

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	17 April 2024
<b>Application Number</b>	PL/2023/06725
<b>Site Address</b>	Land at Longleaze Lane, Melksham
<b>Proposal</b>	Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Longleaze Lane/Snowberry Lane junction.
<b>Applicant</b>	Aspire LPP Ltd
<b>Town/Parish Council</b>	Melksham CP
<b>Electoral Division</b>	MELKSHAM - Cllr Mike Sankey
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Gen Collins

### Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Cllr Sankey in view of concerns relating to the scale of development.

#### 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:

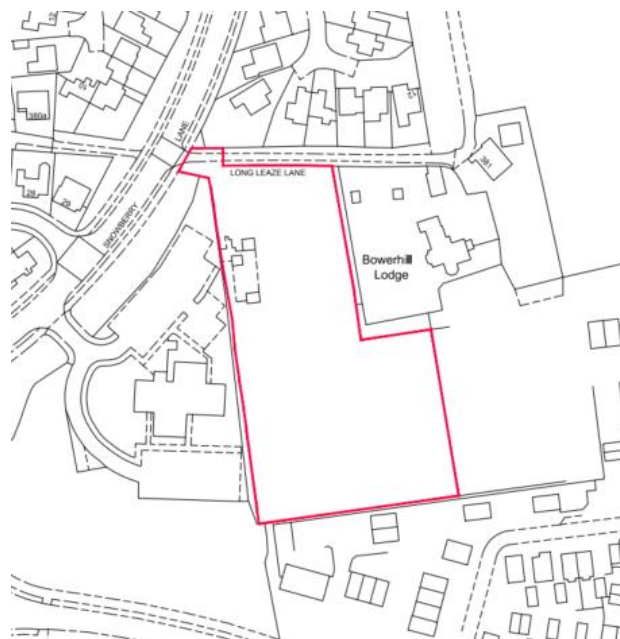
- Principle of development
- Design and Visual Amenity
- Impact on the significance of heritage assets
- Residential Amenity
- Ecology
- Highway Matters – including road safety /Parking
- Drainage S.106

The application has generated objections from Melksham Town Council within whose area the application site is situated and from Melksham Without Parish Council whose boundary abuts the site. In addition, 17 representations objecting to the proposal have been received from a number of third parties some of which are multiple representations by the same party.

### 3. Site Description

The site is approximately 0.67ha in area and is a blunt 'L' shape. The site is technically outside of, but abutting, the CP1 limits of development on the edge of Melksham where an urban extension has been granted permission and is at an advanced stage of delivery (see below – the bold black line indicates the existing settlement boundary).

The location is considered sustainable given the proximity to Melksham. To all intents and purposes the site reads as being within Melksham's limits given the advanced stage of the urban extension and built form that now surrounds the site.



**Location and context plans**

To the east of the site is Bowerhill Lodge – an established detached residential property set in a generous plot which is a non-designated heritage asset. Bowerhill Lodge Farmhouse a Grade II listed building is located some 140m to the north-east of the site and is separated from the site by Longleaze Lane, Bowerhill Lodge and the residential development of Saxifrage Bank. The site is situated circa 120 metres to the north-west of a Romano-British settlement site that was discovered and excavated ahead of construction in 2014-15. It is not within a Conservation Area.

The site is located within Flood Zone 1 and the Strategic Flood Risk Assessment shows no evidence of surface water flooding on site although there is some suggestion that there may be a slight risk of ground water flooding.

The site is accessed off Long Leaze Lane which itself is accessed from Snowberry Lane to the west and serves 5 existing dwellings. There are no Public Rights of Way on the site or in proximity. The site is classed as Grade 3 Agricultural Land and there are no sensitive landscape or ecological designations on the site although there have been confirmed sightings of Great Crested Newts in the vicinity at the adjacent site of Bowerhill Lodge in 2015.

The site has a generally flat topography. It comprises maintained agricultural paddock land and has a gated vehicular access on to Long Leaze Lane in the north-west corner. The northern boundary is formed by a hedge adjacent to Long Leaze Lane. The western boundary, shared with the Spa Medical Centre, is defined by a fence with some hedging and planting.

To the west of the site is the Spa Medical Centre. The medical centre is a two storey commercial building set adjacent to the southern half of the western boundary of the site. The southern boundary comprises a tall mature established Leylandii hedge with consented residential development on the other side which sits at a higher ground level.

The north-eastern boundary is shared with Bower Hill Lodge comprising retained gardens and an established tall hedge acting as boundary treatment. The south-eastern boundary edge comprises a wooden fence the other side of which is the residential garden area associated with Bowerhill Lodge beyond which is land approved for more residential development under the urban extension scheme.



Photo 1) View of the Site from the entrance at the northwest, looking southeast



Photo 2) View of the Site from midway down the western boundary, facing east





Photo 3) View of the Site from the southern boundary, looking north



Photo 4) View of the Site from the northeastern corner, looking southwest



Photo 5) Small modern structures along the western boundary of Site, in various states of disrepair



Photo 6) Line of conifers planted along the southern boundary of Site screens the Site from the new development to the south, but also any Designated Heritage Assets beyond

#### 4. Planning History

There is no planning history for the site itself however there are numerous permissions granted for a major residential extension of Melksham on land to the south, south-west and east of the proposed site. The key applications are set out below:

Reference	Description	Decision
14/10461/OUT	Outline application for up to 450 dwellings with associated access and engineering operations, land for extension of medical facilities or community facility, and extension to Eastern Relief Road from Thyme Road to The Spa.	Approved with conditions
18/04644/REM	Approval of Reserved Matters in Respect of Landscaping, Appearance, Layout and Scale for the Erection of 447 Dwellings, Car Parking Including Garages, Internal Access Roads, Public Open Space and Associated Infrastructure and Engineering Works Following Outline Permission 14/10461/OUT	Approved with conditions

Whilst not on the site, a recently approved appeal in Melksham on Land at Western Way (0.9km to the southwest of the site) is also of relevance as a material consideration:

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 'live'/undetermined application relates to a site in proximity Land at Verbena Court (circa 1km to the northeast) which is for a similar sized care home and warrants consideration as a material consideration -

Reference	Description	Decision
PL/2023/06976	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.	Pending

## 5. The Proposal

This is an application for full planning permission which proposes the construction of a care home of 82 beds for mixed levels of care (residential, nursing and dementia) and associated infrastructure with access off Snowberry Lane and associated parking, landscaping and drainage.

