

REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 January 2025
Application Number	PL/2023/11188
Site Address	Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS
Proposal	Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii)); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access)
Applicant	Gleeson Land Ltd
Town / Parish Council	Melksham Without Parish Council
Electoral Division	Bowerhill; Cllr Nick Holder
Type of Application	Outline Planning Permission
Case Officer	Steven Sims

Reason for the application being considered by Committee

The application is brought before the Strategic Planning Committee because the proposal involves a departure to the policies of the statutory development plan and the recommendation is to approve subject to completion of a S106 agreement. Notwithstanding this, the application has been called in for committee consideration by Cllr Nick Holder citing the following concerns:

- The Scale of development
- The Visual impact upon surrounding area
- The Relationship to adjoining properties
- The proposal conflicts with the emerging Local Plan and Design Guide.

1. Recommendation: For the reasons set out within this report, officers recommend that the committee endorse the officer recommendation to approve the abovementioned application, subject to a s106 legal agreement and planning conditions.

2. 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 having regard to the Council's substantial housing supply deficit (being 2.03 years) as well as the social, environmental and economic material considerations.

3. Report Summary

The key issues for consideration are:

- The principle of development
- The proposed layout, density, design and visual impacts
- The Highway Implications
- The impact on the setting of the adjacent listed building

- The impacts on the living conditions of neighbouring residents
- Drainage issues
- Ecology issues
- Open space/ sports provision
- Loss of agricultural land
- Other issues

4. Site Description

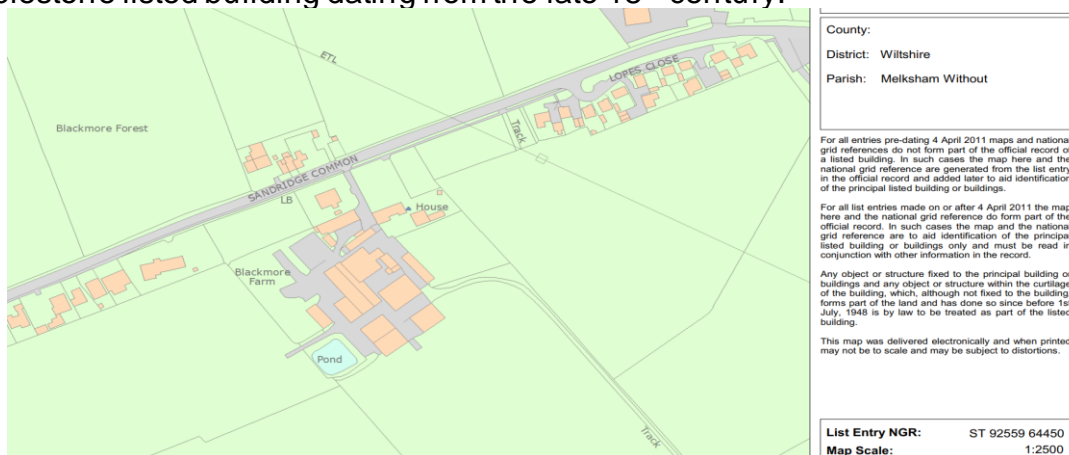


Site Location Plan (Drg no. 220 rev B) with aerial inset showing Blackmore Farm

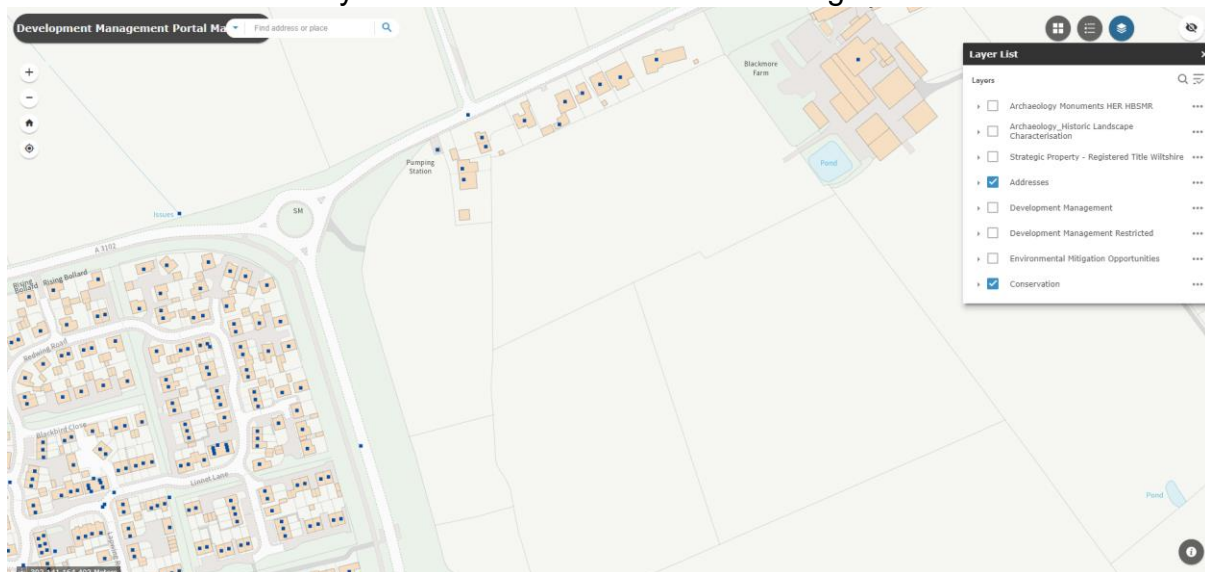
The application site extends to over 37 hectares and is shown above in red outline with other land owned by the applicant shown in blue. The site is located immediately south of Sandridge Common Road (the A3102) and to the east of Eastern Way.

