

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	4 June 2024
Application Number	PL/2023/06976
Site Address	Land at Verbena Court, Melksham, SN12 7GG
Proposal	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.
Applicant	Frontier Estates (San) Ltd
Town/Parish Council	Melksham CP
Electoral Division	Melksham (Cllr Sankey)
Grid Ref	392150, 163692
Type of application	Full Planning
Case Officer	Gen Collins

Reason for the application being considered by Committee.

The application is brought before the Strategic Planning Committee at the request of Councillor Sankey on the basis of the scale of development and that Melksham and Bradford on Avon Primary Care Network voicing concern over a drain on their resources.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

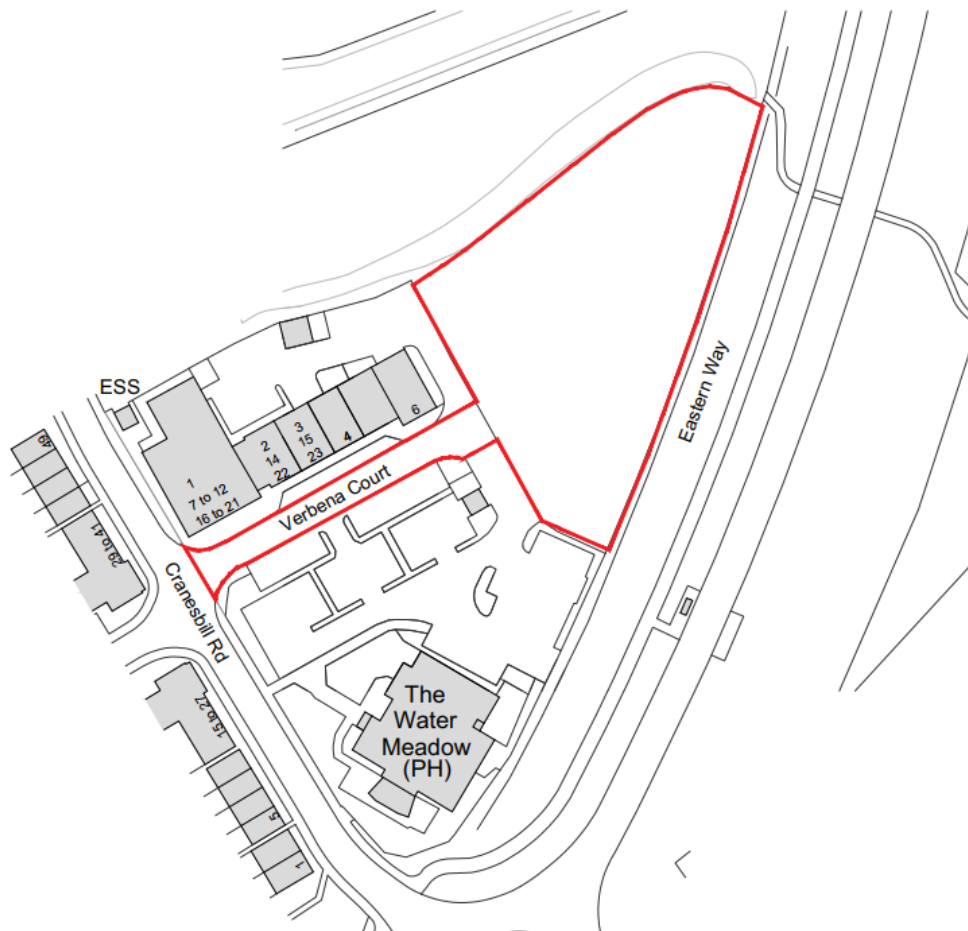
2. Report Summary

The main issues to be considered are:

- Principle of development
- Design and Visual Amenity
- Residential Amenity
- Ecology
- Highway Matters – including road safety / parking provision.
- Drainage
- S.106

The application has generated an objection from Melksham Town Parish Council within whose area the application site sits and Melksham Without Parish Council whose boundary abuts the site. In addition, 4 representations objecting to the proposal have been received from third parties.

3. Site Description



The application site is approximately 0.4 ha in area and comprises a triangular area of vacant grassland outside the defined settlement limits for Melksham.

The land parcel however forms a part of an urban extension to Melksham to which outline application 04/01895/OUTES refers for the comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road. The above application was followed up by an approved reserved matters application W/09/03109/REM – which has largely been built out.

Latterly, application PL/2023/03797 was approved by the Council to modify a redundant obligation set out within the original s106 for the above outline application pursuant to removing a requirement (contained with Clauses 8.1.1-8.1.5) to provide a Primary Healthcare facility and a recycling facility on the site.

In full recognition that the modification application was subject to significant local interest, it is worth recording here that the modification was approved on the following basis:

A formal written Statement was received from the Melksham and Bradford on Avon Primary Care Network confirming that there is no need for a Primary Healthcare facility on

this site, and this is the projected position within the next five years. The evidence indicates that the Spa and Gifford surgeries already make provision, and it has been argued that any future new primary healthcare facilities would be better provided on the other side of town.

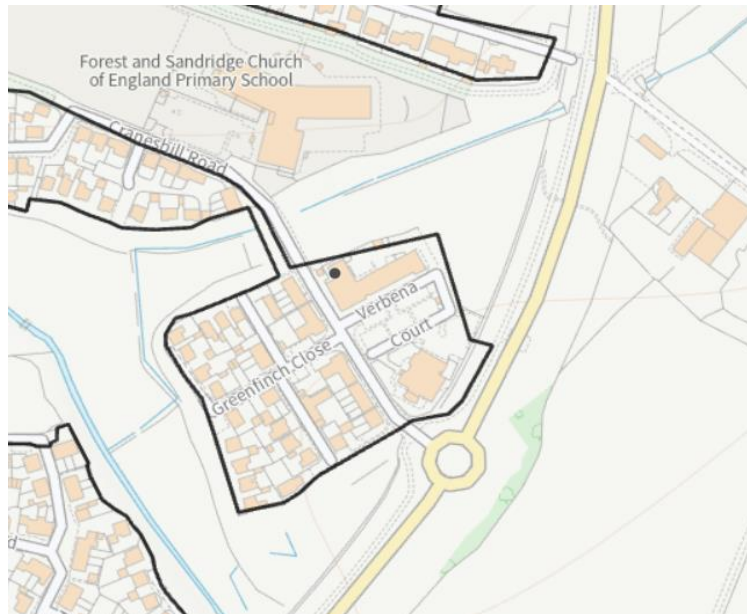
The LPA has had no sight of any evidence to substantively contradict this position and there is nothing to suggest that this evidence cannot and should not be taken in good faith, therefore in the absence of any evidence to the contrary, it is considered reasonable to conclude that a Primary Healthcare facility is no longer required on this site.

The matter is no longer open for Council determination, and it would be Ultra Vires and unreasonable to apply any material weight to the former s106 obligation and an on-site primary healthcare facility pursuant to this current planning proposal.



As clearly illustrated on the previous inserts and those that follow, the site is sandwiched between existing forms of development to the west of the Eastern Way bypass/Relied Road that was constructed as part of the 2008 consented outline application.

The following insert reveals the site location in relation to the bypass and existing development. In plan terms it sits outside the settlement framework, however it is not an isolated site in relation to the recent expansion of the town.



Melksham Town Centre is located 1.7km to the west and is defined as a Market Town for the purposes of CP1, CP2 and CP15 of the adopted Wiltshire Core Strategy.

Members are also advised that officers within the planning team have held discussions about the site having a strong case to be considered for future inclusion within the settlement development limits through the next settlement boundary review.



To the west of the site is the Cranesbill Road Local Centre (Verbena Court). This comprises retail units with residential dwellings above and The Water Meadow public house. There is also a single storey substation and car parking.

To the north is an area of public open space which serves the wider residential area and an existing brook. Beyond this is established residential housing along Snarlton Lane.

As notated above, the Forest and Sandridge Primary School is located to the northwest resulting in the application site being surrounded by housing, shops, a public house, a school and highway infrastructure.