The proposed site plan is shown below:



## 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 (1<sup>st</sup> 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) & National Planning Practice Guidance (NPPG)

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

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

National Design Guide (2021) & Wiltshire Design Guide

Manual for Streets 2 (2010)

## **7. Summary of consultation responses**

### Melksham Town Council - Objection

*Principle objection - The Town Council does not support this application and has concerns about the size and scale of the proposed build, possible drainage issues, heritage issues, ie, listed buildings in the surrounding area, and planting and screening. The Town Council would like to see something in place to ensure mature planting and screening are protected in perpetuity. Should planning officers be minded to approve this application the Town Council would ask for conditions to be put in place to address the above concerns.*

*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.*

### Melksham Without Parish Council – Objection

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

*Councillor Holder noted the level of elderly care beds required in Melksham and Wiltshire as highlighted in documentation to support the application, noting if all 3 planning applications currently submitted for elderly care facilities in Melksham were approved, the number of beds available would far exceed those required for Melksham. He also expressed a concern at the commercial viability of 3 elderly care home facilities being provided at the same time and the possibility of no care home provider coming forward and the potential for developers to subsequently submit plans for housing on some or all of these sites instead.*

*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 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 following detailed trial trenching report submitted.

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

Climate Team – No objection following design revisions to increase low carbon energy on site subject to this being conditioned.

Urban Design - Supports the application subject to high quality materials being included and materials details being conditioned

WC Lead Local Flood Authority – No objection, subject to conditions.

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 en-suites are being proposed rather than self-contained/independent apartments.

Wiltshire Council Highways – No objection, subject to condition.

Wiltshire Council Landscape Officer - No objection subject to condition.

Wiltshire Council Arboricultural Officer - No objection subject to condition requiring compliance with AIA and TPP.

Wiltshire Council Public Protection – No objection, subject to condition requiring lighting plan

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 Habitat Management and Monitoring Plan (HMMP)*
  - *Submission of a Construction and Environmental Management Plan (CEMP)*
  - *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 £37,062 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.

Wiltshire Council Waste and Recycling – No comment.

## **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.

17 representations objecting to the proposal have been received from a number of third parties over the course of both consultations. Some of these are multiple representations by the same party. The concerns raised are summarised below –

#### Need

- Melksham has more than enough care homes already. There are a lot of new builds in the area and there hasn't been any progress on facilities to accommodate all these new homes. Entertainment, doctors, other facilities have a far greater need than an elderly care home.
- Whether there is a need for this facility in the area with another care home proposed at Verbena Court, Melksham which is located very near to this proposal.

#### Contrary to development plan

- The Melksham Development plan did not specifically identify a need for more residential care in Melksham; site lies outside of the Melksham boundary.

#### Drainage / Flooding

- Flooding is an issue at neighbouring properties especially since the adjacent new housing has been built.

#### Ecology / Environment

- The area is also abundant with the European protected species of Great Crested Newts. This development would not only disturb but destroy their natural habitat. There have been several sightings of this protected species and living so close to the proposed site it would be naïve to even suggest that this protected species were not prevalent within the proposed site.
- Foreclosing any future options for communal amenities, including parks and recreational areas, this development will complete the encirclement of Berkeley House and its grounds, to create a wildlife ghetto that contains an ever-decreasing number of protected species, at the same time placing further stress on the 150 year old oak trees, subject to TPO, that give the surrounding housing developments their marketing names (The Oaks, The Acorns etc). These grand old trees are increasingly stressed by new-build housing that has been built far to close their rootplates, and which has otherwise completely altered local waterflow and drainage. More specifically, the Ecological Assessment accompanying this planning application is inaccurate.
- There is a very large 50m x 35m pond on nearby property that is within 100m of the proposed development site, which does contain Great Crested Newts, and which has tested positive for GCN DNA during the course of other planning applications, with associated mitigation demanded by WC. The same pond is home to breeding pairs of kingfishers, mallards and moorhens. The pond was built with full planning permission in 2005 but is not referenced at all in the report and is not shown on the accompanying 'PLAN ECO1'. The pond that is plotted on that map is located to the south of the proposed development, my pond is to the east and no request has been received from Aspire LLP, or anyone else, to access the pond for assessment, testing or for any other purpose.
- There is a significant bat colony in a tree immediately to the north of the site with a

- live badger set in amongst the roots of the same tree, at the same location.
- Dovecote cottage lies at the bottom of this half of Longleaze lane. There are surrounding listed buildings and a nearby pond containing protected wildlife.

#### Loss of Green Space / Conglomeration

- The land that is proposed for development, taken together with the neighbouring grounds of Berkeley House, a Grade 2 listed building situated 100m to the north of the proposed development, constitutes one of the last remaining areas of greenspace.

#### Design/Character of the Area

- The height of the building would be greater than those of the surrounding properties.
- The proposed building's size and design do not align with the character of the neighbourhood; it stands out significantly in terms of size and height compared to existing structures. This high-occupancy commercial building would be unsuitable and threatens the area's unique identity.
- The absence of solar panels, limited electric vehicle charging infrastructure, and a lack of emphasis on energy-efficient design are significant disappointments. These omissions represent missed opportunities to promote a more sustainable and eco-friendly future.

#### Location

- Whether the proposed site is the best location for this Care Home.

