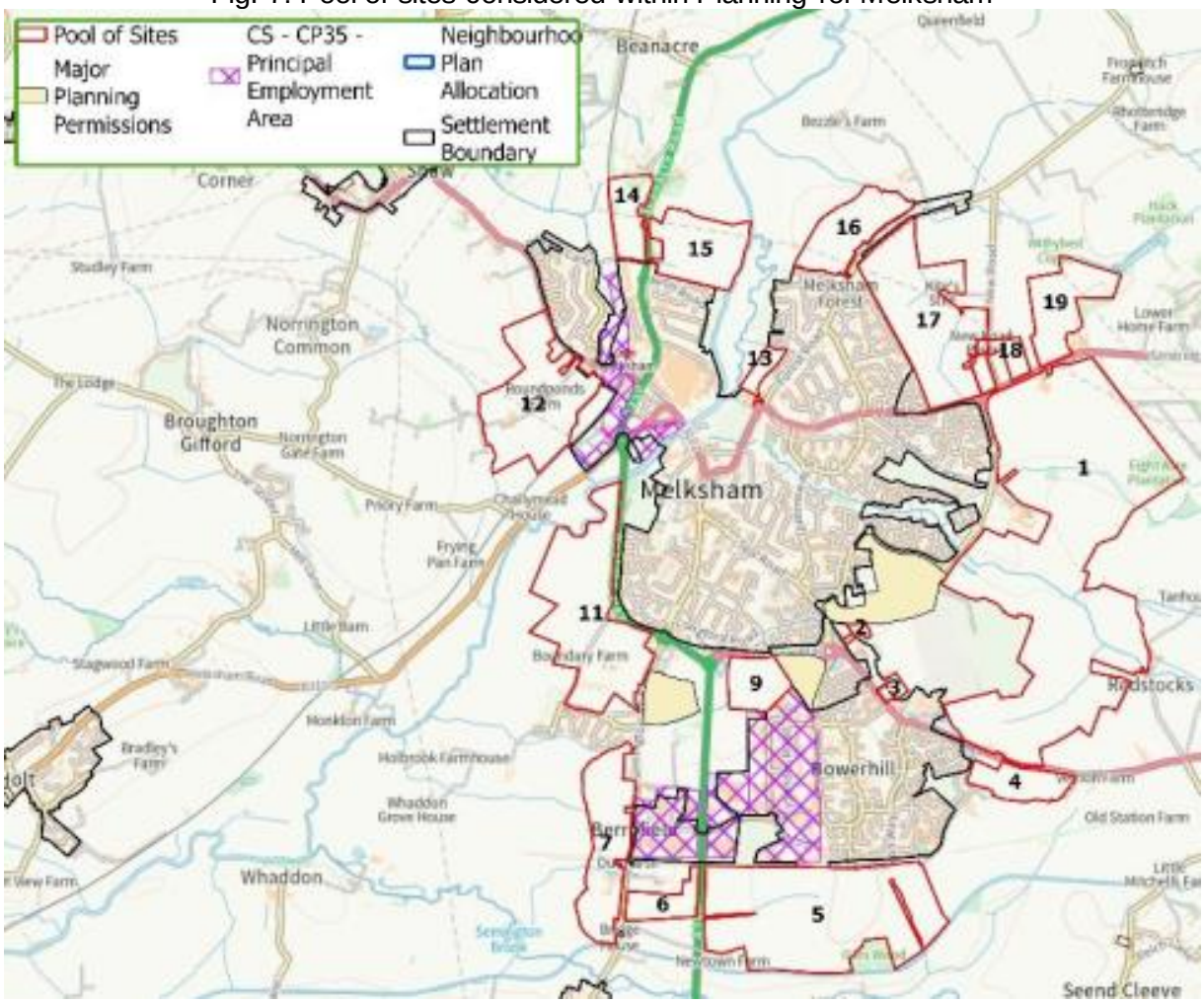
Melksham was identified as needing up to 1.2 hectares for offices and 6.9 hectares for new industrial / warehousing premises.

The Planning for Melksham supporting document recommends that new employment sites be allocated to ensure there is a sufficient supply of employment land to meet the forecast demand over the Local Plan period.

The document acknowledges that "*There are very few available sites left in the town for business expansion or inward investment and there is ongoing demand for more employment. The spatial strategy for Melksham identifies a requirement for approximately 5ha of employment land at the town which is proposed to be delivered on Site1a 'Land East of Melksham'*."

Site 1a is located to the north of the application site, with very good connectivity. The application site was considered under the aforesaid local plan review process, and was notated as site 4 as shown in the below extract:

Fig. 7: Pool of sites considered within Planning for Melksham



The emerging plan sets out that "*Parts of Site 1 and Site 17 are considered capable of meeting the majority of the scale of residual requirements for both new homes and employment, as well as any infrastructure and mitigation requirements, that should be planned for."*

Related to site 4, of which the application site forms a part, the site was considered for inclusion in the emerging Local Plan, but was rejected by the Council as an allocated site "*from a landscape perspective the site would be an urban encroachment into the rural setting between Bowerhill and Seend / Seend Cleeve which could prove difficult to mitigate*." In addition, the site would have material heritage-based impacts as the following extract confirms:

***"Heritage** – development at this site would impact on the Grade II Listed Building Loves Farmhouse. Farmsteads have a fundamental relationship with their surrounding hinterland which contributes to their understanding and special interest. The site forms the immediate setting to Loves Farm. Whilst mitigation is possible, the requirement to preserve the setting of Loves Farm is likely to severely reduce site capacity. The site also has medium to high value features including a medieval settlement, comprising building platforms, hollow ways, field boundaries and ponds in the eastern half of the site."*

There would be substantive landscape harm too as set out below:

***"Landscape** – the site has a strong, open rural character, which has a sense of separation from the adjoining suburban residential development at Bowerhill. There is potential for built form to alter the character of the existing well-integrated settlement edge and break treed skylines, and for development to result in prominent urban sprawl extending from Bowerhill into the surrounding, open rural landscape."*

The highway and transport were also duly considered as follows:

***"Highways/transport** - the location of this site to the east of the village of Bowerhill makes most town centre services and facilities difficult to access by active travel modes, although the site is in fairly close proximity to primary and secondary schools. The proposed bypass route will go through the middle of this site. This route will need to be safeguarded and this will significantly reduce the number of dwellings the site can deliver. This site is not supported by the Local Highway Authority. The site cannot be accessed from Bowerhill Lane or Hornchurch Road and hence it will need to be delivered direct from the A365, in a location where traffic flows are high with high recorded speeds."*

In further analysis, the document continued by stating:

"This site is considered unlikely to include employment land given its size and location at Bowerhill village, and also given the proximity to Bowerhill Industrial Estate to the west. However, the proximity to Bowerhill Industrial Estate would allow residents to easily access local jobs by walking and cycling. Effects on out-commuting are considered to be neutral."

Committee members are respectfully reminded of the importance attached to not compromising the Council's own emerging Local Plan which has reached examination stage. The Council has devoted significant resources to preparing and advancing the Plan and it would not be appropriate for the committee to open up a separate critique of the policies and strategies contained within the emerging local plan – which was supported at Full Council in late 2024.

This application should be assessed on its own merits with a planning judgement based on current adopted policy and all the material planning considerations which are set out in the remainder of this report.

In terms of policy, the proposed warehouse is considered a significant plan departure and officers are unable to support the application. The application is considered contrary to the made JMNP, the adopted WCS and NPPF. The current WCS and the emerging Local Plan focus on delivering economic, social and environmentally sustainable development (to which NPPF para 8 refers) and the promotion and delivery of additional employment land in the right places. This application fails to meet the essential policy requirements to deliver a sustainable development.

The application is not supported by officers in principle when tested against the adopted WCS, the made JMNP and the NPPF.

Should the committee however be minded to support the application, contrary to officer recommendation, members are respectfully advised that there is a Plan Departure Direction imposed upon the Council by the Secretary of State for Levelling Up, Housing and Communities ("the Secretary of State"), in exercise of powers conferred by articles 18(4), 31(1) and 45 of the Town and Country Planning (Development Management Procedure) (England) Order 20151 ("the Order") which came into force on 26 January 2024, which requires the Council, where it does not propose to refuse, to notify the Secretary of State.

The procedural reasons for the notification (should members not support the officer recommendation) are set out as follows (and taken directly from the SoS direction), and it should be fully appreciated that a failure to follow this requirement would expose the Council Judicial Review and maladministration.

5. (1) For the purposes of this Direction, "development outside town centres" means development which consists of or includes retail, leisure or office use, and which –

(a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and

(b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and

(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:

(i) 5,000 square metres or more; or

(ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

The following sections appraise the application proposals in more detail starting with design, scale and visual impacts upon the surrounding area and residential amenity.

9.2 Design, scale and visual impact upon the surrounding area and residential amenity

Adopted WCS Core Policy 57 requires a high standard of design in all new development and requires development to respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape.

The site is in the open countryside and is agricultural land, with the A365 to the north and residential properties and gardens to the south, south-west and north-west.

The application is submitted in outline with all matters reserved. Therefore, all the detailed matters such as design and appearance are not open for the Council to determine.

However, the application submission includes some indicative elevations and floor plans for the proposed warehouse which the application description states would include office space and associated works.

Officers have fully considered the applicants supporting statements and acknowledge that the application is specific in terms of the amount of provision that the business needs to operate, and

the indicative details provided on the size and scale of the proposed warehouse is the subject to the following officer analysis.

Fig. 8: Existing Site Photographs

Views from the A365





View from the southern neighbouring garden No 455 Bowerhill

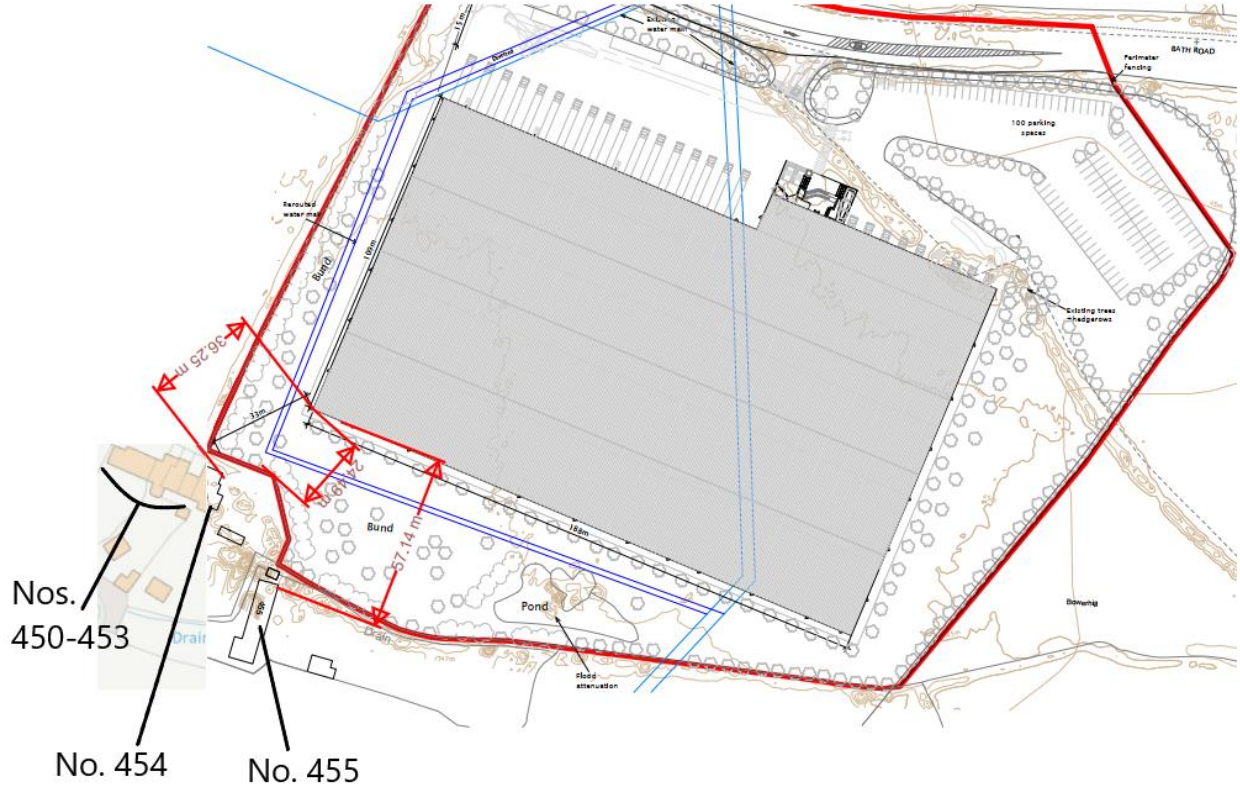


View from the south-western neighbouring garden No. 454 Bowerhill



The neighbouring houses, as shown below, are two storey properties that do not appear as significant visual intrusions in the prevailing landscape when viewed from the open agricultural land with boundary hedging and trees.