The site is predominantly located within Flood Zone 1 with flood zones 2 and 3 to the north of the site. The Council's Strategic Flood Risk Assessment shows evidence of surface water and ground water flood risk on the northern boundary of the site.

Vehicular access would be provided off Cranesbill Road through Verbena Court which serves the local centre and would lead to a car park of 24 spaces incorporating 1 electric vehicle charging space, 2 accessible spaces and 1 emergency bay.

There are no public rights of way through the application site – with the land having low agricultural land / soil quality. There are no sensitive landscape or ecological designations on the site; and there are no heritage assets on, or within close proximity of the site.



The views from Cranesbill Road along Verbena Court. The site is beyond the carpark and shops



The view from the roundabout on Eastern Way with the pub and application site.



The site viewed from eastern Way from the southern corner.



The site viewed from the east on Eastern Way



The view of the northern corner from Eastern Way with the pub and Local Centre in the background.

4. Planning History

There is a lot of planning history for the site with numerous permissions granted for the major residential extension of Melksham. The key applications are set out below:

Reference	Description	Decision
04/01895/OUTES	Outline application for mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities including a local centre, primary school, recreation facilities and a distributor road.	Approved with conditions
W/10/01964/OUT	Outline application for 307 dwellings with all matters reserved	Approved with conditions
W/13/00489/REM	Construction of a new dual-use two form entry primary school with associated access and landscaping.	Approved with conditions
PL/2023/03797	Modification of planning obligations within the S106 agreement for 04/01895/OUTES relating to the local centre	Approved with conditions

Following the reserved matters approval for the school in 2013, a modification to the original s.106 removed the requirement for the local centre to provide a community facility at the local centre because it was agreed that the school as a dual use school could provide community facilities on the school site.

The 2023 referenced application is of particular interest to note because following consultations with the Primary Care Network and the Council's Waste and Recycling Team, the 2008 imposed obligations binding the urban extension housing scheme for the local centre to provide a healthcare facility and recycling centre were removed on the grounds that there was no longer a substantive need.

It is also worthwhile referencing a recently allowed appeal in Melksham on land at Western Way as cited below.

Reference	Description	Decision
PL/2022/08504	Outline application (with all matters reserved except for access) for the erection of up to 210 residential dwellings (Class C3) and a 70-bed care home (Class C2) with associated access, landscaping and open space	Approved at appeal with conditions 27.04.23

The following application on land at Long Leaze Lane is also a material consideration because the officer recommendation to grant permission subject to a s106 was endorsed by members of the Strategic Planning Committee at the meeting of 17 April 2024.

Reference	Description	Decision
PL/2023/06725	Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Long Leaze Lane/Snowberry Lane junction.	Approved by Committee; pending s.106

5. The Proposal

This is an application seeking full planning permission for the construction of a 71-bed care home for mixed levels of care (comprising residential, nursing and specialist dementia) and associated infrastructure with vehicular access being gained off Snowberry Lane with associated on-site parking, landscaping and drainage provision.

The proposed site plan, elevations, context plan and landscaping plans are shown below.



North-West Elevation



North-East Elevation



South-West Elevation



South-East Elevation





6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP15– Melksham Community Area
- CP41- Sustainable Construction Techniques and Low Carbon.
- CP43- Providing Affordable Homes.
- CP45 – Meeting Wiltshire’s Housing Needs
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people.
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport

- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Waste Core Strategy WCS6 (Waste Audit)

Joint Melksham Neighbourhood Plan 2020 -2026 Made July 2021

Emerging Melksham Neighbourhood Plan 2 2020 -2038 (Draft)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

Other WC Policy and guidance

The Wiltshire Waste Core Strategy (adopted 2009) Policy WCS6 - Waste Reduction and Auditing
The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy

National Policy and Guidance

National Planning Policy Framework (NPPF) & Planning Practice Guidance (PPG)

In particular:

Chapter 8 – promoting healthy and safe communities.

Chapter 11- making effective use of land.

Chapter 12- achieving well-designed places.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021) and the Wiltshire Design Guide

Manual for Streets 2

7. Summary of consultation responses

Melksham Parish Council – Objects as follows:

The Town Council had concerns over the size and scale of the build compared to the size of the site, parking, access and transport links. The committee also noted the lack of comment on planting and the lack of green space. The committee felt that the issue of scale and size would negate any benefit of planting in any event. The committee acknowledged the need for care places but felt this was not an appropriate site.

Policy 6: Housing in Defined Settlements of our reviewed Draft Neighbourhood Plan (NHP#2), states as follows:

Proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport.

Melksham Without Parish Council – Objection

Principle objection – Lack of genuine need for 3 care homes in Melksham

Not enough information has been provided on net zero climate provision for the site.

This site has been previously earmarked for a community centre which is the parish council's preferred use of this land.

Concerns raised about Highway safety and parking, design and overdevelopment of the site, lack of amenity space for residents, impact on healthcare facilities.

Referred to Policy 6 Housing in Defined Settlements in Emerging Joint Melksham Neighbourhood Plan 2020-2038 which requires proposals for age restricted housing, extra-care communities and nursing homes will be supported only in the most sustainable locations, closely linked to local services and public transport. having to be in sustainable locations.

Wiltshire Council Adult Social Care - No objection on the basis that the applicant's data could not be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different. There is a growing and definite need for residential and nursing care for people living with dementia. This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.

Wiltshire Assistant County Archaeologist – no objection based on previous surveys.

Dorset & Wiltshire Fire and Rescue Service – no objection subject to building regulations

Climate Team – happy to see some inclusion of renewable energy technology and sustainable practice however would like to see more sustainability. A Sustainability Statement was produced following these comments and additional low carbon technology and sustainable features were included as part of the design evolution process.

Urban Design - no objection but would request further soft landscaping details of a more cottage garden style and would like bifold doors on day room not fixed glazing to prevent overheating.

WC Lead Local Flood Authority – support the application, subject to conditions requiring finished floor levels to be set, modelling of the ditch and calculations and over exceedance routes to be provided.

Wiltshire Council Affordable Housing – no objection and no requirement for AH because the proposal falls under C2 use and, from the information submitted by the applicant, that bedrooms with ensembles are being proposed rather than self-contained/independent apartments.

Wiltshire Council Highways – no objection, subject to conditions for visibility splay details prior to works commencing and motor vehicle and cycle parking spaces including an EV point to be provided prior to occupation.

Wiltshire Council Landscape Officer - No objection subject to a planting plan and maintenance plan be secured by condition prior to commencement of works.

Wiltshire Council Arboricultural Officer - No objection subject to condition requiring compliance with submitted documents.

Wiltshire Council Public Protection – no objection, subject to condition requiring CEMP, lighting plan and AQA prior to commencement.

Wiltshire Council Ecology – no objection, subject to conditions.

On review of all the relevant documentation, no ecological objections to the scheme subject to:

- conditions to cover the following:
- no external lighting without prior approval
- Submission of a Construction and Environmental Management Plan (CEMP)
- Submission of a Landscape and Ecology Management Plan (LEMP)
- Details of the number, design and locations of bird and bat boxes

The full response to all the matters considered by the WC Ecologist is available to view on the on-line application file.

NHS – No objection subject to contribution of £32,090 towards the capital cost of delivering additional primary care floorspace required to serve residents of the new development.

Salisbury & Wilton Swifts – No objection but request bird nesting bricks to be included.

Wessex Water – no objection

Waste and Recycling – Non-residential premises will require suitable storage space for waste containers that is accessible to an RCV. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Any tracking provided should show that the RCV can access the storage point or a designated collection point.

The information in Table 5 & 6 of paragraph 6 in the guidance should allow developers to design adequate storage for waste containment; paragraph 5.7 covers care accommodation.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press. There have been a series of amendments to the application which were advertised by way of neighbour notification letters and the application has been fully reconsulted on.

4 representations objecting to the proposal have been received from third parties over the course of both consultations. The concerns raised are summarised below –

- A community centre is needed not a care home when there are already plans for another one.
- Resident agreed to the original plans for a community space and doctors' surgery and is dismayed to hear of this removal. We need community spaces that can be used any time of day by all residents.
- The school is not a suitable alternative to a community centre.