#### Infrastructure

- The existing local, already overstretched, infrastructure will find it impossible to cope with the needs from the new care home - e.g. the number of available health centres and dental surgeries.
- Concerns about the recruitment and retention of staff for the care facility, due to national shortages, add to the list of issues that need careful consideration.
- Melksham is a rapidly expanding town that has grown beyond the public amenities and commercial facilities available to properly support its residents, most of whom have to journey further afield to Trowbridge or Chippenham to make use of services that most towns of Melksham's size have more immediate access to. The land that is being developed would be far better used to provide services, public amenities or sporting facilities for the town's existing population, rather than further increasing its overall number of residents.

#### Pollution

- Concerns surround potential odours emanating from industrial kitchens located on the top floor and waste areas. Additionally, increased noise levels resulting from visits, ambulances, and delivery vehicles could disrupt the tranquillity of our community

#### Highways / Parking

- Highway safety
- Insufficient parking
- No public transport available

- The increase in traffic on Longleaze Lane, along with the possibility of continued speeding issues on Snowberry Lane, highlights substantial safety concerns. Inadequate pedestrian access and limited parking facilities further exacerbate these issues, posing risks to both residents and visitors alike. A change to the speed limits and additional pavements should have been included.
- The extra traffic caused by this development's vehicles accessing Snowberry Lane will impact on existing residents' ability to safely access Snowberry Lane which is extremely busy all of the time.
- A weight speed limit on Snowberry Lane should be a priority to stop the flow of very large lorries using it and at times of the day and night.
- If the parking at the proposed development is restricted to so few parking spaces we know that visitors/staff will park in Lavender Close as many do now to access the Spa medical centre as there are limited parking spaces available there. We also have a lot of parents parking in Lavender Close to pick children up from Oak Community School.
- A separate, though still adjacent means of accessing the new development during its construction and subsequently (using land purchased from the neighbouring Spa Medical Centre to create a greater frontage on Snowberry Lane) would be needed to minimise the risk of restricting access to Longleaze Lane, and any attendant traffic back-up with associated risk of accident or incident on Snowberry Lane.
- Access to our home is solely along Longleaze lane and can be confirmed in our legal documentation. The proposal states we have access via saxifrage bank. This is not correct.
- Traffic density has been figured and reduced secondary to the completion of the new Melksham eastern bypass. The bypass is still actually in consultation phase.
- It is stated that the primary mode of local residents for town access is predicted to be by foot , cycle and public transport in the near future. Footpaths, cycle lanes and buses are currently operating well in the local area ,yet there are still numerous traffic hold ups in the centre of town.
- Traffic is busy and dangerous at peak times around Longleaze lane entrance. Quoting low accident figures as assured safety in this area is only relevant over a specified time and increasing footfall and traffic flow will only increase the probability of such incidences. Large numbers of school children traverse the public footpath at the top of our lane twice daily and in smaller numbers throughout the day subject to lunchtimes and timetables. The footpath is well used by all members of the public.
- Movement of traffic across this area to access the proposed care home adds additional safety risks. Ambulances do have to move at speed.
- Having a care facility so near a busy road is unsafe. The proposal highlights many residents will be immobile but not all. Some residents may have dementia. During lucid phases such patients may present alongside exiting visitors and gain access to outside being a short distance from a busy road.
- Traffic flow in and out of the car park will be fairly continuous, staff, support services and those visiting. We note visiting is non restricted. Noise levels and carbon monoxide levels will obviously also increase as a result.
- There is a well-used post box opposite Longleaze lane. Folk parking on the road to access this post box invariably cause traffic obstructions in both directions.
- Limited public transport during shift changes means workers at the care facility, if not using their cars, will use taxis instead.

#### Neighbour Amenity

- Loss of privacy and overlooking.

- Reservations regarding the position of the bins and substation in relation to neighbouring properties.

### Consultation

- Insufficient consultation with neighbours.

## **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, Melksham 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 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.

Notwithstanding that the site now 'reads' as being within the limits of development of Melksham, given that the site remains technically outside assessment is undertaken on this basis.

Policy CP46 supports the provision of sufficient new accommodation for Wiltshire's older people outside, but adjacent to, Market Towns, in exceptional circumstances, subject to certain criteria being met.

These criteria include:

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

Each of these is considered in turn –

#### 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. Further, the Melksham Neighbourhood Plan contains no evidence for or details assessing local identified need for Class C2 care homes.

Detailed needs assessments have been provided in support of the application both at submission and in a more recent update dated January 2024 by Healthcare property Consultants Ltd (HPC). The assessments contain data on the need for a new care home at this location. The catchment area for the latter assessment has been set at 5 miles from Melksham; the assessment take into account other planning applications for care homes.

The needs Assessment report states the following:

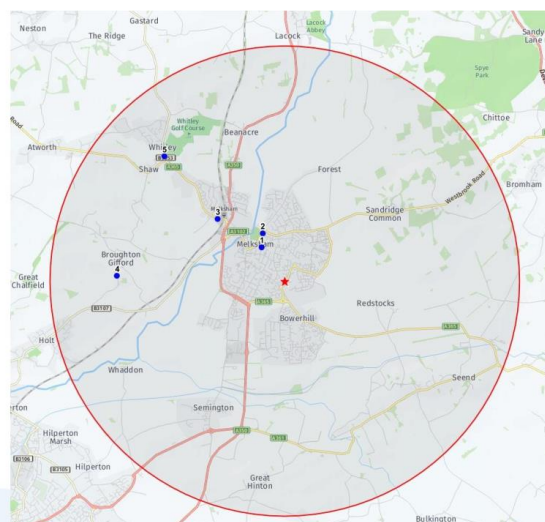
*The level of Outstanding Need is forecast to approach 200 ensuite bedrooms by 2030. However, this figure has the strong potential to rise further should care home attrition occur locally in the interim. Of the five Melksham care homes, one 50 year old facility is devoid of ensuite bedroom provision whilst two converted dwellings are so limited in size that economy of scale will become all but unachievable as operational costs continue to rise. This document illustrates the degree to which home closures have impacted the Wiltshire care home estate. The need therefore exists for additional care home development – not only to accommodate the rapidly rising elderly population but also offset potential care home closures.*