Fig. 9: Proposed block plan showing positions of neighbouring houses.



The proposed building would have a significant harmful overbearing impact on the nearby residential properties, and there would be a substantial impact on amenity.

The visual impact of the development on No 454 Bowerhill would be especially significant with the proposed warehouse dominating the immediate locality and markedly changing what is an open green field to a significant industrial complex of a height and scale that is not considered appropriate to its immediate context (noting that the nearest industrial sized buildings located in the employment estate is 1km distant), see photo above in Fig. 8.

The proposed building would be just 24m from the boundary of No. 454, and 36m from the rear elevation of No. 454 itself.

No.455 Bowerhill to the south of the application site would be similarly significantly affected, see photo above in Fig. 8 and below in Fig. 10, being 57m from the proposed building. No. 455 has a garden running from the dwelling east along the southern side of the application site, therefore the proposed building would impact the full length of the garden, as well as impact on the dwelling itself.

Fig. 10: Photograph from No. 455 first floor overlooking their garden (right) and the application site (left).



Other local residential properties (Nos. 450-453) would be affected but to decreasing degrees compared to Nos. 454 and 455. However, the impact on these additional nearby properties from the very large proposed building would still have a demonstrably harmful impact in terms of the overbearing impact.

The proposed building would be a very large building of utilitarian design. It would be 188m long and between 109m and 121m wide. The building would have 16m high eaves, with the ridgeline being 17.5m at the apexes. The indicative floor area would occupy 2.2 hectares of the 5.5-hectare site which in totality would be completely unrepresentative of the immediate locality.

The proposed building would not at all relate well with the surroundings and would be a highly incongruous structure due to the projected size, siting, scale, design – all of which would lead to a deleterious impact on the immediate character and localised amenities.

Officers acknowledge that the applicant has attempted to filter the visual impact of the warehouse building by proposing tree planting and provision of a planted bund to the south and west of the proposed building, however as the Council's landscape officer has noted, there are significant anomalies set out within various supporting plans and documents submitted by the applicant and officers are not satisfied that a significant level of landscape mitigation can be provided to materially filter the impact of the development. Moreover, the future tree planting would take many years to mature to deliver any substantive filtering mitigation. The applicant's submitted Design and Access Statement states that it would take 15 years to reduce the impact to a non-significant level. This is not acceptable to officers and is further substantive reasoning to refuse the application.

Officers have concluded that the proposal in terms of its indicative size, siting, scale, design, and impact on residential amenity and local character would be highly incongruous and harmful and contrary to the Council's Core Strategy policy CP57, the made JMNP and the NPPF. Moreover, the applicant's failure to submit a baseline noise assessment is further grounds for refusal which would materially limit the reach and application of any imposed planning condition that would otherwise seek to restrict a certain decibel level from the development when noise is measured at all nearby vulnerable receptors.

9.3 Impact on the landscape

The site sits in the Avon Vale Countryside Character area outside of the Melksham settlement boundary. The site forms part of the open countryside to the east of Melksham that is broadly flat in character below the rise to Seend in the south-east. The immediate agricultural field system is also quite open in character, with traditional hedging boundaries with sporadic trees. This open character defines the countryside at this point which would offer very limited screening/filtering mitigation (from existing landscaping) to what would be a very large warehouse building.

The Council's landscape officer is very critical of the application and strongly objects and argues that

"*The building itself is approximately 17.5m high at the ridgeline and thus is considerably taller than any of the nearby development, making it a visual outlier. There is a 146m gap between the site and the settlement boundary of Bowerhill, whilst the nearest similar sized industrial / warehouse buildings at Bowerhill Industrial Estate are over 1km to the west.*"

"The eastern expansion of Melksham to the North of this development [would be] low rise housing development and primarily residential in nature which would again make this scheme an outlier even if the eastern edge of Melksham was fully built out. The development therefore has to be able to stand on its own merits without relying on other developments to either weaken the surrounding rural character of the landscape so that the scheme can be deemed acceptable or help to screen it from view."

"*I note the substantial economic benefit to the local economy that the expansion of this local business would allow as set out in the DAS, but need to balance this with the likely harm to landscape character that placing a large scale warehouse on an isolated greenfield site in the rural countryside contrary to Core Policy 51 and NPPF (2024) para 187 (b) '...recognising the intrinsic character and beauty of the countryside...'*"

"The site is isolated from the main industrial estate located to the west of Bowerhill and thus would be out of scale to the landscape character and context."

It is clear from the landscape officer's comments that the proposed building would be of a size and scale that would be significantly harmful to the landscape character.

Officers have concluded that the proposed building would, by virtue of its size, siting and scale, be a highly incongruous and harmful in landscape terms and would be contrary to the Council's Core Strategy policy 51 and the NPPF.

9.4 Ecology Issues

Adopted WCS Core Policy 50 requires all development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale, with the expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.

Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity.

An ecological assessment has been submitted in support of this application however the applicant has submitted insufficient information to determine potential impacts on the following protected sites, habitats and protected/ notable species: Bath and Bradford on Avon Bat SAC, hedgerows (priority habitat), hedgerows (priority habitat), bats (foraging and commuting including LHB), dormice, great crested newts, birds and reptiles.

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application would be required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming. Information required by the Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been submitted.

The approximately 5.5-hectare site is not covered by any statutory on non-statutory nature conversation designations. However, the southern boundary of the site lies within a lesser horseshoe bat LHS Core Roost Buffer for a maternity roost located at Seend Head Mill and as such the impacts on the Bath and Bradford on Avon bat Special Area of Conservation must be considered.

The proposed site plan shows that development would encroach on hedgerows that would result in the significant loss and fragmentation of the habitat, to the detriment of priority habitat.

Without the relevant protected species surveys being undertaken and completed, and the preparation of an Ecological Impact Assessment, the Council cannot conclude that harm would not be caused to priority habitat and the protected species referred to above.

In carrying out its statutory function, the LPA must be satisfied that the proposal would not result in significant adverse effects on protected habitats or species. As set out above, the Council's ecologist is not satisfied with the level of supporting ecology information provided by the applicant, and as such, this application must be refused.

For the avoidance of any doubt, appropriate assessments are required where a Habitats Regulations Assessment (HRA) are essential for many applications to comply with the law and to have a fully transparent appraisal of the ecological impacts of any given project pursuant to any known protected habitat site/conservation status. The purpose of an

appropriate assessment is to enable planning authorities to eliminate adverse effects on the integrity of these protected areas.

HRA Appropriate Assessments must be done by the decision-maker (and someone of competent authority and following consultation with Natural England) when deciding the application. In the absence of an HRA supportive Appropriate Assessment for this application, any decision to approve the application would be considered by officers to be unlawful and open to Judicial Review and expose the Council to maladministration.

Officers have concluded that the proposed building and site layout would result in harm to protected species and priority habitat. There is not enough information submitted to carry out an Appropriate Assessment in order to legally comply with the Habitat Regulations. Therefore, the proposed development must be refused because the application fails to comply with the Conservation of Habitats and Species Regulations 2017 (as amended) and is contrary to adopted Wiltshire Core Strategy Policy 50 and the NPPF.

9.5 Impact on designated Heritage Assets

The application site is less than 100m from the Grade II listed building, Old Loves Farm, which sits to the northwest of the site.

The farm is a good intact example of a traditional farmhouse and farmstead, of national importance, and whilst some of the farm buildings have been converted to residential use, the overall character of the site and its relationship with its rural surroundings has been preserved. Farmsteads have a fundamental relationship with their surround hinterland, which contributes to its understanding and special interest. Wide open spaces and field systems contribute to the immediate and wider setting of historic farmsteads such as this.

The Council's conservation officer argues that:

"*The proposed warehouse will be a vast building, built to the boundary of the site and have a visual impact on the setting of the designated heritage asset, causing harm, and therefore I object to the proposals as they are contrary to current national and local policies that seek to preserve or enhance the historic environment."*

A Heritage Statement was subsequently prepared and submitted to address the aforesaid Conservation-based concerns.

The Statement references new housing development to the west of the listed farmhouse, however this was rejected as being some kind of material precedent as the following explains:

"…*the presence of development to the west sets no precedents for this proposed development, the type and scale of the housing development is quite different to that of a proposed warehouse. The fact that there is development to the west does, and should, not automatically mean that further erosion of the wider setting of the listed farmhouse is acceptable. The additional erosion of the rural character of the setting has a negative cumulative impact, and therefore fails to preserve or enhance the setting of Old Loves Farm, which is against policy within the NPPF and Core Strategy."*

The setting of the Grade II listed farmhouse and its farm buildings would be irrevocably harmed by the proposed development. The proposed building would divorce the historic farmstead from the open countryside which currently forms a historically and contextually valuable setting.

The proposed mitigation, through the indicated planting of trees and vegetation, would not outweigh the harm that would be caused to the setting of the listed building, and this is furthermore reason to refuse the application.

Officers have concluded that the proposed building would result in very significant harm to the setting of Old Loves Farm, a Grade II listed building, and its historic farmstead. Therefore, the proposed development would be contrary to the Council's Core Strategy policy 58 and the NPPF.

9.6 Drainage Matters

A site-specific flood risk assessment (FRA) has been submitted by the applicant in support of the application which was revised to include additional data following the Council's Drainage Authority requests.

The site is in Flood Zone 1, which means that the site has the lowest risk for flooding. However, the proposal would lead to the majority of the 5.5-hectare site (currently a green field) being laid as hardstanding and the erection of a significant building occupying over 2 hectares. This would lead to the site being much less permeable and would require a significant surface water management system to avoid SW runoff leading to offsite flooding. The proposed development would also require dedicated wastewater connections.

Whilst the application is an outline with all matters reserved, the Council needs to be satisfied that the applicant's proposed surface and foul water strategy would be feasible.

For this application, the Council's Drainage Authority objects due to various factors, including there being insufficient detail to enable a full assessment of the impact of the proposal on the drainage of the site.

Revised information was submitted to deal with the initial drainage-based concerns and objections, and some of these issues have been overcome. However, there remains several matters outstanding, and the drainage team maintain their objection.