- There is good access and car parking.
- Lack of parking leading to highway safety issues.
- The proposal at three storeys in height would impact on privacy of Snarlton Lane residents by overlooking private gardens, intervisibility and resulting in an overbearing impact.
- Noise and disturbance of people and vehicles coming and going.
- Everybody living on the East side of Melksham should be made aware that the plan for the community centre is being scrapped to make way for a care home.

9. Planning Considerations & Assessment

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

9.1 Principle of Development

Wiltshire Core Strategy 'Spatial Strategy'

In terms of assessing the relative merits of the proposal, the starting point is the development plan and specifically the Wiltshire Core Strategy (WCS). The WCS sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. Following the relatively recent changes to the NPPF on 20 December 2023, Wiltshire Council considers that it can now demonstrate a sufficient 4-year housing land supply, and as a result the development plan is considered robust with the main delivery and settlement strategy policies carrying substantial weight.

WCS Core Policy 1 addresses the Settlement Strategy and identifies four tiers of settlement – 'Principal Settlements', 'Market Towns', 'Local Service Centres', and 'Large and Small Villages'. Within the Settlement Strategy, Westbury is defined as a market town. Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development.

Melksham and Bowerhill, where this site is located, is defined in Core Policies 1 and 15 as a Market Town, based on an assessment of its role and function. Market towns are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

WCS Core Policy 15 sets out the Council's sustainable plan-led approach to delivering development that responds to and reflects economic, social and environmental needs for the Melksham Community Area. Paragraph 5.82 of the supporting text to policy CP15 of the WCS outlines that the strategy for Melksham will be to ensure an appropriate and balanced mix of housing and employment growth is managed to provide contributions to the town centre improvement and delivery of enhanced services in the town and service provision, along with residential development as part of sustainable growth.

WCS Core Policy 2 addresses the Delivery Strategy. It sets out a presumption in favour of new residential development within the Limits of Development of the settlements – including Melksham

– and further states that housing should not be permitted outside the limits except in the few circumstances explained at supporting paragraph 4.25.

Paragraph 4.25 confirms that one of these exception policies is specialist accommodation provision to meet the needs of Wiltshire’s vulnerable and older people to be assessed under Core Policy 46.

Core Policy 46 of the WCS specifically seeks to address the issue of an ageing population, which is particularly important in Wiltshire, by ensuring that there is adequate provision of specialist accommodation, including residential, nursing and extra-care accommodation and facilities.

Whilst it is fully recognised that the application site is located outside the currently established settlement limits, the site is surrounded by various forms of development and in no way appears as an open countryside location. The Eastern Way bypass/relief road serves as a very clear eastern edge to the expanded town and the site is considered a sustainable site for this type of development as a consequence. The determination of the application should be based on the established context, which deserves significant weight.

Notwithstanding the above, WCS Core Policy 46 supports the provision of new accommodation to meet the needs of Wiltshire’s older people outside, but adjacent to, Market Towns, in exceptional circumstances, subject to certain criteria being met.

These criteria include:

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

CP46 criteria 1. that a genuine and evidenced need is justified

WCS CP15 does not identify requirements or priorities for the provision for accommodation for the elderly or those in need of care in this respect. Furthermore, the Melksham Neighbourhood Plan contains no evidence for / or details assessing local identified need for C2 care homes.

Detailed needs assessments have been provided in support of the application both at submission stage and in a more recent update dated December 2023 produced by Christie & Co. These contain data assessing the current need for a new care home. The catchment area for the assessment was set at 5km from Melksham and considers all endorsed/consented planning applications/appeals proposing other care homes within the same catchment area.

The submitted Addendum to the Desktop Market Analysis provides an updated care need position following the approval of the Land to the South of Western Way scheme at appeal in November 2023. Whilst this is an update, the original Desktop Market Analysis prepared by Christie & Co and dated June 2023 as previously submitted with this planning application remains relevant.

This Addendum indicates that there is sufficient need for the following schemes which would result in a total of 227 EMC (Effective Market Capacity) / market standard care beds being added to the supply within the 5km catchment area:

- Land at Verbena Court (pending determination) – 71 bedrooms.
- Land at Long Leaze Lane (pending determination) – 86 bedrooms.
- Land to the South of Western Way (allowed at appeal) – 70 bedrooms.

The needs assessment addendum states that there would continue to be a residual shortfall in the short to mid-term. Even if the above cited two other care homes are implemented, they may take several years to be ready for occupation, or they may not be implemented at all - noting here that an endorsement to approve or the grant of permission does not manifest as delivered accommodation.

The needs assessment indicates that with the full delivery of the three above listed care home schemes, there would be substantive future proofing of the care home market for the Melksham area going forward. Looking beyond 2026 and up to 2033 the supply figure as reported below reveals that supply is predicted to “remain below the optimum 50-bed mark either side of the bed demand figure”.

The table below is taken from Christie & Co’s December 2023 addendum report on market analysis which provides a breakdown of the care home bed demand and the balance of care home provision up to 2033 for the 5km catchment area for Melksham. The analysis shows that there is a current shortfall of EMC/Market Standard beds which will change to a market level/equilibrium level of supply by 2026 if/when this scheme is approved and built out (in the next year or so) along with the delivery of the two other care home schemes cited on the previous page.

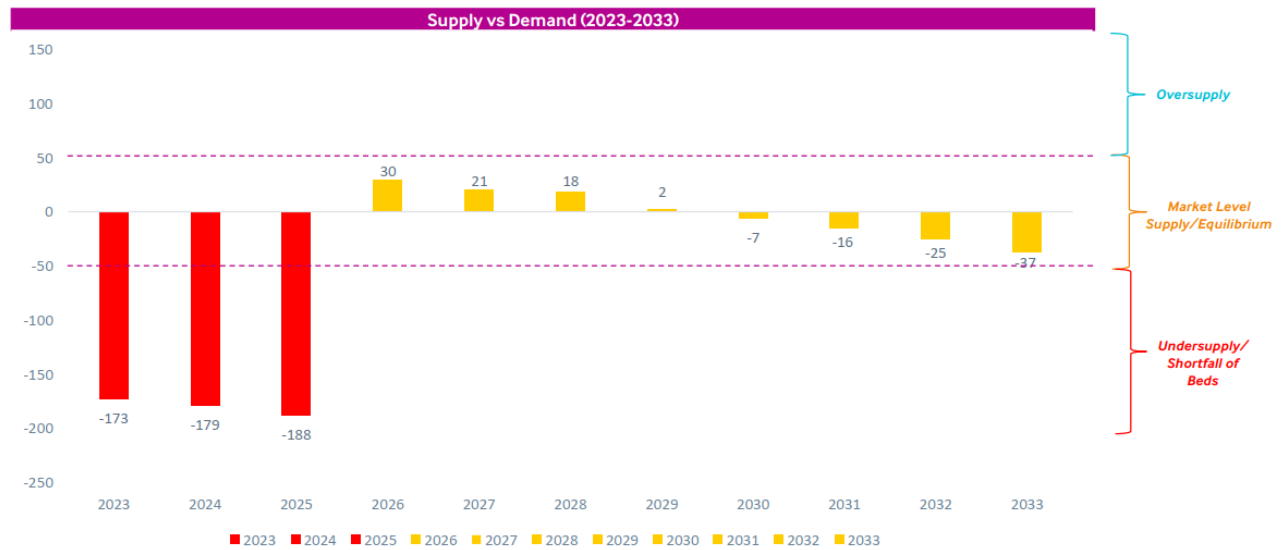
Year	Bed Demand	Existing EMC/Market Standard Beds	Incoming Supply	EMC/Market Standard Beds	Key
2023	258	85		-173	Oversupply
2024	264	85		-179	Oversupply
2025	273	85		-188	Oversupply
2026	282	312	227	30	Market Level/Equilibrium
2027	291	312		21	Market Level/Equilibrium
2028	294	312		18	Market Level/Equilibrium
2029	310	312		2	Market Level/Equilibrium
2030	319	312		-7	Undersupply
2031	328	312		-16	Undersupply
2032	337	312		-25	Undersupply
2033	349	312		-37	Undersupply

Incoming Supply*	
Development Name	Proposed Beds
Frontier Estates Development	71
Aspire Development	86
Hallam Land Development	70
Total Beds	227

*Accounted for from 2026

Supply vs Demand

Our analysis shows that accounting for three new developments in 2026, there will be an equilibrium of market standard beds within the catchment area, whereby there will be sufficient future proof care home beds to meet demand going forward



The Assessment indicates that there is a quantifiable need for a new high quality care home at this location.