	2024 Total Elderly	2030 Total Elderly
<b>Demand</b>		
Statistical demand (incl. forecasts)	268	319
<b>Supply</b>		
Current supply of en suite bedrooms	124	124
<b>Outstanding Need</b>		
Under supply of Appropriate Accommodation	144	195
<b>Potential Supply Pipeline</b>		
Undeveloped consented ensuite beds (net)	77	77

Need for additional  
**195**  
Ensuite bedrooms by  
2030

**Table showing Need for carehomes within 5miles of Melksham based on census and up to date planning data as of Jan 2024 (source: HPC Ltd Needs assessment)**

Map Ref	Name	Provider	Nature of Environment	Distance (miles)
1	Brookside	Orders Of St. John Care Trust	Purpose Built 1960's / 70's	0.5
2	Alpine Villa	Alpine Villa Care Home Ltd	Converted & Extended Dwelling	0.7
3	Blenheim House	Berkley Care Blenheim Ltd	Modern Purpose Built	1.2
4	Old Parsonage	Roseville Care Homes (Melksham) Ltd	Converted & Extended Period Property	2.1
5	Mavern House	Mavern Care Limited	Converted & Extended Dwelling	2.3



**Supply and Demand catchment area**

The Assessment states that there is a quantifiable need for a new high quality care home at this location. The supply figures are accepted. 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 highly likely, and there is clearly a limited amount of existing care home supply that meets the required needs for caring for elderly people.

The report further states that –

*The development of two new care homes before 2030 will fail to meet the level of forecast*

*need due to population growth, never mind offset potential closures. The evidence points towards a need for the development of three care homes in the short term in order to both meet the requirements of the Care Act 2014 and, more importantly, the aspirations of the local elderly population.*

Adult Social care have been consulted and agree with the data source being reliable and accurate; the applicants data source is the same as that used by the Council.

Adult Social Care state in their formal consultation the following –

*“...the applicants 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.”*

It is agreed, therefore, that there is a need for additional care beds, both in Melksham and also county wide. Adult Social Care have not provided detailed data as this is still being compiled and importantly this data only focuses on the need for public, Council provision and does not include the demand that also arises from the private sector; where people do not need Council assistance or funding.

Accordingly, in absence of any evidence to the contrary, it is accepted that this professional independent third party data evidence provided by the applicant does identify a genuine need for such provision in the area for this care home and the Council's own Adult Social Care Officers support this position.

#### The environment and landscape will not be compromised

In terms of the environment, the Council's Landscape Officer and Ecology Officers have been consulted. Both raise no objection to the scheme. Each matter is addressed in detail in the following technical sections and it is concluded that the environment and landscape will not be significantly compromised so as to justify refusal of this application.

#### Facilities and services will be accessible

The proposed plans in the context of the site's location in proximity to Melksham Market Town and the urban extension are considered to be both suitable for the location and accessible. The Highways Officer raises no objection and considers the location sustainable. More details on the highways considerations are set out below.

#### The scale and type is appropriate to the nature of the settlement and will respect the character of that settlement

This site is set in the context of the Melksham eastern urban extension within an area of established built form in close proximity to Melksham Market Town. The medical centre to the immediate west is 2 storey and Bowerhill Lodge is 2.5 to 3 storey. The submitted street sections show that the proposed development would be commensurate with the scale of these buildings, and as such at 2.5-3 storey the proposal would fit comfortably into the existing built form. The general design principles set out in the supporting submission, following some design amendments, have been thought through and are justified in relation to the context.

As such it is considered that the principle of the development would be acceptable in this location subject to the following technical considerations below.

## 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 located in an area of established built urban form with a current urban extension being built out nearby with no specific landscape sensitivities or designations. The nearest AONBs are the North Wessex Downs approx 8km to the east and the Cotswolds AONB some 9km to the west. There is a Special Landscape Area approx 2km to the north-east of the site. This proposal would be visible from the bypass and the medical centre, however its proposed location between the medical centre and Bowerhill Lodge, set back from the main road and at maximum height of 2.5/3 storeys in the context of major urban residential development is likely to result in a limited impact in terms of landscape.

Indeed, the development will be read in the context of the new built form of the urban extension that surrounds it in this location from both near and longer views. As such it is considered that the proposal would not compromise the existing landscape of the locality, especially when the major residential development to the south and east is complete.





The proposal would not remove any trees and the application is supported by a tree survey and detailed landscaping proposals indicating additional tree planting and enhanced biodiversity, and this is welcomed. It will ensure that a verdant front boundary is maintained that will respect the wider character of the area.

There are features that would benefit the residential care home occupants. In particular, a small, raised bed allotment compatible with wheelchairs and fruit trees providing potential activities for residents along with a wheelchair accessible greenhouse. Other incidental interactive items along footpaths would bring residents out into the garden and encourage them to work their way around paths.

These matters can be secured by way of hard and soft landscaping details to be conditioned prior to commencement of works above ground slab level.

### 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 the following –

*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.*

Core Policy 41 seeks to ensure that sustainable construction techniques and renewable energy is employed to ensure a scheme that is energy efficient and represents 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 provide a new 82 bed care home (Use Class C2) located in Longleaze Lane briefly comprising of:

- 82 bed care home with dedicated ensuites
- Community spaces including
- Main reception area
- Kitchen and Restaurant Café
- Lounges
- Dining Rooms
- Activity Areas

The proposal would be 3 storeys in height with materials consisting of brick, render and grey concrete roof tiles.