The outstanding matters include that the proposed SuDS system would not be adequately controlled such that it would cause unrestricted flows through the swale and into the watercourse. In addition, the proposed building has not been shown to deal adequately with various flooding events.

Officers are not satisfied with the applicant's proposed drainage strategy which has not demonstrated the surface and foul water drainage strategy would be feasible based on the current information provided. Therefore, the application is considered to be contrary to WCS CP67 and CP68 and section 14 of the NPPF.

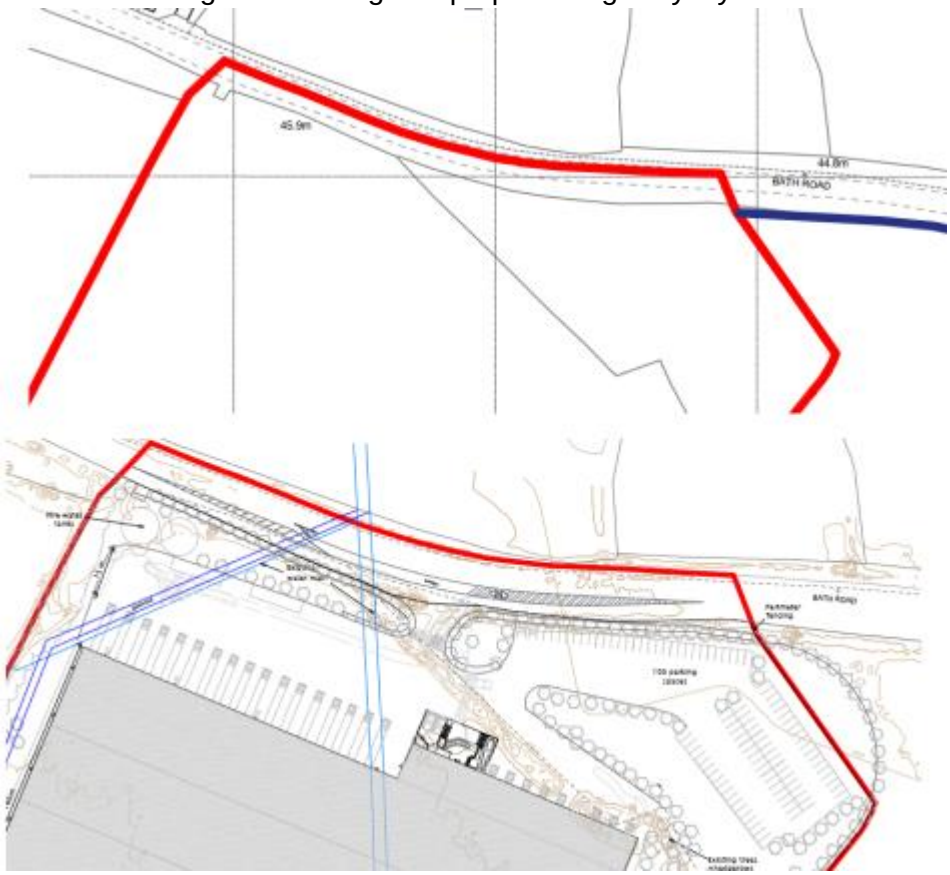
9.7 Highway/ Access/ Parking Matters

Adopted WCS Core Policy 61 seeks to ensure that all new development is capable of being served by a safe access to the highway network, and Core Policy 64 sets out to manage the demand for parking and sets non-residential parking standards based on maximum parking standards.

Paragraph 116 of the NPPF states that development 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 submitted in outline with all matters reserved. Access details are therefore not under full consideration at this time, as they would be dealt with in a Reserved Matters application. However, the applicant has submitted an indicative site plan show the addition of a turning lane to the A365 with a pedestrian crossing point and footway.

Fig. 11: Existing and proposed highway layout



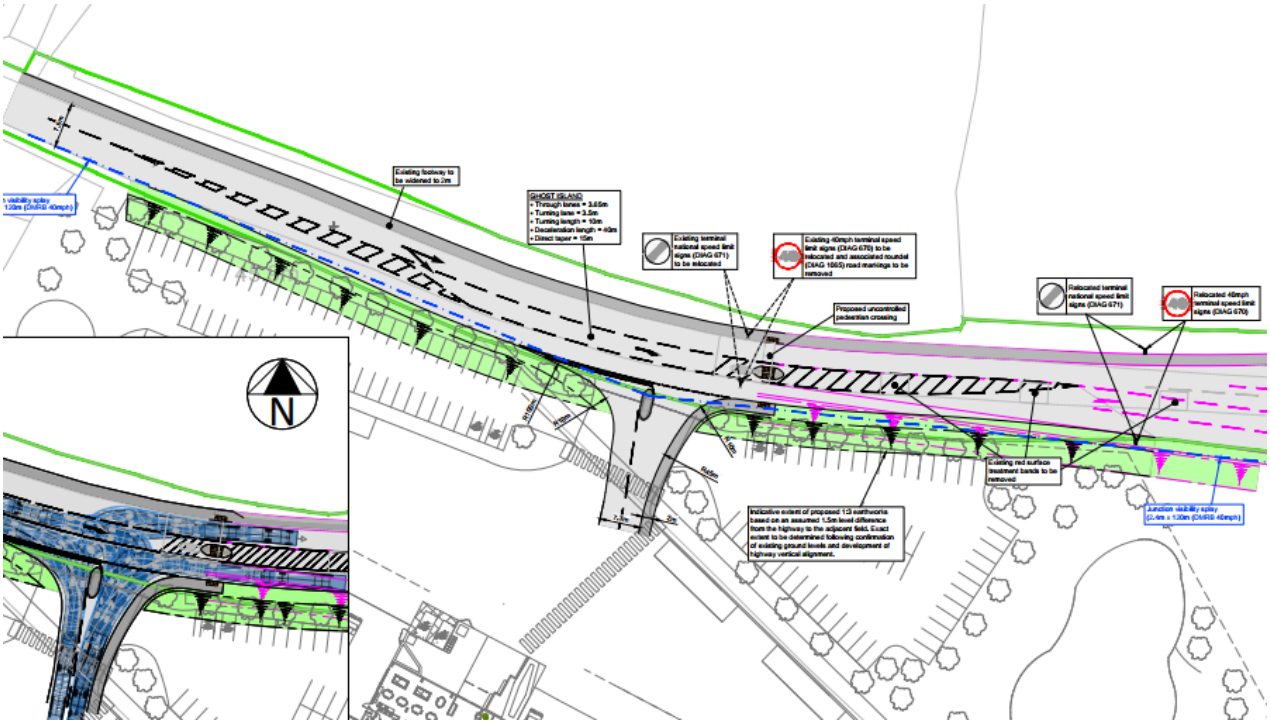
The Council's highways team have concluded that:

"The proposed footway improvement between No.416a and the proposed crossing point east of the new junction is now shown added to Drawing 23070/PHL-03 Rev B. The reconstructed and widened footway will need to be a minimum width of 2.0m as indicated. However, if ditch culverting is subsequently required to achieve this, then consideration should be given to a shared use path (SUP) length of increased width to allow cyclist use (3.5m). As noted earlier, the speed and volume of traffic along this part of the A365 Bath Road may encourage cyclists to use a 2.0m footway anyway.

"The Site Plan (Drawing 100-A)) and the A365 Site Access Layout Plan (Drawing 23070/PHL-03 Rev B) remain inconsistent in several ways. TA01 advises: "the internal layout of the site will be subject to Detailed Reserved Matters applications at a later date. However, the submitted plans

are presented for illustrative purposes to provide context to the proposals in respect of access and layout".

Fig. 12: Indicative access layout



Whilst this is accepted, it would be expected that the two plans included now in the TA would show a higher level of consistency and conformity than is the case. As noted, they are quite different, so what 'for illustrative purposes' should be broadly assumed as the proposed in principle is unclear."

More information is required to address the highway issues, however the level of detail requested by the highways authority goes beyond the reasonable scope of this outline application.

The inconsistences within the submitted information identified by the Highways officer would be resolved and clarified at the detailed application stage.

Whilst it is duly noted that the Council's highway team request more details and could be secured through the discharge of condition process and subsequent Reserved Matters application.

10 Conclusion (The Planning Balance)

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

The proposal seeks to erect a very large warehouse with office provision in the open countryside along with car parking for 100 motor vehicles and associated works with works to the public highway on land that is not allocated for such industrial development. Officers fully appreciate the applicant's business aspirations to expand what is a very successful local business and there are clear economic benefits that would be linked with the proposed development, and once built, the existing premises owned by the applicant would most likely be of appeal to other businesses seeking to expand their own operations.

The proposal is however fundamentally contrary to national and local planning policies, including the NPPF, the Wiltshire Core Strategy and the Joint Melksham Neighbourhood Plan. When tested against the emerging Local Plan, which can be afforded some weight now that the local plan examination had a programme hearing scheduled to review the legislative requirements of the local plan. Officers submit that when tested against the emerging Local Plan, the proposals would be non-compliant and would be manifestly harmful in terms of the deleterious landscape impacts, residential amenity effects and through the higher end level of less than substantial harm caused to the setting of the grade II listed building at Old Loves Farm.

The application is also fundamentally deficient in terms of ecological analysis and in the absence of an HRA Appropriate Assessment, the application cannot be supported since the impacts on protected species and priority habitats have not been fully appraised, and unless the application is withdrawn, to be legally compliant, it should be refused.

As a reminder, the application is brought to committee because of the terms set out in the Cllr call-in request as listed on the opening page of this report, and because the application represents a major policy departure from the WCS.

RECOMMENDATION: That the application be refused for the following reasons.

The applicant has failed to submit sufficient ecology-based information to adequately assess and mitigate the impacts of the development on protected species and priority habitat. Moreover, no appropriate assessment has been undertaken, which is a legal requirement for any endorsed grant of planning permission, and as a consequence, the proposal fails to meet requirements of the Habitat Regulations and are contrary to WCS CP50 as well as paragraphs 187a), 187b), 187d) and 193a) of the NPPF and in accordance with paragraph 193a) the development should be refused.

The warehousing/office development proposals would be located outside any defined settlement limit and principal employment area (as set by the adopted Wiltshire Core Strategy), and it would result in a significant industrial building covering more than 2.2 hectares in the open countryside that would have a significant deleterious impact on the rural landscape character and would materially reduce the undeveloped land parcel between Bowerhill and Seend/Seend Cleeve which is considered important to maintain the separate identity of the two settlements. The application is contrary to WCS CP1, CP2, CP15 (with reference also to WCS paragraph 5.83) and CP34, CP51 as well as being in conflict with the made Joint Melksham Neighbourhood Plan and the NPPF, including para 8 and 187b.

The proposed warehouse/office building by virtue of its indicative size, siting, scale, design would be an incongruous and harmful feature within the area. The building would have materially harmful impacts on residential amenities (and most particularly on the properties at 454 and 455 Bowerhill, and to a lesser, but still materially harmful degree, at 450 – 453 Bowerhill) that would not be sufficiently mitigated by the applicants proposed landscape scheme. The proposal is therefore found to be contrary to WCS CP57, the made Neighbourhood Plan and the NPPF which require a high-quality form of development that is complementary to the immediate surroundings.

In addition, the lack of a Noise Assessment, identifying existing and proposed levels of noise at the site boundaries of nearby vulnerable receptors (dwellings), means that the Council cannot be satisfied that the level of noise created by the proposed building and use

of the site would not harmfully impact the amenities of local residential properties. The proposal is therefore found to be contrary to WCS CP57 and NPPF paragraph 135 f).