The supply figures are accepted and are reasonably easy to check. The demand assessment has been based on the most recent Census data available and includes details regarding the basis and methodology of population growth estimates including where possible, information relating to in and out-migration.

It is accepted that the population in the surrounding area in the elderly age range is growing with more frequent dementia diagnoses, and there is clearly a limited amount of existing care home supply that meets the required needs for caring for elderly people with specialist care needs.

The needs assessment states that reaching the market level / equilibrium does not mean that there would be an oversupply, but instead that the market would be considered stable and that the care homes would be more comfortable to being able to satisfy demand. However given the sensitivities of providing the necessary care facilities, it is considered prudent to plan for the projected increased demand, adopt a forward planning approach to future proofing the local care home market and to plan now for the projected demand as well as being mindful that these establishments must satisfy the 2014 Care Act, to meet the needs and aspirations of our communities.

Based on the data available this proposal would not likely result in an oversupply, and indeed, as commercial operators, the applicants are very confident that there is a local need and if they were not convinced of the ability to fill such beds, they would not still be seeking planning permission.

The Councils Adult Social Care team were consulted on this application, and they have confirmed they agree with the data source and consider the assessments to be reliable and accurate. Indeed, it is worthwhile reporting that the data source used by the applicant's is the same as the Council.

The Adult Social Care team have furthermore confirmed that the Council's data shows:

“Our 65+ population currently represents just over a fifth of Wiltshire’s population, but by 2040 this age group will make up nearly a third of the total population. The increases expected to be seen in Wiltshire in both the 65+ and 85+ age groups are higher than the expected increases in the South-West and England.

By 2040 in Wiltshire the 65+ population is expected to have increased by 43%. The 85+ population is expected to have increased by 87%. The ageing population in Wiltshire and particularly the 87% increase by 2040 in the size of the 85+ population will bring opportunities and challenges for the delivery of services in the county.”

These figures are based on Wiltshire Council's own data in relation to OS Census figures. As such it is clear to see that the requirement for care home beds across Wiltshire is not going to reduce but is likely to increase quite significantly over the next 15 years.

As a result, Adult Social Care are robust in arguing that:

“...the applicant’s data cannot be contested as it accurate for the whole market; any challenge from Wiltshire would be difficult as the focus from the provider and Wiltshire Council is different... There is a growing and definite need for residential and nursing care for people living with dementia.

This is a growing demand and particularly for higher levels of support for those who present with complex needs. This demand would cover both those who are funded by Wiltshire Council and those who fund themselves.”

Officers therefore argue that the existing endorsed/permitted care homes in Melksham alone would not provide sufficient care home accommodation in the short-mid-term for both the local Melksham area and the wider County.

Accordingly, in the absence of any substantiated evidence to the contrary, it is accepted that the professional independent third-party data evidence provided by the applicant identifies a genuine need for the proposed care home and the Council’s own Adult Social Care team fully support this position.

CP46 criteria 2. The environment and landscape will not be compromised.

In terms of the above policy test, the Council’s landscape officer and ecology officers were consulted, and both raise no objection to the scheme. The detailed landscape and ecology assessments are set out within later parts of this report, but in terms of CP46, the above CP46 policy test has been fulfilled.

CP46 criteria 3. The facilities and services will be accessible.

The site's location is considered very sustainable from a planning perspective. The proximity to the Verbena Court Local Centre, to Eastern Way and the highway network and public transport options and to Melksham’s town centre with all its shopping options, services and amenities result in officers arguing the identified site and proposal fulfils the above CP46 test. The following insert reveals distances to various facilities.

Amenity	Name	Walking Distance (Metres)
ATM	Co-op Food	60m
Supermarket/Food Store	Co-op Food	60m
	Co-op Food	1600m
Restaurant/Café/Public House	Ocean's Traditional Fish and Chip	25m
	Water Meadow	120m
	Noble House Chinese Takeaway	30m
	The Pig and Whistle	2000m
Hospital	Melksham Community Hospital	1800m
Pharmacy	Gompels	1500m
Doctor's Surgery	St Damians	1900m
Place of Worship	St Andrew's Church	1800m

Above: Local facilities in the vicinity of the site

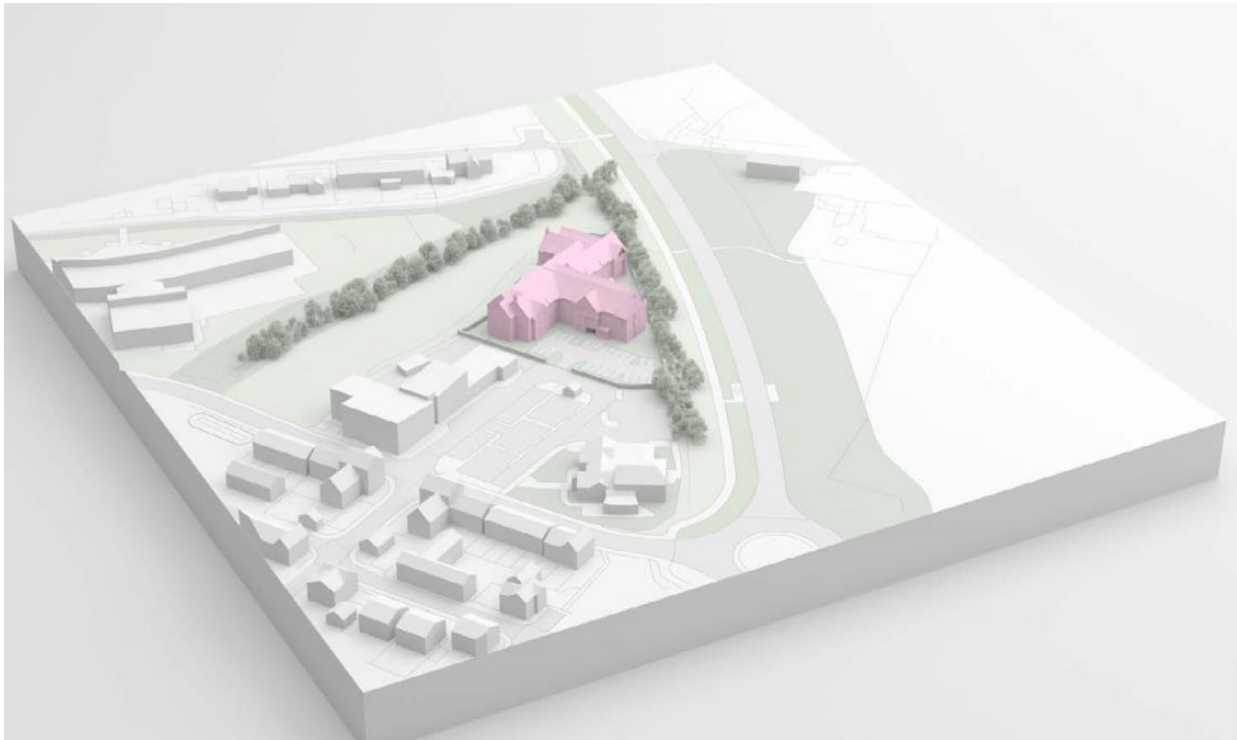
Bus Number	Operator	Bus Stop	Destination	First Bus (Weekday)	Last Bus (Weekday)	Weekday Peak Frequency	Saturday Frequency	Sunday Frequency
14	Frome Bus	Eastern Way (Cranesbill Road)	Melksham Asda	13:56	17:51	1 in PM Peak	1-2 per hour between 13:00 and 17:00	N/A
		Snowberry Lane	Melksham Asda	09:56	17:51	1 in PM Peak	0-2 per hour	N/A
15	Frome Bus	Eastern Way (Cranesbill Road)	Melksham Asda	10:19	12:19	2 per day	2 per day	N/A

Above: Public transport services in the vicinity of the site

Officers are also mindful that certain facilities and services would be provided on site, and it is important to appreciate that the Council's highways team raises no objection and considers the location to sustainable. Additional commentary on the highway considerations is set out later within this report.