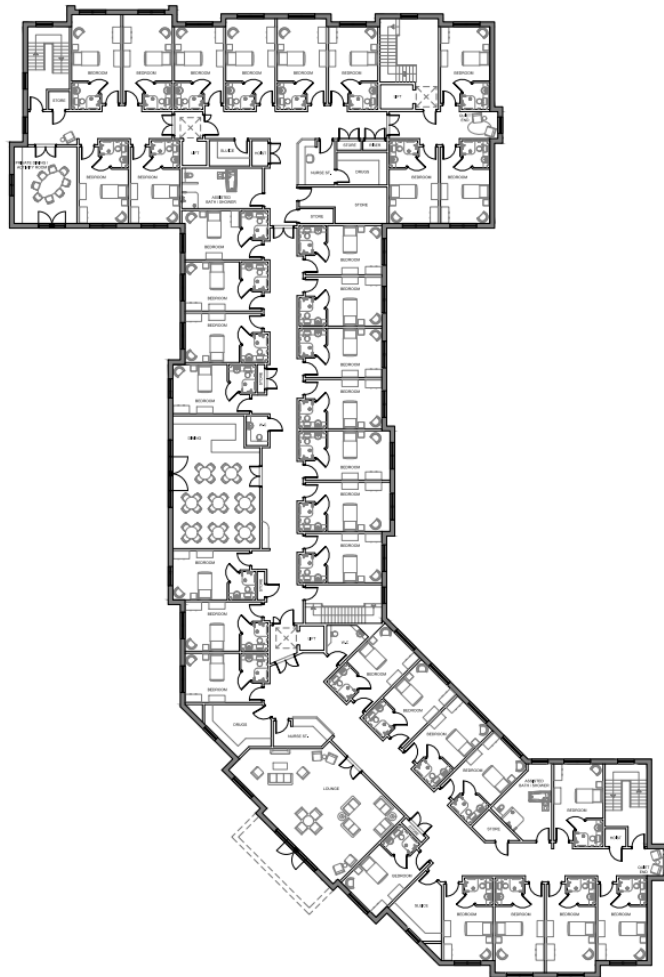
REAR (SOUTH) ELEVATION

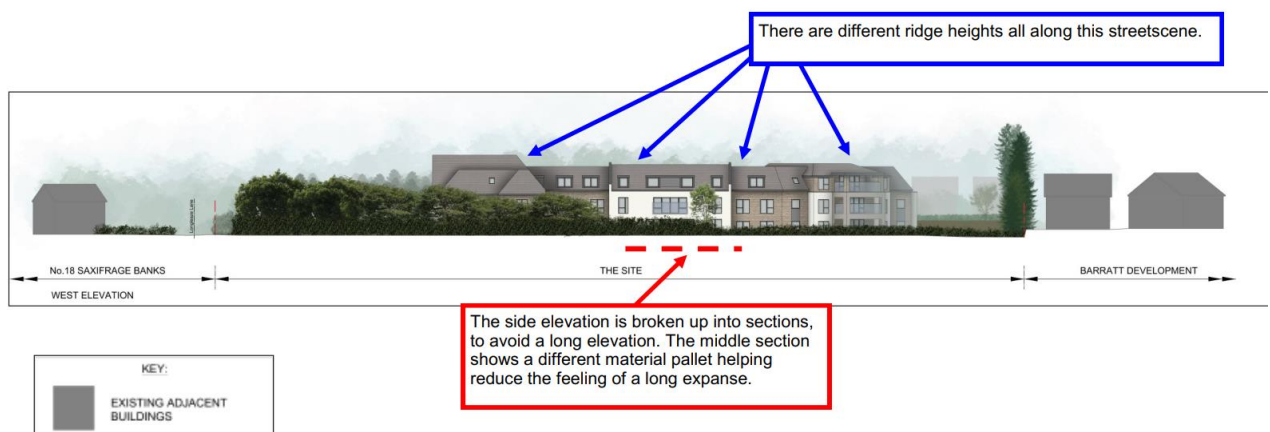


FRONT (NORTH) ELEVATION



SIDE (WEST) ELEVATION





The building design is well articulated with a varied roof line. This would ensure no unacceptable impacts on the well-landscaped street-scene to Longleaze Lane. The proposed height of the building is considered to be acceptable having regard to its context and as shown in the street section above. The building would sit comfortably on the site with generous separation maintained with the neighbouring dwellings and ample landscaped outdoor space available to the sides and rear of the building. It 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 street-scene. It would not appear as an institutional building but rather its character bridges the gap between the more commercial urban area and the new residential form of the urban extension so that it would not be out of place.

The WC Urban Design Officer, subject to requiring high quality materials, supports the proposal and raises no objection. A condition requiring details of high quality materials prior to commencement of works on site above ground slab level is recommended. Likewise, the Climate Change Officer raises no objection to the final design.

The application is supported by a sustainability statement which confirms that the proposal would meet BREEAM 'very good' and would exceed low carbon design requirements as set out in Building Regulations and CP41 for sustainable construction techniques and low carbon energy. The statement says that the final design would include the following:

- Use of roof mounted solar PV and ASHP
- Provision of cycle storage
- EV charging
- Water efficiency
- Whole life-cycle waste audit
- Travel Plan

In the event of approval a condition would be required to ensure that the development is in general accordance with the Sustainability Statement DAS, and a further condition requiring conformity with this to ensure a low carbon development is secured.

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



### 9.3 Residential Amenity

Core Policy 57 further 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 are provided which, coupled with retained landscaping to the side boundaries, would ensure no unacceptable loss of residential amenity.



As the above plan demonstrates, to the north-west, a building to building separation distance of in excess of 40 m is provided to No. 382. This generous separation distance, coupled with the scale and form of the building and high levels of boundary landscaping, would ensure that no loss of amenity would arise to the occupants of No. 382 in respect of light, outlook, and overbearing impacts, or related loss of privacy.