The application proposals would result in less than substantial harm (at a high level) to the setting of the Grade II listed building Old Loves Farm, and the historic farmstead, contrary to the Core Policy 58 and section 16 of the NPPF. The less than substantial harm is considered to be at the upper end of the scale and is not outweighed by public benefits or the applicants asserted economic benefits.

In recognition of the substantial area of land to be developed and the indicative footprint and roof cover area, the Council is not satisfied that the applicant has submitted sufficient information to adequately assess and mitigate the impacts of the development pursuant to drainage interests and to satisfy the policy requirements that the application proposal would not lead to off-site flood risks as required by WCS CP67 and CP68.

Appendix 2 - Planning Committee (July 2025) Minutes

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 1 JULY 2025 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:
Cllr Ernie Clark (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Sam Blackwell, Cllr Chris Brautigam, Cllr Dominic Muns, Cllr Christopher Newbury, Cllr Nigel White, Cllr Nick Baker (Substitute), Cllr Andrew Griffin (Substitute) and Cllr Bill Parks (Substitute)

Also Present:
Cllr Mike Sankey, Cllr Chris Vaughan, Cllr Ross Henning, Cllr Tamara Reay and Cllr Julie Vine

49 **Apologies**

Apologies were received from:

- Cllr Kymee Cleasby, substituted by Cllr Andrew Griffin
- Cllr Martin Smith
- Cllr Stewart Palmen, substituted by Cllr Nick Baker
- Cllr Nick Holder, substituted by Cllr Bill Parks

Cllr Holder has requested that the following reasons for sending a substitute were read out and included in the minutes:

Having taken advice from the Monitoring Officer, I am writing to let you know the applicant for the planning application being considered at item 7 (PL/2024/11426 - Land to the South of A365 Bath Road and West of Turnpike Garage, Melksham, Wiltshire) is known to me and in addition my son is employed by Gompels on a zero hours contract.

To avoid any suggestion of impropriety and in line with the guidance set out in Protocol 4 in the Constitution, despite the application being in my division, I have not submitted any comments about this application and asked Cllr Tamara Reay, whose division adjoins this site to comment and call in the application. I am also not attending the meeting today for these reasons.

50 **Minutes of the Previous Meeting**

On the proposal of the Chairman, Cllr Ernie Clark, seconded by the Vice-Chairman, Cllr Howard Greenman, it was:

Resolved

To approve the minutes of the previous meeting, held on 4 June 2025, as a true and correct record.

51 **Declarations of Interest**

There were no declarations of interest.

52 **Chairman's Announcements**

The Chairman reported that there had been last minute change proposed to the list of committee chairman and vice-chairmen which was not reflected in the list circulated to members prior to the previous meeting, meaning that Cllr Nigel White was incorrectly announced as being the Vice-Chairman. The Monitoring Officer had approved a change which confirmed Cllr Howard Greenman as Vice-Chairman of the Committee. The Chairman took the opportunity to congratulate Cllr Greenman on his appointment.

It was also confirmed by the Chairman that he had emailed the Cabinet Member for Strategic Planning, Development Management, and Housing, Cllr Adrian Foster, and Planning Manager, Kenny Green, in relation to concerns raised at the previous meeting. He reminded the committee that they had expressed disappointment about the time that S.106 agreements were taking to finalise, as well as the use of management companies on new developments. He reported that the issues raised were incorporated into a formal instruction that was sent to the Council's legal team. The issues had then been discussed with the Council's new Head of Development Management, Gary Collins, and the Cabinet Member.

The Chairman announced that an additional extraordinary meeting of Strategic Planning Committee would be called on 5 August 2025. He alerted the committee that, due to the volume and complexity of applications that would be coming, and the likely length of time that would be needed to consider them, it may also be necessary to arrange further extraordinary meetings.

53 **Public Participation**

The committee noted the procedure for public participation.

54 **Planning Appeals and Updates**

Planning Manager Kenny Green reported to Committee the allowed appeal pursuant to the appeal for PL/2023/00900, to provide four Gypsy pitches at Charlie's Place, Grittenham, SN15 4JY which had been refused at committee. The inspector's report was available in Agenda Supplement 2 and awarded partial costs against the Council.

Prior to this item being reported to Members by the officer, Mr Francis Morland, a member of the public who had registered to speak on this item, described the inspector's decision to partially award costs against the Council as grossly

unfair. He highlighted that the inspector, in paragraphs four to seven of the appeal decision, concluded that the committee had not sufficiently considered an earlier appeal decision relating to a similar proposal 250 metres from the Charlie's Place appeal site. Mr Morland stated that it was not fair to conclude that the committee had been inconsistent in its view as it had refused both applications. He argued that, if the committee had stated in its refusal of application PL/2023/00900 that it had disagreed with the inspector's decision on the previous application, then it would not have been found to have acted unreasonably, and costs would not have been awarded.

Kenny Green reminded the committee that the 2023 application had been recommended by officers for approval, but the Committee resolved to refuse planning permission on two main grounds: namely that the site was not considered to have suitable access to local amenities and services; and secondly, on landscape harm.

In his decision, the inspector concluded that the minutes of the committee meeting were not sufficiently clear about the reasons why the Council considered the site to be poorly related to the local services and amenities when a site about 250m distant was found to be acceptable (at appeal) to the same range of services etc.

Although the appointed inspector did not find the Council to have acted unreasonably in refusing the application on landscape harm, the inspector concluded that with the existing and new landscape planting (to be secured by condition), the effects of the development would be sufficiently mitigated to allow the appeal.

The Committee then heard from Kenny Green that he considered there to be a material flaw in the appeal decision pursuant to the securing of the landscape mitigation that the inspector had relied upon in his decision making. The anomaly related to securing the new southern boundary hedge planting which would be otherwise be unplanted. The Committee heard that the condition imposed by the appeal inspector erroneously included a 5-year trigger, after which, any new hedge or tree planting that became diseased, died or be removed, would not be required to be replanted, which in the officer's opinion, would materially weaken any landscape mitigation that clearly formed part of the inspectors reasoning to allow the appeal.

The Committee was then advised that the planning inspectorate, unlike local planning authorities, are allowed to retrospectively amend their decisions within certain parameters through what is known as the 'slip rule', and that in this case, Kenny Green recommended to the Committee that if Members were agreeable, he would write to the planning inspectorate on behalf of the Council, and request the Inspectorate review the appeal decision and agree to make amendments to the planning condition(s).

Following the update from the Planning Manager, the Committee stated that they would be grateful if he wrote to the inspectorate.

55 **PL/2024/11426 - Land to the South of A365 Bath Road and West of Turnpike Garage, Melksham, Wiltshire**

Public Participation

- Mr Graham Cooper spoke in objection to the application.
- Mr Mark Blackham (Chair of Bowerhill Residents Action Group) spoke in objection to the application.
- Mr Allan Oehlers spoke in objection to the application.
- Mr Sam Gompels spoke in support of the application.
- Mr Patrick Gompels spoke in support of the application.
- Mr Andrew Freeman spoke in support of the application.
- Cllr Alan Baines from Melksham Without Parish Council
- Seend Parish Council had a statement read out in objection to the application read out on their behalf by Cllr Tamara Reay

The Senior Planning Officer, Russell Brown, introduced the report which recommended that the application for outline planning permission for the construction of warehouse with office space, parking and associated landscaping including site access, be refused.

Key details included the principle of development, the indicative size, siting and design, and visual impact on the surrounding area. As the application was for outline planning permission it was emphasised that the final details of the development (should outline permission be granted) would be determined at a future reserved matters stage.

It was highlighted that if the committee were minded to approve the application, contrary to officer recommendation, due to the size of the proposed warehouse, at approximately 21,000sq.m, and its location, the Council would be required to notify the Secretary of State as a potential Plan departure. In addition, the Committee was informed that the application could not be lawfully approved without an HRA Appropriate Assessment (and the lack of this formed one of the six recommended substantive reasons for refusing the application).

It was explained that, although Core Policy 34 of the Wiltshire Core Strategy supported the principle of delivering new employment development, and notwithstanding the applicant's submitted job growth projections, the proposal was contrary to the National Planning Policy Framework (NPPF), the adopted Wiltshire Core Strategy, the made joint Melksham Neighbourhood Plan and emerging Wiltshire Local Plan.

The officer advised that the proposals would have a substantial detrimental impact on the landscape and on residential amenity, having a significant harmful overbearing impact on neighbouring properties that would be contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy.

In addition, the proposed development would cause harm to the setting of Old Loves Farm, a Grade II listed building located approximately 100 metres

northwest of the site and would thereby be contrary to Core Policy 58 of the Wiltshire Core Strategy and the NPPF.

It was also highlighted that the applicant had failed to submit sufficient information about the proposed drainage strategy, or about measures to adequately assess, and mitigate, the impacts on protected species and priority habitat. The application was therefore considered to be in breach of Core Policies 50, 67 and 68 of the Wiltshire Core Strategy and Paragraph 14 of the NPPF.

Furthermore, the Committee was informed that the applicant had failed to submit a baseline noise assessment, meaning the Council could not be satisfied that subsequent noise levels when the warehouse was operational (including all associated traffic noise) would not harmfully impact the amenities of nearby residential dwellings (i.e. critical receptors). This was argued by officers to be contrary to Core Policy 57 of the Wiltshire Core Strategy.

Following the presentation, members of the committee then had the opportunity to ask technical questions of officers.

In response to queries, it was stated that Wiltshire Council's place directorate had proactively engaged with the applicant prior to the submission of the application and provided advice at pre-app stage and discouraged an application at this site and that meetings with the applicant have taken place in an attempt to try and find a suitable site for the business to expand. Officers remained willing to provide advice to the applicant and all prospective developers, but the Committee heard that this site was not considered suitable by officers for the type of development being proposed.

Nic Thomas, Director of Planning, Economy and Regeneration, then emphasised that the Council had been working very closely with the applicant for a considerable time and would continue to do so, and that it was fully appreciated that the applicant was keen to develop the site as it aligned with their company's workforce requirements.

The Planning Manager, Kenny Green, noted that there were alternative sites allocated for employment land across west Wiltshire, although officers acknowledged that the applicant owned the site that was subject to the application being reported to the Committee and that other existing employment sites had been rejected by the applicants as being either unavailable or unsuitable.

Officers also acknowledged that the employment / job creation benefits had been factored into the officer assessment, and this was set out in the presented report, however a wider planning judgement was required to fully assess the landscape effects, the impact on a heritage asset, neighbouring impacts, as well as noise, drainage/ flood risk and ecology concerns.

It was confirmed that a water main running across the site would also have to be rerouted if the proposed development was approved.

In response to a further query about the emerging Local Plan, it was explained that additional land to facilitate employment opportunities is being advanced by the Council on land east of Melksham near Blackmore Farm. The Committee heard that the additional employment land, extending to approximately five hectares, would form part of the ongoing local plan examination which would continue through 2025. It had been selected by strategically taking into consideration the needs within the local area and the Wiltshire Council authority area as a whole.

Although land allocation in the emerging Local Plan was discussed, it was emphasised that the application before the Committee essentially needed to be assessed against current policy; and, whilst existing CP34 allowed some flexibility to support new employment land outside of settlement limits, the policy requireed new development to be adjacent to a settlement, which officers argued would not be the case for the proposed development.

Officers explained that the Committee should assess the application before them and consider all the material planning considerations.

The committee was reminded that the application at Blackmore Farm, which had been reported to the same Committee in January 2025 (under PL/2023/11188), had recently obtained outline planning permission following the completion of the associated legal agreement for up to 500 houses and some employment provision.