CP46 criteria 4. The scale and type are appropriate to the nature of the settlement and will respect the character of that settlement.

The application site is located within an urban environment with various forms of development and building blocks with large footprints within relatively close proximity – namely the school, the local centre and public house. The local centre is 3 storeys, and the proposed development would be commensurate with the prevailing urban character. The following model was included within the applicant's Design and Access Statement, which is considered useful in terms of providing the local context and how the proposed development would assimilate well with its immediate surroundings in terms of massing and scale.



The proposal has been subject to negotiated amendments recommended by officers, and the finalised scheme is supported by officers in terms of the principle and the key tests set out within CP46. The development proposal still requires to be subject to a detailed assessment of the following technical considerations.

9.2 Landscape and Design

Landscape

Core Policy 51 of the adopted Wiltshire Core Strategy states “great weight will be afforded to conserving and enhancing landscapes and scenic beauty”.

The site is in an area of established urban form with no specific landscape sensitivities or designations. This proposal would be visible from the immediate locality but would be read in the context of the existing local centre, public house and the school. It would be set back from the main road and in the context of the major urban residential development locally, the proposal would have limited impact on the rural landscape. The Council’s landscape officer raises no concern to the scheme, who also concluded that the development would not result in landscape harm.



The proposal would not remove any trees and the application is supported by a tree survey and landscaping proposals with additional tree planting being part of the submitted scheme as illustrated above – which would deliver enhanced biodiversity gains for the site, with the verdant boundary being maintained along Eastern Way.

There are features that would benefit the residential care home occupants. In particular a small, raised bed area compatible with wheelchairs and fruit tree planting would provide outdoor interest to future residents along with a wheelchair accessible greenhouse, activity table and timber arches with sensory planting. Outdoor seating is also proposed for the patio areas and pergolas.

Detailed features as to the hard and soft landscaping can be addressed by way of condition prior to commencement of works above ground slab level and such a condition is recommended.

Design

Core Policy 57 requires 'a high standard of design in all new developments. Of particular relevance is paragraph (iii) which requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting'.

The NPPF states at paragraph 131 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 states Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

WCS Core Policy 41 seeks to ensure that sustainable construction techniques and renewable energy are employed to enhance energy efficiencies and represent low carbon use in line with, and where possible, exceeding Building Regulations requirements.

Since the original submission the site plan and proposed plans have gone through various design iterations to address concerns regarding energy efficiency, sufficient parking, design and landscaping. The proposal would be 3-storeys with materials consisting of brick, render and grey concrete roof tiles.

The building is well articulated with a varied roof line. The position and good elevational design of the proposed building will have no unacceptable adverse impacts. The height of the building is considered to acceptable having regard to its context – as illustrated earlier on in this report.

The proposed building would sit comfortably within the plot with generous separation being maintained to the neighbouring dwellings with sufficient landscaped outdoor space.

The proposed care home would be set across 3-storeys internally with a 'T' shaped footprint. The proposed scale would accord with the scale of neighbouring 3-storey buildings within the local centre. Accommodation at second floor level is proposed partially within the roof space with dormer windows.

It would have an uncomplicated ridge with the roofscape articulated through the use of pitched

roof elements, dormer windows, gable features and projecting bays. The design avoids blank elevations, and an interesting and varied palette of materials is proposed including multi brickwork, white brickwork, grey cladding and natural slate reflecting the architectural proportions and materials of the immediate locality. The proposed care home is set on a masonry base with lighter render above. Gables comprise brick and render and vertical timber bays are proposed at the entrance providing visual interest.

The design approach is considered to respond to the residential character of the wider urban extension and would integrate well into the locality and townscape of the location.

In terms of functional design, the building has been designed specifically with dementia patients in mind following a dementia friendly approach so it will allow for easy navigation both inside and outside ensuring a safe environment.



① South-West Elevation
1:100



② South-East Elevation
1:100

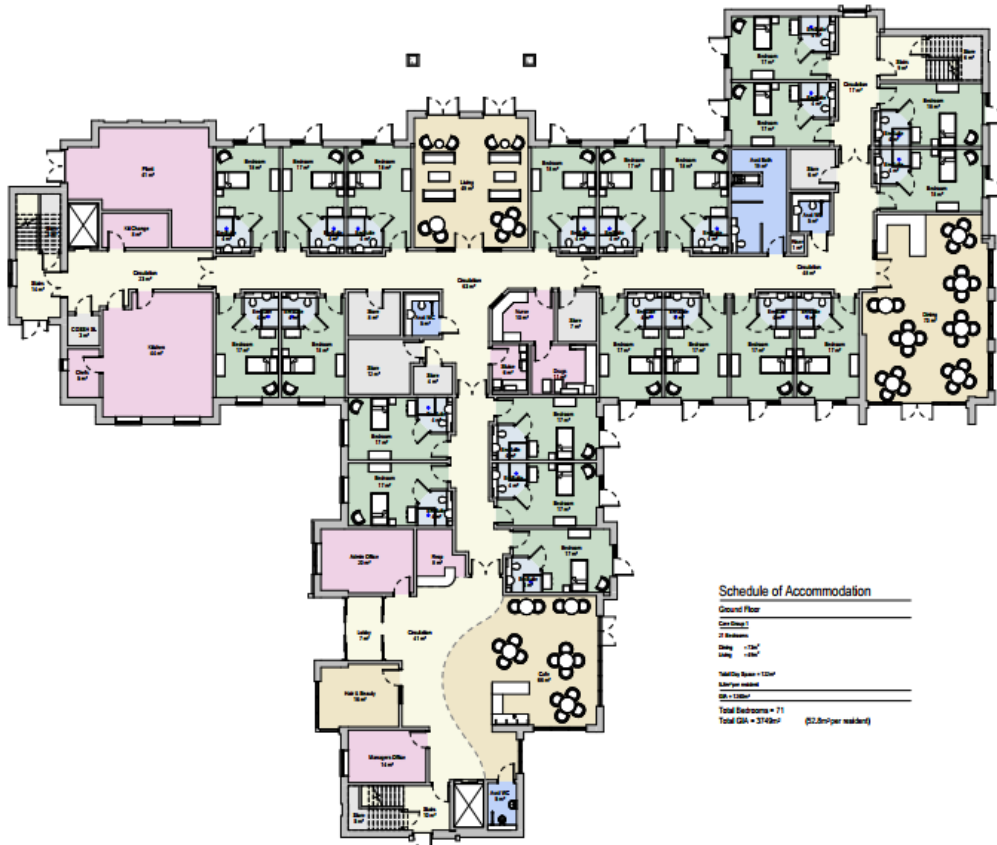


① North-West Elevation
1:100



② North-East Elevation
1:100

Proposed Elevations



Schedule of Accommodation

Ground Floor	
Office	1
21 Bedrooms	
Day	172m ²
Day	152m ²
<hr/>	
Welfare Room = 120m ²	
Laundry room	
BB = 120m ²	
<hr/>	
Total Bedrooms = 21	
Total GFA = 2142m ²	(102.0m ² /per resident)

Proposed Floor Plan



Indicative CGI of how the proposal would look

The proposal would, through careful use of materials and architectural proportions, reflect the character of the locality and remain of a scale consistent with its use, function and location. It would integrate well into the locality and streetscene.

The Councils Urban Design Officer supports the proposal and raises no objection. A planning condition requiring details of high-quality materials prior to commencement of works for the care home extending beyond ground slab level is recommended.