With regard to the development to the south, at the closest point the building is over 21m from the nearest dwelling. The elevation on the neighbouring residential dwelling is a side elevation with no primary windows. The closest distance between any primary windows is 42m. This generous degree of separation coupled with the boundary landscaping would ensure that no unacceptable adverse impact would arise to the south in respect of overlooking.

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

WC Public Protection Officers have been consulted. The main concern raised related to construction noise/dust and its impact on the residences in the vicinity. As such a Construction Environmental Management Plan is required by condition, to also include a commitment to standard hours of construction. The location of noisy plant on the site during the construction stage is also a potential issue, especially generators. Again, this could be controlled through a CEMP. Accordingly, WC Public Protection raise no objection.

An external lighting condition is also recommended in the event of planning permission being given.

Subject to these conditions the proposed development should not result in loss of light, loss of privacy or an overbearing impact on existing neighbours and on future occupiers of the development. The proposal would not result in harm to or have a detrimental impact on the existing levels of residential amenity currently enjoyed by adjacent occupiers, and would meet requirements of CP57 of the WCS.

#### **9.4 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.*

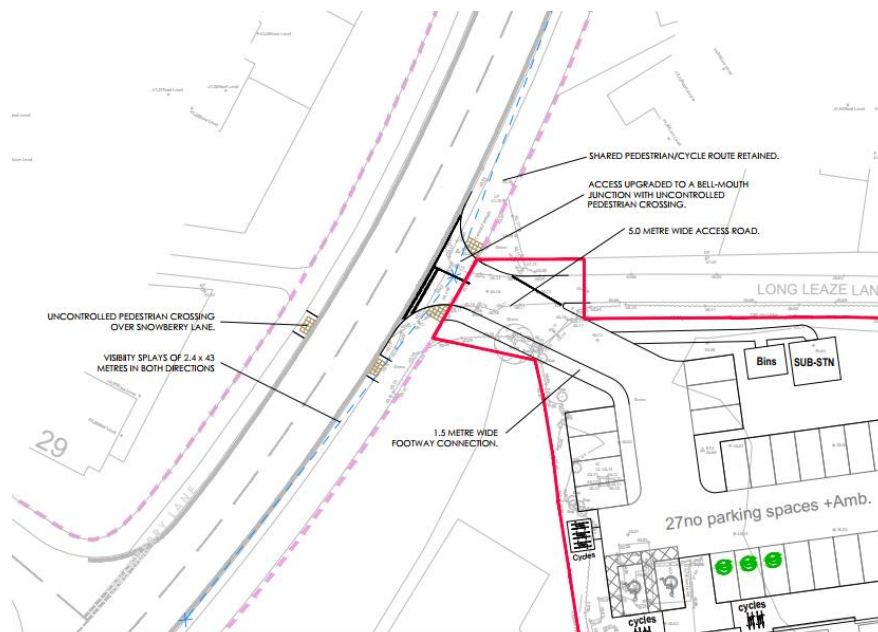
CP62 of the Wiltshire Core Strategy states that – *Outside of built-up areas, proposals that involve a new direct access onto the national primary route network will not be permitted in order to assist with traffic flow and reduce risk.*

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.

Access to the development would be from the existing private access road from Snowberry Lane, which would also be subject to improvements to accommodate the increase in traffic. The access has sufficient visibility in both directions, and also sufficient visibility for pedestrians and cyclists on the shared use path that it crosses. The width of the access would be improved to a minimum of 4.8m, with 5m corner radii. The access road does narrow in to the site to a minimum of 4.1m, but this narrowing is unlikely to result in vehicles waiting on the highway, and as the narrowing is over a short length it is not considered to present a safety issue.

It is also noted that the highway improvements proposed include a new informal tactile pedestrian crossing on Snowberry Lane. Whilst this crossing is welcomed, as there would undoubtedly be crossing demand generated by the proposed development, the form of the crossing has been amended so that it is similar to that located further North of Snowberry Lane, and would be provided with bollards and coloured anti-skid surfacing to further highlight the likelihood of people crossing in this location; this can be secured through condition in the event of permission being given. All the highway improvement works would require a formal technical submission under S.278 of the Highways Act 1980.



Within the site, 27 car parking spaces are proposed including two disabled spaces, plus an additional ambulance space. This is below the recommended provision detailed in Wiltshire's Car Parking Standards (at 35 spaces); however, the submitted Transport Statement includes a justification for such parking levels, including a parking accumulation assessment based on the trip data generated within TRICS. As Snowberry Lane also has 'No Waiting at Any Time' restrictions along both sides in the vicinity of the site, it is not anticipated that an overspill of parking would occur. The parking provision and layout is thus accepted.

The submission also includes a Staff/Visitor Travel Plan, which is considered an essential requirement. It is likely that the travel plan would have the effect of encouraging more staff than visitors to travel by sustainable modes, but targeting both groups is considered positive. There are options to travel sustainably locally, with good walking/cycling

infrastructure and nearby bus stops.

WC Highways are, therefore, 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. Therefore, no Highway objection is raised, subject to the conditions set out above. The proposal is considered to meet requirements of CP60, CP61 and CP64 of the WCS and provisions of the NPPF.

### 9.5 Heritage Impact

In respect of Listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

Chapter 16 of the NPPF '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 '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."

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

The red line boundary of the site itself does not include any designated heritage assets although there is archaeological potential for the site.

Following detailed pre-app advice the applicants have undertaken trial trenching on site and submitted a Heritage Statement. This has been considered by the Assistant County Archaeologist.

The statement sets out the results of the trial trenching, and references the remains of a post-medieval field boundary, along with some traces of 19th and 20th century activity. This largely confirms the results of an earlier geophysical survey conducted last year.

On the basis of these two pieces of work it is concluded that the site is of negligible archaeological potential and that the proposed development would have no impact upon any pre-modern, sub-surface features or deposits.