It was further clarified that this proposed development would not take up the full five hectares of land allocated for employment provision in the emerging Local Plan.

The Senior Planning Officer added that further ecological information would be required to ensure the proposed warehousing development is compliant with the habitat regulations. The Committee heard that requirement to obtain this information would likely result in a significant delay should the Committee resolve to defer making a decision, and the Planning Manager reminded the Committee of the Government's advice contained with the NPPF, to determine applications expeditiously and to refuse applications that are fundamentally contrary to local and national policy.

When pressed about whether it would be possible to deal with the ecological, drainage and landscape objections through the use of planning conditions, or to deferring such matters until a reserved matters application stage, Kenny Green explained that was not possible since those matters were fundamental to the consideration of the principle and acceptability (or otherwise) of the development, and specific to ecology, to ensure that any decision to approve, was lawful, and to avoid exposing the Council to a Judicial Review challenge and/or maladministration complaint, a Habitat Regulation Appropriate Assessment would need to be passed by the Council's ecology team (as the competent authority) and that any such position be ratified by Natural England.

Members were again reminded that this had not been done due to the lack of supporting ecology information presented by the applicant.

The Committee also heard that there was conflicting submitted plans pursuant to the applicant's indicative drainage and landscaping proposals and that this would need to be rectified as part of any deferment to allow the applicant to address outstanding issues.

Members of the public then had the opportunity to present their views to the committee as detailed above.

Cllr Tamara Reay then spoke in objection to the application in her capacity as the neighbouring unitary division member. Cllr Reay had called in the application as the unitary division member, after Cllr Nick Holder, had recused himself.

In response to the points raised by the public and the adjoining unitary division member, Kenny Green advised Members that they should concentrate on the material planning considerations for the site and not reach any view on the outcome of a live application for housing on land to the northwest of the subject site, since it was very likely that that application would be reported to the Committee for a future determination.

He also reinforced the importance placed upon safeguarding the historic setting of the Grade II listed building at Old Loves Farm and the effects on neighbouring properties, albeit the noise impacts were still unknown given the lack of a noise assessment submitted by the applicant.

He further cautioned that, given the length of time planning appeals take to be processed and determined, if the application was to be appealed it could well be the case that the emerging Local Plan, including the five hectares of new designated employment land to the north east of Melksham, would be the Council's new adopted Local Plan, and that would be a very material consideration for any appeal inspector, should this application be refused and appealed.

Kenny Green furthermore stated that he believed that there were six very robust reasons for refusal, some of which were a planning judgement, such as the severity of the landscape harm and whether the site was considered adjacent to the settlement. However, the reasons for refusal pertaining to noise, drainage and ecology were considered fundamental flaws in the application.

The Committee was again advised that officers held the view that the stated outstanding drainage, noise and ecology matters would likely take a considerable time to resolve and Members were reminded that the NPPF required planning authorities to make decisions within the statutory determination timeframes or through a mutually agreed extension of time with the applicant (and this point, officers informed the Committee that the applicant had to agreed to an extension of time for the application beyond the day after

the Committee), and that the application should be assessed on planning policy and material considerations.

The Chairman then invited members of the committee to make a proposal so that they could debate the application.

Cllr Andrew Griffin, proposed that the application be approved, subject to being referred to the Secretary of State. In doing so, he noted that Policy 64 of the Melksham Joint Neighbourhood Plan 2, was scheduled to go to referendum on 31 July, and that it was supportive of economic development on unallocated sites adjacent to Melksham (where appropriate).

In response to the proposal from Cllr Griffin, Kenny Green cautioned the Committee against supporting the proposal to approve given the lack of a Habitat Regulation Appropriate Assessment, which was required by law, and that in advancing to endorse an approval without one, would expose the Council to a likely legal challenge, and separately, a maladministration complaint could be lodged if they proceeded.

After taking advice from Kenny Green, Cllr Griffin withdrew his proposal, which had not been seconded. Instead, he suggested that the application be deferred to allow more time for the applicant to complete the required assessments.

In response, Kenny Green advised that given the lack of an extension of time from the applicant beyond the day after the Committee, there would be a risk of the applicant appealing for non-determination. The officer repeated the likely significant delays pursuant to addressing the outstanding noise, drainage and ecology matters and that should Members resolve to defer the application, they should appreciate that it could many months before the application returns to committee for further debate and determination.

The Chairman then used his discretion to allow the applicant to briefly clarify details about the ecological survey for the committee. Mr Gompels stated that the spring and summer surveys had been completed and that the autumn survey would be completed soon and stated that he would not appeal for non-determination if the Committee deferred the application.

The Planning Manager reminded the Committee that aside from the ecology grounds for concern, there were other robust reasons for refusal and that further information would be required on drainage and noise and that any deferment should be clear on requiring the applicant to submit additional material on those other matters. He also acknowledged Mr Gompels verbal commitment not to appeal but requested that an agreed extension of time be submitted to officers in writing.

After considering the advice provided, Cllr Chris Brautigam proposed that the application be deferred pending further consideration of the reasons for refusal and to allow time for the applicant to complete the relevant assessments, which was seconded by Cllr Griffin.

A debate followed where issues such as the scale and economic benefits of the proposal, the site location, and the outstanding surveys, were discussed.

In response to queries about whether there was anything further that the Council could do to assist the applicant in terms of looking at potential alternative sites, Kenny Green emphasised that officers from the Council's Development Management and Economic Development teams had previously provided advice to the applicant and were committed to assisting all applicants.

The Director of Planning, Economy and Regeneration added that discussions with the applicant had been ongoing for many years with a number of potential sites being investigated. He also informed Members that the Council's strategy for delivering additional employment land would form part of the examination of the emerging Local Plan and highlighted the dangers of the Council going against the Strategy in the new emerging Local Plan and before it is even adopted. He noted that the emerging Local Plan included a combination of dedicated employment land and pro-development policies to reflect the changing needs of businesses.

At the conclusion of the debate, it was:

Resolved

That the application be deferred to allow the applicant additional time to complete the necessary ecology, flood risk and noise assessments and thereafter, to submit those to the Council and be subject to a fresh consultation and officer assessment and to have an updated report presented to a future Committee meeting for a full assessment.

At 12:25 the Chairman announced that the meeting would be adjourned until 12:40.

56 **PL/2023/10332 - Land South of Potterne Park Farm, Devizes, Wilts, SN10 5QT**

The meeting resumed at 12:43.

Public Participation

- Mr Steve Hoult spoke in objection to the application.
- Mr Luke Wilson spoke in objection to the application.
- Ms Mary Gilmore (Campaign for the Protection of Rural England) spoke in opposition to the application.
- Mr Peter Grubb spoke in support of the application.
- Mr Philip Abbatt spoke in support of the application.
- Mr Robert Hitchcock (Stark Energy) spoke in support of the application.
- Cllr Richard Clark (Potterne Parish Council) spoke in objection to the application.

- Cllr Judy Boyt (Easterton Parish Council) spoke in objection to the application.
- Cllr Tamara Reay read a statement of behalf of Cllr Chloe Stevens (Market Lavington Parish Council) in objection to the application.

The Senior Planning Officer, Jonathan James, introduced the report which recommended that the application for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW be refused.

The application would include a mounting system, permanent on-site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure and landscaping, as well as biodiversity net gain and environmental enhancements. Key details included the principle of development, the use of agricultural land, the landscape effects into cumulative impacts, as well as the archaeological and heritage impacts.

The Committee's attention was drawn to the late representations received from Market Lavington Parish Council who identified concerns about construction traffic and the suitability of the site for a solar installation. Further comments had also been submitted by Potterne Action Group who objected to the ecological, highway and landscape impacts of the proposal as well as the loss of agricultural land. In addition, they had argued that the ecological and soil surveys that had been carried out were insufficient and questioned whether the environmental benefits of the project had been overstated.

The Senior Planning Officer highlighted that, in total, there had been around 390 letters of objection and seven letters of support.

It was explained that the proposed development would cover an area of approximately 80 hectares of open countryside and that the site was located roughly three kilometres from the boundary of the North Wessex National Landscape (formerly designated as an Area of Outstanding Natural Beauty). The site was approximately 170 metres from the nearest dwelling and 600 metres from the nearest listed building. A substation would be centrally located within the site with a telecommunications mast approximately 15 metres in height.

The Senior Planning Officer informed the Committee that the application did not overcome the technical concerns raised by the Council archaeologist, and consequently, it was contrary to the Wiltshire Core Strategy and the NPPF.

Given that the application site has clay soil, and it was challenging to fully understand the presence of archaeological material being present with the sole use of geophysical analysis, and that the applicant had been advised in 2024 of the necessity to undertake trial trench invasive investigations to proof check the geophys surveying. Although seemingly initially agreeable in 2024 to undertake these investigations, the applicant later confirmed they were not willing to do so and instead argued it could be addressed by a planning condition and had

received legal advice citing other applications where this had been accepted as an appropriate mechanism.

The Senior Planning Officer reported that the applicant requested a deferral of the trail trenching until post determination and were committed to carrying out the work in due course. The applicants also maintained a concern over undertaking the trial trench work due to the destruction it would have on the clay land drains as well as crop damage and disturbance to public rights of way, and that this had not been fully addressed in the committee report.

The applicant had also expressed a disappointment that the applicant's reference to their proposed use of a planning condition was not included.

The Senior Planning Officer responded to the concerns raised by the applicant by explaining that he had balanced all the material considerations in his report and that the Council's archaeologist was maintaining an objection that there was insufficient information available about the archaeological potential of the site.

Officers maintained that the Council needs to know about any below ground surface heritage asset interests affecting what is a substantial area of land, and the Council's archaeologist had rightly stated that the applicants have had ample opportunity to schedule the archaeological investigation without damaging or affecting any crops given that the application has been with the Council since 2023.

In addition, officers were not convinced by the applicant's argument that there would be considerable damage to clay land drains, since the extent of the area to be trial trenched extended to only 4% of the site.

The argument was further weakened by the applicant's agreement to trail trench but at a post decision stage – which planning officers could not support for this site based on the advice provided by the Council archaeologist who had explained that in the event of an important archaeological find being identified, that could prejudice the implementation of the scheme as a whole or substantively. Investigations in advance of any approval would ensure that there would be no conflict with the Biodiversity Net Gain and ecological mitigation measures. The archaeologist and planning officers maintained that for this site, it was essential that intrusive investigations take place in advance of any permission being granted, so that the Council could make a fully informed decision about a deliverable scheme.

It was acknowledged by the Senior Planning Officer that the proposed scheme would add an element of industrialisation to the landscape, and that a number of objections had been raised about the visual impacts. However, he argued that the site was reasonably well contained by existing hedgerows and the Council's landscape officer was satisfied that negative impacts could be sufficiently mitigated through appropriate additional planting and use of non-reflective materials. He argued that in his opinion, the overall integrity of the landscape character would not be significantly compromised.

Although not identified as a reason for refusal, officers recognised that the development would likely result in some traffic disruption during the construction of the solar scheme, and when the temporary permission would end, and that some parts of the access route from the A360 were narrow and constrained. However, the applicant had been able to demonstrate that the site could be accessed safely by construction traffic to the satisfaction of the Council's highway authority. Mitigation measures could be conditioned to avoid there being unacceptable impacts and as such, officers reported on highways grounds, the application was complaint with Wiltshire Core Policy and the NPPF.

It was also highlighted by the Senior Planning Officer that the majority of the agricultural land that would be lost as a result of the project was designated as Grade 4, which did not constitute best and most versatile agricultural land. He also highlighted that Natural England had not objected to the application.