Following discussions with the Councils climate team the application is now supported by a sustainability statement which confirms that the proposal has considered sustainability including:

- Solar Panels
- Air Source heat pumps
- Provision of cycle storage
- EV charging (1 provided with the ability to install up to 20 more if required in the future)
- Water efficiency
- Specific recycling and waste provision
- Travel Plan

Use of Passivhaus style design measures and low carbon renewable energy systems are now proposed, and the building has been designed to exceed Building Regulations requirements for energy efficient and preventing overheating.

Conditions requiring the provision of the solar panels, EV point, air source heat pump and cycle storage prior to first occupation are recommended.

On the basis of the above and subject to conditions, the proposed development is considered acceptable in terms of CP41 and CP57 of the WCS as well as provisions of the NPPF.

Heritage Impacts:

Chapter 16 of the NPPF titled 'Conserving and enhancing the historic environment' sets out policies concerning heritage and sustainable development and requires a balanced approach to decision making with harm weighed against the public benefits resulting from proposals.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 titled '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.*"

The site is not in a conservation area and has no heritage assets on site or in close proximity. In terms of archaeology, this site formed part of a larger area that was first investigated via a geophysical survey and an archaeological trial trench evaluation in 2004, which identified some areas of post-medieval industrial activity, areas that were further investigated via a series of open area excavations in 2010.

In recognition of the previous archaeology assessment, officers are satisfied that the scheme can advance without any further archaeological analysis, and in terms of heritage impacts, the proposed development satisfies CP58 of the WCS and the NPPF.

Residential Amenity

WCS Core Policy 57 states that applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

Having regard to neighbour amenity, matters relating to overlooking, privacy, light and overbearing have been carefully considered. Generous separation distances would be maintained which coupled with retained landscaping to the site boundaries would ensure that there would be no unacceptable loss of amenity to other residents.

The closest residential dwellings to the application site would be located above the retail units within the local centre to the west of the application site. No windows however face the proposed application site and there would be no loss of privacy, overlooking or overbearing impact on these occupiers.

Save for these flats, the nearest residential dwelling (394a Snarlton Lane) is located 63m away and sited at an oblique angle. As such it is considered at this distance and with the site context, there would be little to no inter-visibility or harmful overlooking /loss of amenity issues.

The proposal would be three storeys and would be some 13m to ridge level. The Council have reviewed the site using the online sun calculation and shadowing application which is a useful tool to test the path of the sun and the likely sun cast shadowing affects at different days and times of the year.

This indicates that at this height in the winter months, there would be some shadow cast over the school playing pitch in the early morning and that some shadows would be cast briefly over the local centre in the early morning in the summer months. This sun cast shadowing effects would

however be brief and limited to approximately an hour period early to mid-morning – which would manifest as a limited temporary affect that would not be substantive reason to refuse the application.

The checks carried out by officers also indicate that there would be no overshadowing of any residential dwelling on Snarlton Lane, and it is considered that given the separation distance between the proposal and the properties on Snarlton Lane, there would be no overbearing impacts.

Whilst the local concerns of residents from Snarlton Lane are acknowledged, from the analysis undertaken by officers, the proposal would not result in significant material harm or detrimental impacts on the existing levels of residential amenity to warrant the refusal of the application.

The proposal provides generous internal living accommodation for the future occupants of the care home and provides ample outdoor amenity space.

The Councils public protection team were consulted, and their main concern related to construction noise / dust and its impact on the residences in the vicinity. A noise assessment, prepared by Hawkins Environmental was undertaken and submitted – which was found to be acceptable by the public protection team.

The study demonstrates that based on the surrounding environment, the site is considered a 'low risk' site under the Planning and Noise Professional Practice Guidance. The report concludes that suitable noise levels can be achieved in gardens meaning that all residents would have access to quiet external amenity space.

Furthermore, the recommended maximum internal noise levels for each room can be achieved through the provision of suitable glazing and ventilation and conditions requiring these details are recommended to be secured via a planning condition.

In terms of ventilation and air quality, alongside details of the ventilation equipment, given the location adjacent to the busy road of Eastern Way, it is considered necessary to condition an Air Quality Assessment prior to any occupation to demonstrate that the proposed ventilation equipment would provide a sufficient level of air quality for the future residents.

Additionally, a Construction Management Plan is recommended to be conditioned and to include a commitment to standard hours of construction. The location of noisy plant on the site during the development is also an issue of concern, especially generators. The LPA would seek to control site deliveries to hours through a CEMP such as not to impact on local amenity.

A lighting plan is also required to be conditioned to ensure that no obtrusive lighting is installed on site.

Subject to these conditions, the proposed development is considered not to result in loss of light, loss of privacy or an overbearing impact on existing neighbouring and future occupiers. It would not result in significant harm to or a detrimental impact on the existing levels of residential amenity currently afforded to adjacent occupiers and would meet requirements of CP57 of the WCS.

Highways / Rights of Way

Paragraph 114 (b) of the NPPF requires that *in assessing... specific applications for development, it should be ensured that...safe and suitable access to the site can be achieved for all users.*

Paragraph 115 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’.

Paragraph 116 (c) of the NPPF also states that *...applications for development should create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.... and respond to local character and design standards.*

CP57 (ix) of the WCS requires new development to ensure *"that the public realm including new roads and other rights of way are designed to create places of character which are legible, safe and accessible..."* and CP57 (xiv) requires development to meet *"the requirements of CP61 (Transport and New Development)"*.

CP61(ii) of the Wiltshire Core Strategy requires new development to be *"capable of being served by safe access to the highway network"* and within the supporting text for CP61, the Council recognises that it is critically important for good planning and safe highway interests for new development to benefit from a suitable connection to the highway *"that is safe for all road users"*.

CP62 of the Wiltshire Core Strategy states that *'Outside of built-up areas, proposals that involve a new direct access onto the national primary route network will not be permitted in order to assist with traffic flow and reduce risk'*.

CP64 requires sufficient parking to be provided in new development in line with residential parking standards and requires a reduction in reliance on the use of the private car where possible.

A Transport Statement was submitted in support of the planning application with vehicular access being afforded via Verbena Court. An existing access is in place in the form of a dropped kerb, and the proposed care home would be accessed via a 5.5m wide carriageway and this is considered suitable subject to sufficient visibility splays being conditioned.



It is anticipated that the care home would employ 70 members of staff once fully operational, equivalent to 53 full time positions. However, as these will operate on shift patterns, it is expected that about 24 members of staff would be required on site at any one time except for changeovers when the numbers are likely to be slightly more.

Based on the anticipated trip rates, the maximum car parking demand would be between 13:00 and 14:00 where 15 spaces would be occupied. This represents 65% of the car parking capacity and allows for a buffer to accommodate staff changeover.

The site also benefits from good access to public transport services which could be used by staff and visitors alike.

24 car parking spaces are proposed on the site incorporating 1 electric vehicle charging space, 2 accessible spaces and 1 emergency bay in addition to 10 cycle parking spaces.

A parking accumulation assessment was undertaken that confirms that the proposed number of spaces are sufficient to meet the needs of the proposed care home. This would be a slight under provision when compared to the 30 spaces required by Wiltshire's Car Parking Standards, however, officers are satisfied that it would be adequate for the proposed use and that no overspill parking would occur along the public highway. The parking provision and layout is thus accepted.

Deliveries and servicing would take place on site. The accompanying Transport Statement includes swept path analysis to show that this is feasible. A refuse store is provided on site in a position that is easily accessible to refuse collection vehicles from the refuse collection area. It is anticipated that there would be no more than 1 service delivery vehicle arrival and 1 departure occurring during any hour of a typical day and these are not considered to have a material impact on the highway network.

It is anticipated that the proposed care home will generate 11 two-way trips in the AM peak travel period and 5 two-way trips in the PM peak travel period. This equates to 1 vehicle movement on average approximately every 5 to 12 minutes during the AM and PM peak hours. Over the course of a 12-hour day, a two-way total of 119 vehicle movements to / from the site are predicted, incorporating 57 arrivals and 62 departures. These represent an acceptable number of trips which are not considered to give rise to harm the local highway network. A Travel Plan has been submitted and it is recommended that this be conditioned.