The proposed development, by virtue of its separation distance and the large amount of built form that has recently been erected in the immediate locality, is also considered to not result in any adverse impacts to the significance of known designated and non-designated heritage assets in the area, this in terms of their settings. The settings of these assets have already been significantly affected, and the proposed development would not result in any greater impacts which would justify a refusal decision. And in any event, in terms of public interest, there is clear benefit arising from providing additional care home beds.

No further mitigation work is recommended and there is no heritage objection raised; the

proposal meets the requirements of CP57 and CP58 of the WCS as well as provisions in Section 16 of the NPPF.

## **9.6 Flood Risk and Drainage**

The site is located fully within Flood Zone 1, with the lowest risk of fluvial flooding, however the site's susceptibility to ground water and surface water flooding has been considered in the proposed drainage strategy.

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 site is located within Flood Zone 1 and its development would not increase flood risk elsewhere, as demonstrated in the Flood Risk Assessment (FRA) and Drainage Strategy which accompanies the application.

A Surface Water Drainage Strategy has been prepared to demonstrate that a sustainable drainage solution can be provided for the proposed development. SuDS Management Trains will provide suitable treatment of run-off by removing pollutants prior to discharge. The Surface Water Drainage Strategy has been designed in accordance with current sustainable development best practice and meets the requirements of Wiltshire County Council (as the LLFA).

It is noted within the Flood Risk Assessment and Drainage Strategy, document ref 07040/FRA/0002, Rev P0, that infiltration is not viable on this site and therefore, the applicant is proposing to discharge surface water runoff from the site to the existing 450mm diameter public surface water sewer to the north of the site at 3.8l/s (QBar). Wessex Water have confirmed that this is acceptable although it is considered the maximum discharge rate they would accept for all storm events up to an including the 1 in 100 year event plus climate change.

Discharge from the site will be controlled to the site-specific greenfield QBar run-off rate. Attenuation storage will be provided in the form of rain gardens and geocellular tanks that are supplemented by a planted depression for exceedance management.

In terms of foul drainage Wessex Water have confirmed that they can accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers 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 nearest point of connection would be the 100mm diameter public foul sewer that crosses the site. 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, including the additional documentation sought by them during the application, have removed their initial holding objection to the scheme.

The LLFA's latest response recommends a number of conditions relating to specific drainage calculations, details for the rainwater attenuation and a Construction Management Plan incorporating pollution prevention measures during construction.

The information requested by them is 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.

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

## **9.6 Ecology**

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.

The ecology surveys conducted in February 2023 found no evidence of protected species on site. No trees or buildings were identified as having potential to support bats. However, the hedgerows and trees were concluded to offer potential to support foraging and commuting routes for bats. It was noted that these would largely be retained as part of the proposals; however, a number of trees are to be removed for access purposes.

Proposals to increase biodiversity on site were put forward including the provision of bird and bat boxes. However, the number and locations of these have not been specified. Although the development is located between a new residential development and existing infrastructure, it is important to retain dark corridors to ensure continued commuting routes for wildlife. Artificial light at night can have a substantial adverse effect on biodiversity. Increases in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas.

A lighting plan has not been submitted in support of the application, but this can be a matter for a condition to demonstrate from an ecology perspective the retention of dark wildlife corridors. The WC Ecologist has stated that any new lighting should be for the purposes of safe access and security, and 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.

There is some anecdotal evidence of badgers being in the vicinity but no evidence of badger activity was identified on site through the surveys and there is no justification to request further survey work.

Concern was raised about Great Crested Newts in the locality with photographs being provided by a local resident. The Council ecologist reviewed the additional information and confirmed that no ponds exist within the red line boundary and therefore no ponds are proposed to be impacted by the scheme. As stated within the ecology reports submitted, habitats suitable to support GCN on site are the linear features/hedgerow boundaries which would be retained and enhanced as part of the proposal.



Although one pond has been identified to the south, there appears to be limited suitable connective habitat between the pond and the site which has further been severed by the housing development.

It is noted that a recent record for GCN has been submitted in an area to the north of the site. It is known that GCN exist within Melksham and historical populations have varied greatly in size and location due to the level of the water table. The most recent record from a local resident appears to be a single individual within terrestrial habitat outside of the red line boundary.

Access provision on site would require the removal of some vegetation. Therefore, as recommended by the ecological consultants, a Reasonable Avoidance Measures document would be drawn-up to ensure works are carried out to minimise impacts upon GCN. This would include details of phased clearance at a time of year when GCN are expected to be present in ponds rather than terrestrial habitat and a fingertip search for GCN prior to vegetation/topsoil removal, and in the unlikely event that GCN are found the LPA would be contacted to discuss how to proceed.

A biodiversity metric was undertaken in February 2023 in support of the application. An unlocked metric was submitted after an additional request was made. This is supported by a BNG Assessment Report. The BNG proposals are to continue to create neutral grassland of medium distinctiveness and the alteration of neutral grassland to modified grassland.

The Landscape proposals submitted in support of this application have the potential to improve the site for GCN providing additional terrestrial habitat,

The Ecology Officer recommends approval of the application subject to conditions including a CEMP which would include RAM's for GCN together with a Habitat Management and Maintenance Plan to ensure the long-term management of landscape and ecological features retained and created by the development. The HMMP would ensure the long term management of the site in accordance with the Landscape Scheme submitted which it is anticipated would be more beneficial to GCN than the current management.

Accordingly, the proposed development is considered acceptable in terms of CP50 of the WCS and provisions of the NPPF 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 this would be £55/sqm (plus indexation).

### 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 these:

#### Contributions towards NHS facilities

Concern has been raised in the representations that there is significant pressure on the local GP and health services.

National policy and guidance set out an expectation for development proposals that impact on local infrastructure to mitigate the impact.

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 to the south-east of the centre of Melksham, adjacent to the Spa Medical Centre. The ICB has identified that Bradford on Avon and Melksham Primary Care Network (PCN) sites Spa Medical Centre and Giffords Surgery are most likely to be impacted by the proposed development.