Furthermore, the Council's ecologist was satisfied that with the imposition of planning conditions to safeguard ecology interests, the application could be supported, and as such, the proposal was considered in ecology terms to be compliant with Core Policy 50 of the Wiltshire Core Strategy and relevant sections of the NPPF. It was further noted that the proposed underground cabling would be installed to protect hedgerows, and habitat corridors would be enhanced.

As the proposed development would be located in a valley basin, it was argued by the Senior Planning Officer that the visual impact of the site would be localised and views of other solar farms in the wider area were a sufficient distance away for them not to be experienced within the same setting. Therefore, he argued that there would not be an unacceptably detrimental cumulative landscape impact.

In conclusion the Senior Planning Officer emphasised that significant weight should be afforded to the environmental benefits that would be delivered by the project in terms of renewable energy generation. However, these were insufficient to outweigh the uncertainties that existed over the potential harm to the historic environment and heritage assets. The proposal was therefore recommended to Members for refusal on the basis that the application was contrary to Core Policies 42(v), 57(iv), and 58 of the Wiltshire Core Strategy, as well as Section 16 of the NPPF.

Members of the committee then had the opportunity to ask technical questions of officers.

Details were sought on the classification of agricultural land given that a small part of the site plan was noted as being graded as 3a, which met the threshold of being best and most versatile agricultural land. In response, it was clarified by officers that the part of the site that was graded 3a would not be developed as part of the proposed scheme. Officers also advised that whilst officers would recommend such ground mounted solar installations to make use of poorer

quality agricultural land, at appeals, officers are aware that in certain circumstances, planning inspectors have set aside the loss of the best-quality agricultural land as part of the planning balance in supporting renewable energy projects across Wiltshire.

In response to a query about whether the footpaths across the site would remain open, it was explained that they should remain open during construction, although it was acknowledged that there would likely be some potential conflict with construction traffic. The paths would remain open following completion of the build. There would be a perimeter fence in each paddock surrounding the areas containing the solar panels, but the public rights of way would be maintained.

It was further explained that based on soil sample tests, the majority of the application site was Grade 3b agricultural land.

It was also explained that the panels would be south facing, despite being positioned on a north facing slope.

When asked to comment on why the applicant's assessment and surveying differed materially from the Natural England mapping database, the Senior Planning Officer was not able to comment on the methodology used by Natural England. However, he noted that it was incumbent on the professional employed by the applicant to submit an accurate assessment regardless of who was funding the survey.

Given that a nearby solar farm application PL/2024/04926 Land East of Blounts Court Farm (also known as One Tree Hill) had been refused, officers were pressed about the similarities between the two schemes and why fewer reasons for refusal were being put forward for the subject application.

In response it was explained that application PL/2024/04926 related to a solar proposal on top of a hill and was judged to have greater visual, landscape and cumulative impact. The 2024 scheme also had inadequate access arrangements and would have relied on the use of a byway for the latter part of the route. The Council's ecologist also concluded that the use of the byway by heavy goods vehicles would have had a significant negative impact on the root systems of ancient woodland.

By contrast, the access for the subject site was not grounds for concern by the Council's highway and ecology officers, and it would not cause damage to ancient woodland or designated wildlife sites.

Planning Manager, Kenny Green, reminded the committee that the Council's highways officer had not identified any significant harms that would contradict Wiltshire Core Strategy or Paragraph 116 of the NPPF. He advised that there would therefore be no grounds on which to refuse the application for highway reasons.

When asked about the weight given to Potterne Neighbourhood Plan, specifically its prioritisation of agricultural landscape protection and tourism, the Senior Planning Officer confirmed that they had given credence to the issues raised in the plan. Potterne Neighbourhood Plan was part of the Development Plan so needed to be considered. However, the provision of renewable energy had to be given significant weight, and all issues needed to be considered in relation to the Development Plan as a whole.

The Planning Manager confirmed that although the latest version of Potterne Neighbourhood Plan was published in 2017 it still needed to be given full weight. Although neighbourhood plans were given less weight after five years for housing applications, this did not apply to solar applications.

Asked whether the applicant would be able to reapply having carried out the archaeological investigation requested by Wiltshire Council's archaeologist, officers confirmed that they would. The application would likely be recommended for approval if no concerns were raised by the archaeological survey.

When asked about the relevance of Wiltshire Council's green energy targets to the decision making, it was emphasised that all applications had to be assessed on their individual merits and that a number of solar farm applications had been refused. It was highlighted that Wiltshire Council was committed to delivering renewable energy in the right location, so the targets set were a material consideration.

It was clarified by officers that the date that the proposed development would be connected to the grid was not a material consideration that could be used to refuse the application.

Members of the public and parish councils then had the opportunity to present their views to the committee as detailed above.

Cllr Tamara Reay, unitary division member for Devizes Rural West, read out a statement on behalf of Market Lavington Parish Council. She noted that the representative from the parish council had been denied the opportunity to address the committee online. The statement Cllr Reay read out on behalf of the parish council suggested that Wiltshire Council reviewed its policies to ensure that the committee meetings were accessible for those people unable to drive or use public transport.

The unitary division member for The Lavingtons, Cllr Dominic Muns, declined the opportunity to speak in his capacity as a local member, preferring to reserve his comments for the debate as he was a member of the committee and wanted to keep an open mind.

Cllr Reay then spoke in opposition to the development in her capacity as unitary division member for Devizes Rural West. She raised particular concerns about the impact on the wider transport network and requested that, if the application

were approved, restrictions were imposed on vehicles travelling to the site along the C20.

Officers were then given the opportunity to comment on the issues raised by the public and unitary division member.

It was highlighted by the Senior Planning Officer that traffic disruption was likely to occur for a temporary period during construction This contrasted with a case highlighted where a motocross application had been refused that would pass across Potterne Wick, as this would have had a long-term impact.

Gary Collins, Head of Development Management, noted the wider concerns raised about the application but cautioned the committee about adding additional reasons for refusal. He emphasised that, if the application went to appeal, the Council would have to justify every reason for refusal and that it may undermine their case, and the Council may be exposed to a costs award, if not all of the reasons were found to be well evidenced and robust.

He acknowledged that there was an element of subjectivity relating to the landscape impact but warned that if the committee included the use of best and most versatile agricultural land as a reason for refusal, it would be incumbent on the council to prove why the information submitted by the applicant about the grading of the land was incorrect.

The Planning Manger emphasised that Wiltshire Council's ecologist had been engaging with the application since 2023 and was satisfied with the level of information provided. Echoing the comments of the Head of Development Management, he advised that the committee would need evidence to properly justify an ecology-based reason for refusal and to explain why the Committee disagreed with the expert advice of the Council's ecologist, without leaving itself open to challenge at appeal.

He also highlighted that the initial objections of the highway officer had been addressed, and they were confident that the scheme, subject to conditions, would not conflict with the Wiltshire Core Strategy or Paragraph 116 of the NPPF. He explained that Paragraph 116 of the NPPF would take priority in an inspector's report so there would not be grounds to refuse the application on Core Policies 60 or 61 of the Wiltshire Core Strategy. The government had made clear that councils should not refuse applications unless they could demonstrate that an application would conflict with highway interests.

In response to a query about the awarding of costs, the Planning Manager confirmed that the council could be liable to pay partial costs if some of the reasons provided for refusal were found to be incorrect, even if other reasons were found to be robust.

It was noted by members that Paragraphs 180 and 165 of the NPPF required the committee to take into account the intrinsic character and beauty of the countryside and give particular weight to conserving landscape and scenic beauty. The Planning Manager acknowledged that the landscape impacts were

a planning judgement, and the committee would be entitled to come to a different conclusion from officers based on the evidence available.

So that the committee could begin the debate, the Chairman, seconded by Cllr Nick Baker, recommended that the application be refused for the reasons outlined in the report.

A debate then followed where the weight of evidence required to justify further grounds for refusal was discussed. It was suggested by a member that the committee might benefit from undertaking a site visit if it was minded going against officer recommendation, so that it would be in a better-informed position to make a judgment on landscape and ecological impacts. He argued that deferring the application would also allow more time for those in support of, and opposition to, the application to provide further expert evidence.

During the debate, the Chairman withdrew his motion to refuse the application for the reasons outlined in the report. The seconder of the motion, Cllr Baker, was also content for it to be withdrawn.

Cllr Christopher Newbury then proposed that the application be deferred to allow the committee to conduct a site visit and to invite those in support of, and opposition to, the application, to provide further evidence about reasons for refusal under discussion.

The number of committee cycles that the application should be deferred for was debated as were the merits of deferring.

The Planning Manager advised the committee that there was a risk that the applicant could apply for non-determination if the application was deferred. As the motion being debated was considering whether to invite further evidence, in addition to the site visit, he advised members that it would unlikely be possible for additional evidence to be obtained and assessed, and a report written, in time for the committee's next meeting on 29 July. He was also unable to provide assurances that a report would be ready in time for the following two committee meetings.

He furthermore acknowledged that if deferred, the application could be appealed for non-determination, and that it would have to come back to committee to establish a determination, but the authority to make the decision would be transferred to the planning inspectorate, and that the timescales for any such subsequent appeal being decided was unknown.

The meeting was briefly adjourned between 14:52 and 14:54.

Following the resumption of the meeting, a vote on the motion to defer the application for a member site visit, was lost.

Cllr Muns asked that his abstention on the vote to defer the application was recorded.

A motion to refuse the application for the reasons outlined in the report was then moved by Cllr Nick Baker and this was seconded by Cllr Bill Parks.

Issues discussed during the debate on the new substantive motion included the similarities with the nearby application PL/2024/04926, which listed its impacts on the landscape and ecology amongst the reasons for refusal. The development had been found to be contrary to Core Policies 51 and 57 due to its impact on visual amenity and prevailing landscape character.

The Vice-Chairman then proposed an amendment to the substantive motion to add further reasons for refusal as used in the determination of application PL/2024/04926 – being a nearby site. He read out the following extracts from the decision notice for the application which he felt were relevant, as follows:

The proposed development would result in significant and unacceptable harm to the character, quality and visual amenity of the local and wider landscape. The site is a valued landscape, including heritage value, located in a prominent and elevated position within a sensitive rural setting, forming part of the setting of a designated National Landscape. The introduction of a large-scale solar installation, along with associated infrastructure and extensive mitigation planting, would create a conspicuous and urbanising form of development that is out of keeping with the prevailing landscape character.

The proposed development is considered to result in unacceptable harm to biodiversity and ecological assets, contrary to both local and national planning policy.

The scheme also fails to comply with Paragraphs 180 and 185 of the National Planning Policy Framework (2024), which require that planning decisions contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible. In the absence of sufficient ecological information and mitigation, the proposal is considered to result in significant and unjustified harm to biodiversity and is therefore, recommended for refusal.

Cllr Baker, as mover of the substantive motion, stated that he did not accept the Vice-Chairman's proposal as a friendly amendment. He highlighted what he saw as differences between the landscape impacts of PL/2024/04926 and the subject application and expressed reservations about going against the expert advice provided by the council's ecologist.

The Planning Manager advised that he did not think that it would be appropriate without the evidence for the committee to use biodiversity as a reason for refusal.

After taking advice from the Planning Manager, the Vice-Chairman revised his proposed amendment and withdrew ecology and biodiversity as additional reasons for refusal.

The proposed amendment now included the reasons listed in the report and harm to the landscape as quoted above.

The Vice-Chairman's revised amendment was seconded by Cllr Nigel White. As the amendment had not been accepted as a friendly amendment by Cllr Baker, the committee then debated whether to add it to the substantive motion.