Subject to conditions requiring details of visibility splays to be agreed, the provision of parking and access and the implementation of the travel plan, officers are satisfied that the overall proposal is unlikely to cause unacceptable harm in highway safety terms, and so the proposal cannot be considered to have a severe impact in terms of the NPPF. No objections are raised by the Council's highway team, subject to the conditions set out above.

The proposal is therefore considered to meet requirements of CP60, CP61 and CP64 of the WCS and provisions of the NPPF.

Flood Risk and Drainage

WCS Policy CP67 (Flood Risk) states that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The application is supported by an FRA and a detailed Drainage Strategy. The majority of the site is located within Flood Zone 1. Along the North-West edge of the site there is an area of elevated

surface water flood risk which in some places crosses the site boundary line. Based on site visit analysis and the current site levels, the mapped areas at risk are in dispute. It is noted that since the flood map was drawn up, additional drainage works have been completed as part of the wider urban extension housing scheme with attenuation basins being provided as part of the housing delivery and school development.

On site infiltration testing has also been undertaken which indicates that the underlying soils are unsuitable for infiltration. The discharge of surface water via an infiltration-based SuDS would therefore not be feasible. As a result, surface water would be temporarily stored on site using geocellular tanks and permeable paving. A planning condition requiring detailed surface water drainage details is necessary to be conditioned.

In terms of foul drainage, Wessex Water have confirmed that they can accommodate the associated foul flows within the public foul sewer with connections made on a size for size basis. The developer would fund the cost of connecting to the nearest 'size for size' sewer. Capacity is available to accommodate domestic type foul flows from the proposed development. The point of connection to the public network is by application and agreement with Wessex Water. An informative should be included on any grant of permission advising the applicant to contact Wessex Water independently to secure the relevant license.

The Lead Local Flood Authority (LLFA), having reviewed all the relevant information supports the application and recommends a number of planning conditions relating to finished floor levels to be set, the modelling of the ditch and calculations and over exceedance routes to be provided.

The additional technical supporting information requested by the LLFA is considered reasonable and necessary to make the development acceptable in planning terms i.e., to ensure the scheme does not lead to increased flood risks elsewhere during both the construction and occupation phases of the development, and planning conditions are recommended as a consequence.

Accordingly, the proposed development, subject to conditions, would accord with CP67 of the WCS and the NPPF.

Ecological Impact

WCS Policy CP50 (Biodiversity and Geodiversity) states that development proposals must demonstrate how they protect the features of nature conservation and geological value as part of the design rationale. These features are expected to be retained and managed favourably in order to sustain their ecological value, connectivity and functionality long-term.

A full Ecological Impact Assessment (EclA) has been submitted as part of the application and extensive detailed discussions with the Council's senior ecologist have been undertaken.

Ecological surveys of the site were carried out by The Landscape Partnership at a suitable time of year and following industry guidelines. Officers consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. Officers are therefore satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The ecological survey found that the habitats within the site are of generally low importance for conservation, although the boundary woodland and hedges outside of the site do contribute to primary connectivity within the wider landscape area for a range of wildlife species including common and widespread bat species, other small mammals and nesting birds. The ecology report

makes a series of recommendations in Section 5 for precautionary measures to be implemented as part of the development, to ensure that protected species are not adversely impacted by the works. These include measures to protect trees and shrubs, reptiles, terrestrial mammals and bats. This is recommended to be conditioned.

Biodiversity Net Gain

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity.

The submitted Biodiversity Metric 4.0 and supporting report Calculation of Biodiversity Net Gain using Defra Metric 4.0 0 (The Landscape Partnership, August 2023) indicate that the proposals will result in a loss of 0.23 habitat units and an increase of 0.64 hedgerow units. The habitats identified during the survey with the highest ecological value comprised hedgerow, wooded belt and a ditch, all located outside of the site. All site boundary features will be retained and protected. Habitats within the site which are due to be lost are considered to be of lower value.

The provision of new native hedgerows and other native planting would contribute to the ecological value and functionality of the site and immediate area, and it is therefore accepted that the proposals secure the integrity of the local ecological networks and are therefore compliant with Core Policy 50.

The production of a Landscape and Ecology Management Plan is recommended to be secured via condition to ensure the long-term management of landscape and ecological features retained and created by the development. This document should be proportional to the size and scale of the development.

The ecology report makes recommendations in Section 6 for the provision of alternative features and habitat areas to ensure that wildlife continues to be accommodated within the development.

These recommendations comprise:

- Habitat enhancements to include native wildflower planting, native trees and shrubs, infilling of boundary vegetation with native species of known value to wildlife, management of hedgerows for wildlife, planting designed to enhance connectivity of the landscape.
- Four built-in bat boxes
- Two built-in sparrow terraces
- Two built-in swift boxes
- One habitat pile
- Three bee hotels
- Provision of hedgehog highways in close board fencing, if proposed.

The Landscape Proposals (Drawing no: 101A) show the incorporation of native trees and hedgerow into the design, as well as one hibernaculum and three bee hotels, this is welcomed and recommended to be conditioned.

Accordingly, the proposed development is considered acceptable in terms of CP50 of the WCS and provisions of the NPPF and is acceptable subject to the conditions set out above.

10. CIL and S106 contributions

CIL

The proposed development as a care home would be liable for CIL and as it is within Charging

Zone 2 would be liable to pay £55persqm (plus indexation). The applicant is advised to contact the CIL officer for further information.

S.106

Core Policy 3 states that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development'. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the National Planning Policy Framework. These are:

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

Contributions towards NHS facilities

Concern has been raised in the representations and by local ward member Councillor Sankey that there is significant pressure on the local GP and health services and as such, contributions towards these facilities should be requested and provided for by the developer.

National policy and guidance set an expectation for development proposals that impact on local infrastructure to mitigate their impact to be considered sustainable.

Residential developments often have very significant impacts in terms of the need for additional healthcare provision for future residents, meaning that a planning obligation requiring that the development contributes to, or delivers, a new healthcare facility is often necessary.

Policy 3: Infrastructure Requirements of the Wiltshire Core Strategy states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Healthcare facilities are identified as essential infrastructure, and as such afforded the highest priority. The cost of providing necessary infrastructure will be met through the appropriate use of planning obligations.

The Joint Melksham Neighbourhood Plan Policy 8 sets out similar provisions. The Wiltshire Infrastructure Delivery Plan 3/Appendix 1: Melksham Community Area notes that local primary healthcare facilities are already undersized for the number of current patients.

Existing Primary Care Capacity in the Local Area

The proposed development is located on the eastern edge of Melksham. The ICB has identified that Bradford on Avon and Melksham Primary Care Network (PCN) Spa Medical Centre and Giffords Surgery are the most likely to be impacted by the proposed development.

Given that the practices currently operate with an overall deficit, to properly mitigate the impact of the proposed development a planning obligation is necessary to support the increased demand on the local primary care service.

It is noted that the site was under the original outline, identified to accommodate a healthcare facility. Whilst the obligation as found to be no longer necessary, the associated infrastructural demands this new proposal would have on local GP practices, a developer contribution is

necessary.

The NHS has responded to a formal consultation on this application and have set out the case for the developer to pay the sum of £32,090 towards the capital cost of delivering the additional primary care floorspace required to serve residents from the new development. A detailed cost breakdown is set out in the public NHS consultation response.

Whilst the Primary Care Network and NHS have no plans or apparent need to deliver an entirely new healthcare premises (as the previous outline envisaged), this application proposal when tested against WCS CP3 requires a developer contribution to enhance the existing service provision and to support the additional medical care needs for the future residents.

To this end, the developer has agreed to pay this sum of £32,090 which would require the developer to enter into a s.106 legal agreement.

Subject to this s.106 being agreed the proposal is considered acceptable.

Conclusion (The Planning Balance)

At the heart of the NPPF there is a presumption in favour of sustainable development, this requiring local planning authorities to approve development proposals that accord with the development plan without delay.