Given that the practices currently operate with an overall space deficit, to properly mitigate the impact of the proposed development a planning obligation is required to create the full amount of additional primary care floorspace needed to serve the new residents. It is important to note that care homes rely on health infrastructure in the local area and generally require additional primary care services. This additional level of primary care service provision is crucial to avoiding unnecessary hospital admissions, therefore local practices having the infrastructure capacity to accommodate the additional workforce and related resources needed to support care homes is key.

Detailed cost breakdown is set out in the public NHS consultation response. Based on the latest data on primary care capacity within the Bradford upon Avon and Melksham PCN, there is insufficient existing primary healthcare capacity locally to accommodate the 82 residents calculated to be generated by the proposed development.

Mitigation is therefore required in the form of a financial contribution of £37,062 towards the capital cost of delivering the additional primary care floorspace required to serve residents of the new development. The developer has agreed to this sum.

### **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 would be read as such, and in future be treated as such when development plan maps are updated. In the meantime, the site is still adjacent to the existing Limits of Development and meets all the required criteria set out in policy CP48 as an exception to the restriction of development outside settlements as set out in CP1 and CP2.

This report shows that there are 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 enhancement of GCN habitat, the inclusion of additional tree planting and the making of a 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 first completion of a planning obligation/Section 106 agreement covering the matters set out in this report, and subject also 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:

Location Plan ref: ASP-CH-034-PL001A

Site Plan ref: ASP-CH-034-PL002C

Proposed Block Plan ref: ASP-CH-034-PL011B

Proposed First Floor Plan ref: ASP-CH-034-PL008B  
Proposed Ground Floor Plan ref: ASP-CH-034-PL007B  
Proposed Second Floor Plan ref: ASP-CH-034-PL009B  
Proposed Roof Plan ref: ASP-CH-034-PL010B  
Proposed North & West Elevations Plan 1 of 2 ref: ASP-CH-034-PL003C  
Proposed South & East Elevations Plan 2 of 2 ref: ASP-CH-034-PL004C  
Street Scene Plan 1 of 2 ref: ASP-CH-034-PL005A  
Arboricultural Impact Assessment ref: DAA AIA 02B  
Transport Statement ref: 2023-11-21 TS01 6804  
Sustainability Statement Rev 5  
Energy Statement Report 2315- Rev C  
BREEAM Pre-Assessment  
Travel Plan ref: 2023-11-21 TP02 6804  
Ecological Assessment and Biodiversity Net Gain. July 2023. Ecology Solutions;  
Briefing Note: Biodiversity Net Gain Assessment. July 2023. Ecology Solutions and;  
Briefing Note: Ecology Response. December 2023. Ecology Solutions  
Unlocked Metric V4  
Archaeological Evaluation Report ref: 282202

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

- 3 No above ground development shall commence on site until details and samples 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.

- 4 The development hereby approved shall not 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. 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;
  - 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))
  - Details of proposed temporary access improvements during the construction period
  - 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.
  - A tree protection plan, showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations in compliance with the approved Arboricultural Report and tree protection plan, prepared by David Archer associates and dated July 2023
  - Working method statements for protected/priority species, such as nesting birds and reptiles.
  - Mitigation strategies already agreed with the local planning authority prior to determination, such as for GCN; this should comprise the preconstruction/construction related elements of strategies only.
  - 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).
  - Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence

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

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

The 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.

6 No development shall commence 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);

7 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.

8 No development shall commence until the applicant has

- i) provided detailed calculations which demonstrates the post-development discharge rate achieves the required 20% betterment on greenfield rates for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. The applicant proposes to use a flow control device, these can limit the discharge rate to 1l/s with appropriate maintenance. The applicant must outline the locations of the three catchment areas as per table 6-3 within the FRA with detailed drawing and calculations for each catchment area.
- ii) provide detailed drawing and calculations of each proposed rain garden; and
- iii) confirmed the outfall point from the attenuation crate system and the proposed connection point into the surface water sewer

to the Local Planning Authority and the Local planning Authority has approved the details in writing. The development shall be undertaken in accordance with these approved details.

REASON: To ensure adequate drainage of the site.



- 9 The development hereby approved shall not be brought into first use until the access improvements, including the pedestrian crossing on Snowberry Lane, all as generally shown on RGP drawing 'Proposed Access Arrangements' 2022/6804/002 Rev P6, have been completed in accordance with the approved details.

Reason: In the interests of highway safety.

- 10 No development shall commence until details of the number, design and locations of bird and bat boxes shall be submitted to the local authority for approval. These details should be clearly shown on a siteplan/elevations drawing. The approved details shall be implemented before occupation of the final works.

REASON: In the interests of biodiversity on site

- 11 No part of the development hereby permitted shall be first brought into use until the turning area & parking spaces [27] 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.

- 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 'rapid charging' point in an accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The rapid charging point shall be installed and be ready for use prior to the first occupation of the approved development. The rapid charging point shall thereafter be retained and shall remain operational at all times (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 Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone XX in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by

the Bat Conservation Trust and Institution of Lighting Professionals. . The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

15 The development will be carried out in strict accordance with the following documents:

- Briefing Note: Ecology Response. December 2023. Ecology Solutions

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

16 No development shall commence above ground slab level until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP will include long term BNG objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The HMMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The HMMP 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.

#### INFORMATIVES:

The developer/applicant will be expected 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](mailto:highwaysdevelopment@wiltshire.gov.uk) with an anticipated approval time of 6-12 weeks.

#### GCN

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team ([ecologyconsultations@wiltshire.gov.uk](mailto:ecologyconsultations@wiltshire.gov.uk))

#### Bats

There is a low risk that bats may be encountered at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year.

Planning permission for development does not provide a defence against

prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Batline through the internet.

#### 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.