During the debate on the amendment, the differences between the subject site and site of application PL/2024/04926 were discussed in further detail. The impact on the views from the rights of way running through the site were also highlighted.

At the conclusion of the debate on the amendment, the committee voted to add the reason for refusal relating to landscape harm to the substantive motion. Cllr Muns abstained from this vote and requested that this be recorded.

The committee then resumed debate on the substantive motion, as amended.

In response to a query about whether the Potterne Neighbourhood Plan could be used as part of a reason for refusal, given the priority it gave to agriculture, landscape protection and tourism, officers highlighted that most of the proposed development fell outside of the area covered by Potterne's Neighbourhood Plan, but the Planning Manager advised that it would be open to the committee to consider the relevance of the neighbourhood plan and if conflict existed, it could be added to the reasons for refusal on landscape harm, rather than a standalone reason for refusal.

Cllr Newbury then moved that the proposed development's conflict with the Potterne Neighbourhood Development Plan be added as an additional reason for refusal, given its relevance to a section of the application site.

Cllr Baker observed that he was unable to find the relevant sections relating the agriculture, landscape protection and tourism in the Potterne Neighbourhood Development Plan. Cllr Baker stated that he would require additional information to make a judgement on whether to accept Cllr Newbury's proposed amendment as a friendly amendment.

Cllr Newbury's proposal to add an amendment to make reference to the conflict with the Potterne Neighbourhood Plan to the substantive motion was then seconded by the Vice-Chairman.

A vote to add the amendment was won and it was therefore added to the substantive motion. Cllr Muns abstained and requested that this be recorded.

The debate then returned to the substantive motion to refuse as further amended to include the landscape harm and conflict with the Potterne Neighbourhood Plan.

At the conclusion of the debate, it was then:

Resolved

That planning permission for the application for the installation of a solar farm, comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, be REFUSED for the following reasons:

1. **The application fails to provide sufficient information to assess the potential impact of the proposed development on archaeological assets within the site. The County Archaeologist has confirmed that further detailed investigation is required to understand the archaeological significance of the area, particularly given that the proposed development involves ground disturbance through pile driving and subsoil boring, which may affect buried heritage assets.**

   Paragraph 213 of the National Planning Policy Framework (NPPF, 2024) requires that any harm to the significance of a designated heritage asset must be clearly and convincingly justified. In this case, no such justification can be made in the absence of a comprehensive understanding of the archaeological context. Despite being given reasonable opportunity to address this issue, the applicant declined to proceed with the agreed trenching strategy and failed to commission the necessary further investigations. The subsequent submission did not resolve the concerns raised by the County Archaeologist.

   In accordance with paragraph 215 of the NPPF, the potential harm to heritage assets must be weighed against the public benefits of the proposal. While the renewable energy benefits of the scheme are acknowledged and carry significant weight, the lack of essential archaeological information prevents the ability to carry out a balanced and informed assessment. As such, the Local Planning Authority must also give significant weight to the protection of heritage assets.

   The proposal is therefore contrary to Core Policies 42(v), 57(iv), and 58 of the Wiltshire Core Strategy (2015), as well as Section 16 of the NPPF, and is recommended for refusal on this basis.

2. **The proposed development would result in significant and unacceptable harm to the character, quality, and visual amenity of the local and wider landscape. The site is a valued landscape, including heritage value, located in a prominent position within a sensitive rural setting, forming part of the setting of a designated National Landscape. The introduction of a large-scale solar installation, along with associated infrastructure and extensive mitigation planting, would create a conspicuous and urbanising form of development that is out of keeping with the prevailing landscape character.**

The site lies partially within the designated Potterne Neighbourhood Plan area. The proposed development is considered contrary to Paragraph 2.1.2 of the Plan, as it does not prioritise the protection of agricultural land. Furthermore, the scheme fails to safeguard key countryside views, does not adequately limit development in other parts of the Parish, and undermines the distinctive character of the village and its rural setting by introducing inappropriate development in an unsuitable location.

As such, the proposal is contrary to Core Policies 51 and 57 of the Wiltshire Core Strategy (2015). The scheme also fails to comply with Core Policy 42, which supports renewable energy development only where it can be demonstrated that there would be no unacceptable landscape harm.

Cllr Muns asked that his abstention on the vote on the substantive motion to refuse the application be noted.

Cllr Newbury left the meeting at the conclusion of the item.

The Chairman adjourned the meeting until 15:30.

57 **PL/2024/05302 - Land at Manor Farm, Summerlug, Winterbourne Earls, SP4 6HA**

The meeting resumed at 15:30.

Public Participation

- Mr Phil Harvey spoke in support of the application.

The Senior Planning Officer, Becky Jones, introduced the report which recommended that the application for the change of use of eight existing agricultural buildings to commercial use, falling within use classes B2, B8 and E(g), be approved. Key details were stated to include the principle, scale and design of the development, highway safety, ecology and rural employment.

It was explained that there would be associated refurbishment works, landscaping, upgraded access tracks and parking, as well as repositioning and reconfiguration of existing highway access onto to A30. The committee also noted that western access that could be used by employees and visitors to the commercial buildings would be for pedestrian and cycle use only. The application would involve the insertion and connection of a sewage treatment plant, a foul water drainage field and a storm water infiltration basin, all to the southwest of the farmyard buildings.

The Senior Planning Officer highlighted an amendment to the recommendation included in the report, as approval would be subject to referral to the Secretary of State for Housing, Communities and Local Government for her consideration as to whether the application should be called in for her determination under the

2024 consultation direction. The Senior Planning Officer highlighted that the proposed development would contain office space with a floor area in excess of 5,000 square metres, was not located in a town centre and was not in accordance with one of the provisions of the Development Plan, so met the criteria for referral.

It was highlighted that the application was a farm diversification project on the site of a former piggery and would not involve the construction of any new buildings. The existing buildings would be clad in grey, green or brown cladding, be insulated, and have windows and doors added. There would be approximately 12,000 metres of new commercial space created by the conversion, with some buildings adjacent to the site retained for arable and beef farming.

At this stage the applicant was not looking to provide a final breakdown of how much of the area would be B2, for general industrial use, B8, for storage or distribution and E(g) typically used as office space. The officer highlighted that it was unlikely that all 12,000 square metres would be used as office space given the rural location of the site.

It was noted that the proposed development would create less than substantial harm to the setting of a scheduled monument at Figsbury Ring as a result of increased vehicle movements. However, there were no objections to the scheme from the council's highways officer. A planting mitigation scheme would be undertaken, particularly towards the north of the site. A lighting strategy would also be implemented to reduce light pollution.

The Senior Planning Officer stated that the proposed development would make a significant contribution to employment opportunities, with up to 57 commercial units created. Core Policy 34 of the Wiltshire Core Strategy supported the principle of development adjacent to the settlement boundary.

Although the proposed development was 300 metres from the large village of the Winterbournes, she highlighted that there was pedestrian access. She also informed the committee that Core Policy 48 of the Wiltshire Core Strategy supported suitable conversions of rural buildings beyond the settlement boundary to create employment; and that the proposal had strong support from Wiltshire Council's economic development team.

Members of the committee then had the opportunity to ask technical questions to officers. Details were sought on why the application had come to committee when it had not been called in by the unitary division member.

In response, the Head of Development Management, Gary Collins, explained that it had been bought to Committee under the scheme of delegation and at the request of the Director of Planning, Economy and Regeneration.

Mr Harvey, the applicant (being the only member of the public that had registered to speak on the item) then had the opportunity to present his views to the committee.

Officers were then given the opportunity to respond to comments made by Mr Harvey.

Neither of the unitary division members for the site, Cllr Rich Rogers, or Cllr Lainey Barker, were in attendance.

The Chairman then opened the item to debate. Cllr Nick Baker, seconded by Cllr Chris Brautigam moved that the application be approved for the reasons outlined in the report and as per the additional matter as outlined by the Senior Planning Officer that the application be referred to the Secretary of State before a decision is issued.

A debate followed where the shortage of employment land, landscape impact and HGV movements were discussed.

It was then,

Resolved

That planning permission for the change of use of eight existing agricultural buildings to commercial use, falling within use classes B2, B8 and E(g), be approved be APPROVED.

Subject to:

A REFERRAL NOTIFICATION TO BE SENT TO THE SECRETARY OF STATE FOR HER CONSIDERATION TO ESTABLISH WHETHER THE APPLICATION SHOULD BE 'CALLED-IN' FOR HER DETERMINATION; AND, IF NOT TO APPROVE THE APPLICATION

Subject to the following CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

   REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule:**

   - **Location Plan ref 4186-04 Rev B dated 22/4/24.**
   - **Proposed Site Plan ref 4186-01 Rev F dated 26/3/24.**

   - **Barn A Proposed Elevations and Floorplan ref 4186-11 Rev A dated 8/4/24.**

- **Barn B Proposed Elevations and Floorplan ref 4186-21 Rev A dated 8/4/24.**
- **Barn C Proposed Elevations ref 4186-33 Rev A dated 8/4/24.**
- **Barn C Proposed Floorplan ref 4186-32 Rev A dated 8/4/24.**
- **Barn D Proposed Elevations ref 4186-43 Rev A dated 8/4/24.**
- **Barn D Proposed Floorplan ref 4186-42 Rev A dated 8/4/24.**
- **Barn E Proposed Elevations ref 4186-53 Rev A dated 10/4/24.**
- **Barn E Proposed Floorplans ref 4186-52 Rev A dated 10/4/24.**
- **Barns H & J Proposed Elevations ref 4186-103 Rev A dated 10/4/24.**
- **Barns H & J Proposed Floorplans ref 4186-102 dated 10/4/24.**
- **Barn K Proposed Elevations and Floorplan ref 4186-111 Rev A dated 8/4/24.**

- **Proposed External Lighting Plan ref 4186-09 Rev A dated 31/10/24.**
- **Existing and Proposed Site Sections ref 4186-03 Rev A dated 15/4/24.**
- **Building survey report and conversion method statement by Dolman, May 2024**
- **Planning Statement received 7 June 2024**
- **Planning, Design and Access Statement Addendum - Manor Farm March 2025 v2**
- **Design and Access and Sustainability Statement by Dolman, revised June 2024**

- **Landscape and Visual Appraisal Report Rev B (May 2024) by CAMBIUM Landscape Architects Nov 2023 and accompanying Appendices.**
- **Yard Landscape Strategy Plan ref 1511-03 Rev C dated Nov 2024**
- **Landscape Strategy Plan ref 1511-01 Rev I dated Jan 2023**
- **Landscape Sections and Planting Specification ref 1511-02 Rev C dated Nov 2023**

- **Proposed Foul Drainage Plan ref 4186-02 Rev B dated 8/4/24.**
- **Preliminary Drainage Strategy (with swale) ref W645/03 Rev A dated May 2024**
- **Flood Risk Assessment and Drainage Strategy by PFA Consulting, Jan 2025**

- **Proposed Access Arrangements ref 252.0001-0001 Rev P.08 dated 23/5/25.**
- **Proposed Access Road and passing points ref 252.0001-0003 Rev P.07 dated 26/11/24.**
- **Transport Assessment by Paul Basham Associates Ltd dated May 2024**
- **Addendum Transport Assessment Rev 3 23.01.25**

- **Biodiversity Net Gain Assessment Manor Farm, by LC Ecological Services, ref V5 09.04.2025**
- **Preliminary Ecological Appraisal by LC Ecological Services, May 2024 updated Feb 2025**
- **Construction and Environmental Management Plan by LC Ecological Services, Feb 2025**

- **Written Scheme of Investigation for archaeological monitoring and recording, Version 1 dated Nov 2024 by Pre-Construct Archaeology Ltd**
- **Historic Environment Desk Based Assessment by Wessex Archaeology dated May 2024**

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

3. **None of the converted commercial units shall be occupied or operated at any time other than in accordance with a Green Travel Plan, prepared by each individual and subsequent occupier for their use. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details at all times. The results of the implementation and monitoring shall be made available to the Local Planning Authority on written request, together with any changes to the plan/s arising from those results.**

   REASON: In the interests of road safety and reducing vehicular traffic to the development.