Whilst the proposed development lies outside of Melksham's settlement boundary it is to all intents and purposes part of the new urban extension and is read as such. It does not have the character of open countryside. Notwithstanding this despite the location being outside the settlement boundary in terms of the adopted WCS, the site is adjacent to the settlement boundary and the application meets all the required criteria set out within policy CP46 as an exception to the restriction of development outside settlements as set out within CP1 and CP2.

This report shows that there would be no adverse impacts arising from the proposal on the wider landscape, archaeology, drainage, ecology, highways, and/or amenity. There are, however, benefits which include the provision of proper care for the elderly in the community, the provision of short term and long-term local jobs, the releasing of family homes to boost housing supply, the inclusion of additional tree planting and make contributions to off-site infrastructure through S106 contributions and CIL.

The proposal would relate well to the spatial form of Melksham and the Eastern urban extension using existing road infrastructure and would offer accessible walking and/or cycling routes into the town and its services and facilities. The application site would also make s106 contributions to the local healthcare services and CIL payments.

RECOMMENDATION:

That the Head of Development Management be authorised to grant planning permission, subject to the first completion of a planning obligation/Section 106 legal agreement covering the matters set out in this report, and subject to the planning conditions listed below.

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 and documents:

Site Location Plan ref: 2782-HIA-01-ZZ-DR-A-0100 rev. P3
Proposed Ground Floor Plan ref: 2782-HIA-01-00-DR-A-0201 rev. P3
Proposed First Floor Plan ref: 2782-HIA-01-01-DR-A-0211 rev. P3
Proposed Second Floor Plan ref: 2782-HIA-01-02-DR-A-0221 rev. P3
Proposed Refuse and Cycle Enclosure Elevations and Plan ref: 2782-HIA-01-00-DR-A-9010 rev.-P2
Transport Statement ref: PC5019-RHD-ZZ-XX- RP-R-0001
Travel Plan ref: PC5019-RHD-ZZ-XX- RP-R-0002
Noise Assessment H3917 – NV - v2
Ground Condition Assessment ref. 5017068-RDG-XX-ST-DOC-C-00-GCA01-B

All received by the Council 31 August 2023

Proposed Southwest and South East Elevations ref. 2782-HIA-01- 00-DR-A-0301 rev. P4.
Proposed Northwest and North East Elevations ref. 2782-HIA-01-00-DR-A-0302 rev. P3.
Proposed Roof Plan ref. 2782-HIA-01-ZZ-DR-A-2701 rev. P3.
Proposed Site Plan ref. 2782-HIA-01-XX-DR-A-0101 rev. P9.
Proposed Wider Site Plan ref. 2782 HIA 01 XX DR A 0104 rev. P1.
Landscape Proposals ref. 101B.
Sustainable Energy Strategy
Ecological Impact Assessment. The Landscape Partnership. September 2023.
Biodiversity Net Gain Report. The Landscape Partnership. August 2023.
Biodiversity Metric 4.0 – Calculation Tool
Landscape Proposals. Drawing no: 101B A. The Landscape Partnership. June December 2023
Tree Survey and Arboricultural Impact Assessment. The Landscape Partnership. June July 2023

All received 22 December 2023

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

- 3 No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location.
- ii. A description of management responsibilities.
- iii. A description of the construction programme.
- iv. Site working hours and a named person for residents to contact.
- v. Detailed Site logistics arrangements.
- vi. Details regarding parking, deliveries, and storage.
- vii. Details regarding noise and dust mitigation.

viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network including a construction lighting plan and details.

ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

x. Details of how surface water quantity and quality will be managed throughout construction.

xi. Details of the safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

xii. Details of safeguarding measures to highway safety to include:

- A Traffic Management Plan (including signage drawing(s))
- Routing Plan
- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Working method statements and mitigation strategies for protected/priority species, such as nesting birds, reptiles, bats and other small mammals.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site in relation to species and/or habitats.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

4 No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The

LEMP will include:

- a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (The Landscape Partnership, August 2023).
- b) Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Ecological Impact Assessment (The Landscape Partnership, September 2023) and the Landscape Proposals (Drawing no: 101B).
- c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- d) A procedure for review and necessary adaptive management in order to attain targets.
- e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 5 No development shall commence beyond ground floor slab level until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 6 No external lighting shall be installed until details of the proposed new lighting have been submitted to and agreed in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations agreed with the local planning authority, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In the interests of conserving biodiversity, protecting residential amenity and highway safety

- 7 No development shall commence pursuant to the construction of the care home, including vegetation removal, until details of the number, design and locations of features for bats and birds in accordance with the Ecological Impact Assessment (The Landscape Partnership, September 2023) has been submitted to the local authority for approval and agreed in writing by the LPA. The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

- 8 No development shall commence above ground slab level on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning

Authority, the details of which shall include: -

- location and current canopy spread of all existing trees and hedgerows on the land.
- full details of any to be retained, together with measures for their protection in the course of development.
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities.
- finished levels and contours.
- means of enclosure.
- car park layouts.
- other vehicle and pedestrian access and circulation areas.
- all hard and soft surfacing materials.
- minor artefacts and structures (e.g. furniture, shaded resting areas, refuse and other storage units, signs, lighting etc).
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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 five 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. 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.

- 10 No development shall commence pursuant to the construction of the care home until the applicant has demonstrated that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels.

REASON: To ensure that there is no risk to persons or properties during extreme events.

- 11 No development shall commence pursuant to the construction of the care home until a surface water drainage strategy has been submitted and agreed in writing with the LPA. The surface water drainage strategy shall include:

- i) if the proposed surface water drainage strategy is to discharge surface water into the ditch, details of hydraulic modelling into the ditch and culvert have been undertaken to demonstrate that they both have capacity to take existing flows and flows from the development. This modelling should inform any changes to flood extents around the ditch due to the development.
- ii) calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. To demonstrate compliance, the applicant must

provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100-year, 6-hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards.

- iii) overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 years plus climate change (40%) rainfall event.
- iv) evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- v) cross-section and long-section drawings through the proposed attenuation features.

The development shall be undertaken in accordance with the approved details and shall be implemented prior to first occupation of the development and shall remain as such for the lifetime of the development.

REASON: To ensure that there is no risk to persons or properties during extreme events and that the development can be adequately drained with no runoff on to the highway or increase flooding elsewhere. Wiltshire Council requires post development discharges to provide 20% betterment over predevelopment (greenfield) discharges for both peak flow and volume.

- 12 No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

- 13 No development shall commence above ground slab level until a scheme for the provision of at least one electric vehicle charging point in an accessible parking area or bay shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed and be ready for use prior to the first occupation of the approved development. The electric vehicle charging point shall thereafter be retained and shall always remain operational (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 14 No development shall commence above ground slab level until an Air Quality Assessment of the proposed development has been undertaken and details of the proposed extraction and ventilation equipment to be used in the scheme hereby approved has been submitted to and approved in writing by the LPA.

REASON: In the interests of the amenity of the future occupiers of the development

- 15 No development shall commence on site until scaled plans showing the visibility splays out the entrance to the proposed care home access have been submitted to the LPA and have been agreed in writing. These details shall show the visibility splays between the edge of

the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres in both directions from the centre of the proposed care home 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.

REASON: In the interests of highway safety.

- 16 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 17 No part of the development hereby permitted shall be first brought into use until the turning area & 24 parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

- 18 The development hereby permitted shall not be first brought into use until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Travel Plan Coordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the development.

REASON: In the interests of reducing the amount of private car movements to and from the development.

INFORMATIVES:

Highway works

The developer/applicant may be required to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of the highway/access works hereby approved. Submissions should be made to highwaysdevelopment@wiltshire.gov.uk with an anticipated approval time of 6-12 weeks.

SW Drain

It is noted that the proposed surface water management would discharge to a private surface water drain – the applicant would need to confirm this is within their ownership or provide evidence of the written permission from the respective landowner(s).

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any

structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August, but some species are known to breed outside these limits.