4. **Notwithstanding the elevation plans hereby approved, no new external wall cladding shall be fitted to the buildings until the finished colours (grey, green and brown) have been agreed in writing by the LPA. The colours shall reflect the existing mix of colours of the existing buildings to be converted. The development shall be implemented in accordance with the agreed details.**

   Reason: To secure a harmonious form of development within the Special Landscape Area

5. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted. The individual units hereby approved shall not be merged internally to create any single larger unit.**

REASON: For the avoidance of doubt and to enable the LPA to consider any expansion or changes to the floorspace layout on the site.

6. **The collection, delivery and despatch of goods to and from the site (both during and after the construction phase of the development) and the operating hours for the 8 commercial units hereby approved shall be limited to the hours of:**

   - **Monday to Friday: 07:30hrs to 17:00hrs**
   - **Saturday: 07:30hrs to 13:00hrs**
   - **Sunday & Bank Holidays: No working and no deliveries or dispatch of goods.**

   REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. **No conversion of the 8 agricultural buildings shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority, including the following:**

   • Evidence that demonstrates that there will be no runoff from the upgraded access track onto the public highway.
   • Within the calculations, the MADD factor must be set to zero. If a value other than 0m3/ha is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate.
   • Overland exceedance routes are to be shown on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event.

   None of the converted commercial buildings shall be occupied until provision for surface water disposal (including the proposed swale on the southern side of the new access track) has been completed in accordance with the details to be agreed. The scheme shall be maintained for the lifetime of the development.

   Reason: To ensure that the development can be adequately drained of surface water.

8. **None of the converted commercial buildings shall be occupied until provision for disposal of foul sewage has been completed in accordance with the submitted foul drainage scheme hereby approved. The scheme shall be maintained for the lifetime of the development.**

   Reason: To ensure that the development can be adequately drained of foul water.

9. **The development will be carried out in strict accordance with the following documents:**

   • Preliminary Ecological Appraisal. February 2025. LC Ecological Services
   • Construction and Environmental Management Plan. February 2025. LC Ecological
   Services
   • Proposed External Lighting Plan. Drg no: 4186-09 A.
   • Yard Landscape Strategy. Drg no: 1511-03 C.
   • Landscape and Ecological Management Plan. February 2025.

   The approved CEMP shall be adhered to and implemented throughout the duration of the construction period, strictly in accordance with the approved details, unless agreed otherwise in writing by the Local Planning Authority. Implementation of the CEMP will be undertaken by the relevant people carrying out the works.

   REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

10. **No conversion of the 8 agricultural buildings shall commence until details of the number, design and locations of features for wildlife such as bird/bat boxes and log piles shall be submitted to the local authority for approval. These details shall be clearly shown on a scaled elevation plan. The approved details shall be implemented before occupation the final works. These features will continue to be available for the target species for the lifetime of the development.**

    The ecological mitigation measures shall be provided in accordance with the agreed details before there is any occupation of the converted commercial buildings. These measures shall be maintained in that condition for the lifetime of the development.

    REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

11. **All soft landscaping and new planting comprised in the approved details of landscaping hereby approved including the details shown in:**

    - **Yard Landscape Strategy Plan ref 1511-03 Rev C dated Nov 2024**
    - **Landscape Strategy Plan ref 1511-01 Rev I dated Jan 2023**
    - **Landscape Sections and Planting Specification ref 1511-02 Rev C dated Nov 2023**

shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner.

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

The tree planting shall comprise a variety of age structure to the plant specification for the copses along the track.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features. A variety of ages for tree planting would give a natural appearance and some additional height from the onset.

12. **All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals and will demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.**

    The lighting shall be shielded, where appropriate and provided in accordance with the layout shown on plan ref Proposed External Lighting Plan ref 4186-09 Rev A dated 31/10/24 and Appendix 5 of the LVA hereby approved.

    REASON: In the interests of the amenities of the area and to minimise impacts on biodiversity caused by light spillage to areas above and outside the development site within the Special Landscape Area.

13. **The development shall only be undertaken in accordance with the 'Written Scheme of Investigation for Archaeological Monitoring and Recording' prepared by Pre-Construct Archaeology and dated September 2024 (Revised November 2024), unless otherwise agreed in writing with the local planning authority.**

REASON: To record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible in accordance with Paragraph 218 of the NPPF 2024.

14. **No conversion of the 8 agricultural buildings shall commence until the ghost island right turn lane outlined on drawing number 252.001-001 rev P08 has been constructed in accordance with details to be first submitted to and approved by the Local Planning Authority. These details shall include positive draining of the A30 for the length of the scheme and planing off 40mm and resurfacing the full width of the A30 for the length of the ghost island right turn lane scheme.**

    REASON: In the interests of highway safety.

15. **No conversion of the 8 agricultural buildings shall commence until the bellmouth junction access has been constructed with kerbs in accordance with details to first be submitted to and approved by the Local Planning Authority.**

    REASON: In the interests of highway safety.

16. **No conversion of the 8 agricultural buildings shall commence until visibility splays have been provided between the edge of the carriageway and a line extending from a point 4.5 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres to the East and 215 metres to the West from the centre of the access in accordance with the approved plans.**

    Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway, for the lifetime of the development.

    REASON: In the interests of highway safety.

17. **No conversion of the 8 agricultural buildings and no excavations for the new access or the foul and surface water drainage provisions shall commence until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Plan shall include details of construction vehicle routeing, construction staff vehicle parking areas within the site, hours of construction, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway.**

    The site construction shall be carried out in accordance with the approved plan at all times.

Reason: In the interests of highway safety and road user convenience.

18. **The existing vehicular access from the A30 currently serving Manor Farm shall be closed to traffic and the verge reinstated concurrently with the first use of the proposed vehicular access from the A30, in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The development shall be operated and maintained in this condition for the lifetime of the development.**

    Reason: In the interests of highway safety for all users.

19. **None of the converted commercial buildings shall be occupied until the scheme of passing places on the access road connecting the site to the A30 to the south has been installed in accordance with drawing ref: 252.0001-0003 Rev P07. The access road and passing bays shall be properly surfaced in a well bound consolidated material to the satisfaction of the Local Planning Authority and maintained for the lifetime of the development.**

    Reason: In the interests of highway safety

20. **No conversion of the 8 agricultural buildings shall commence until details of the proposed signage to advise of a no-through route for commercial vehicles from the A338, and details of the barriers to be installed within the site to prevent commercial vehicles exiting onto the A338, have been submitted to approved by the Local Planning Authority. The signs and barriers shall be installed before any of the converted commercial buildings are occupied. The development shall be operated and maintained in this condition for the lifetime of the development.**

    Reason: In the interests of highway safety

21. **None of the converted commercial buildings shall be occupied until the parking areas for cars, vans and HGVs and associated turning and manoeuvring spaces shown on the approved plan (Proposed Site Plan 4186-01 Rev F) have been consolidated, surfaced and laid out in accordance with the approved details. These areas shall be maintained and remain available for parking and turning at all times thereafter.**

    REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

22. **None of the converted commercial buildings shall be occupied until provision for secure cycle parking and waste storage has been made available for use for the lifetime of the development, in accordance with the approved site plans.**

Reason: For the avoidance of doubt.

23. **No industrial processes, mechanical plant (including building services plant) or machinery or external storage shall take place, be carried out or installed externally outside any building on the site.**

    REASON: In the interests of the appearance of the site and the amenities of the area and to secure a harmonious form of development within the Special Landscape Area

24. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the 8 converted commercial buildings shall be used only for uses falling within the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), as follows:**

- **B2 General industrial - Use for industrial process other than one falling within class E(g) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)**
- **B8 Storage or distribution (excluding external storage)**
- **E(g) Commercial, Business and Service, as below:**

    (i)an office to carry out any operational or administrative functions, (ii)the research and development of products or processes, or (iii)any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

    REASON: The proposed uses are acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), and any external storage or activities, having regard to the circumstances of the case, in the interests of the character of the Special Landscape Area and neighbouring amenities.

25. **The former agricultural use of the site/building may have given rise to potential sources of land contamination e.g. fuel oil, vehicles, asbestos, pesticides or herbicides. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with contamination and provided with a written remedial statement to be followed be a written verification report that confirms what works have been undertaken to render the development suitable for use.**

Such works shall be carried out before the development is occupied.

Reason: To reduce the risks associated with potential contamination.

INFORMATIVES:

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan)

Highways

The applicant will be required to enter into a S278 legal agreement to secure the work on the public highway.

Environment Agency - Environmental Permitting

The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an environmental permit which the Environment Agency will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

The discharge of trade effluent associated with this development will require an environmental permit under the Environmental Permitting

(England & Wales) Regulations 2016 from the Environment Agency. You can find more information online at https://www.gov.uk/environmental-permit-check-if-you-need-one or contact us on 03708 506506 for further advice. You should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.

CIL

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility.

The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Network Rail

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/). This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

58 **Urgent Items**

The Vice-Chairman (Cllr Howard Greenman) then raised an urgent item in relation to the Gypsy and Traveller Accommodation Assessment. He noted that Wiltshire Council was previously required to deliver 81 pitches by 2029, but the required figure had now been reduced to 60.

The Vice-Chairman explained that he was keen for an audit to be undertaken to identify the pitches that Wiltshire already had and to establish whether the Council had met its statutory requirement. He highlighted that he was aware of sites where the number of pitches was far in excess of the number authorised and where enforcement action was being taken.

He also made it clear that he wanted to see appropriate sites come forward, so the needs of the Gypsy and Traveller community could be accommodated, but that he held concerns that inappropriate sites might be approved by the planning inspectorate at appeal(s) because of a perceived shortfall.

Other members of the committee stated that they agreed with the Vice-Chairman's comments about the importance of establishing an accurate record of how many pitches were in Wiltshire.

In response, the Director of Planning, Economy and Regeneration, Nic Thomas, provided assurances that the issue of identifying unrecorded pitches was being investigated, and that advancing towards having a new Gypsy and Traveller Plan was one of his priorities.

He reminded the Committee that a new Gypsy and Traveller Plan had been due to come to Full Council earlier in the year but had been withdrawn at the request of Members for further consultation.

Members were also advised that due to the delays and updated Government Policy in the interim, when the new Plan was advanced and brought back to Members to consider, it would need to be considered against the new National Planning Policy Framework. He furthermore explained that it is possible that the number of G&T pitches that Wiltshire would be expected to deliver could well increase.

If it was clear that there was a requirement for additional sites to be identified the Gypsy and Traveller Plan would need to go out for further community consultation. This would result in further delays before a new Plan is reported to Cabinet and Full Council for approval.

Clarification was also provided that the Gypsy and Traveller Plan would be a separate document to the emerging Local Plan, and that each could progress independently.

(Duration of meeting: 10.30 am - 4.05 pm)

The Officer who has produced these minutes is Tara Hunt - Senior Democratic Services Officer, e-mail tara.hunt@wiltshire.gov.uk

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Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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