As shown in the aerial insert above right, Blackmore Farm has a range of agricultural buildings that abut the site's northern boundary.

The blue pin marker (on the aerial insert and located near the top right) indicates the location of Blackmore Farmhouse which is a grade II two-storey rendered brick and rubblestone listed building dating from the late 18th century.



The previous inserts also reveal there being a dozen domestic properties abutting the site's northern boundary – which is clearer on the following insert.



To the west, the significant modern town expansion on land to the northeast of Snowberry Lane and south of Sandridge Road is clearly evident – which formed part of a 2004 outline permission for 670 dwellings, which was subject to numerous applications through the years. The site is located just over 2km east of Melksham's town centre.

The application site is comprised of several agricultural fields, bounded by well-established hedgerows (except around Blackmore Farm where the boundary is formed by the outer-walls of agricultural barns and post/ wire fencing), and is of predominately Grade 3 (good to moderate quality land) around Blackmore Farm and Grade 4 (poor quality) further to the south (when referencing the Natural England Agricultural Land Classification (ALC) maps) and measuring just over 32 hectares.

The topography of the site is fairly flat and low lying, gently sloping from the north boundary.

Trees are found throughout the site nestling amongst the hedgerows while a small copse of broadleaved trees is located in the southern section of the site.

The site falls within the Avon Open Clay Vale character area while the Wooded Greensand Hill Special Character Area is located approximately 600 metres to the northeast. The site is located within flood zone 1. Some minor areas of the site are subject to surface water flooding associated with Clackers Brook.

A tributary of Clacker's Brook dissects the southern area of the site and public footpath MELW26 runs north south through the site while bridleway MELW41 is located adjacent to the southern boundary. Public footpath MELW27 passes through the centre of the site - as illustrated on the following page.



Site constraints – detailing public footpaths/bridleways and the listed building (Blackmore House)



Photo – looking west from site towards Eastern Way



Photo – looking south from site towards Snarilton Farm



Photo – looking west from site



Photo – looking north from the site and towards the rear of the properties fronting Sandridge Common Road

5. Relevant Planning History

PL/2023/01949 – Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate development of the site (access only). – Refused, in accordance with following reasons –

1. *Core Policy 1 of the Wiltshire Core Strategy sets out the 'Settlement Strategy' for the County, and in doing so identifies four tiers of settlement - Principal Settlement, Market Town, Local Service Centre, and Large and Small Village. Within the Settlement Strategy Warminster is defined as a Large Village. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined boundaries, or 'limits of development'. Beyond the limits of development is countryside. The application site lies beyond / outside the limits of development of Melksham and so is in the countryside.*

Core Policy 2 of the Wiltshire Core Strategy sets out the 'Delivery Strategy'. It identifies the scale of growth appropriate within each settlement tier. The policy states that within the limits of development of those settlements with defined limits there is a presumption in favour of sustainable development; but outside the defined limits – that is, in the countryside – other in circumstances as permitted by other policies of the Plan, development will not be permitted, and that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and Neighbourhood Plans.

Core Policy 15 of the Wiltshire Core Strategy sets out the 'Spatial Strategy' for the Melksham Community Area in which the site lies. It states that development

in the Melksham Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

Policy 6 of the Joint Melksham Neighbourhood Plan (made in July 2021) states that in accordance with Wiltshire Core Strategy Core Policy 2, development will not be permitted outside the Settlement Boundary other than in circumstances as permitted by other policies within the Core Strategy.

The proposal is for outline planning permission to erect up to 650 dwellings, etc in the countryside. Under Core Policies 1, 2 and 15, this does not comply with the Settlement and Delivery Strategies as a matter of principle. The Strategies are designed to ensure new developments satisfy the fundamental principles of sustainability, and so it follows that where a proposal such as this fails to comply with them then it will be unsustainable in this overarching context. The application site is not identified for development in a Site Allocations Development Plan Document, and it is not allocated in a Neighbourhood Plan document.

Furthermore, there are no material considerations or exceptional circumstances set out in other policies of the Plan, which override the core policy's position. The proposal is, therefore, contrary to Core Policies 1, 2 and 15 of the Wiltshire Core Strategy, Policy 6 of the made Joint Melksham Neighbourhood Plan and paragraphs 2, 7-15, 47 and 180(b) of the National Planning Policy Framework (NPPF), comprising unsustainable development.

- 2. The applicant has not demonstrated that the proposal can satisfactorily accommodate the quantum of development proposed. The Parameter Plan – Composite (Drg no. 509 rev H) and Parameter Plan – Density (drg no, 516 rev A) fail to satisfactorily illustrate that 650 dwellings could both fit on the site, and fully accord with the delivery of a high quality development and standard of urban design (including, in particular, an appropriate mix of dwelling types that would adequately respond to local need as expressed in the most up to date Strategic Housing Market Assessment, provide tree-lined streets, quality landscaping and sensitively integrated parking).*

The Council is not satisfied that the proposal would deliver a well-designed, beautiful new place as directed by the Framework and the applicant has not provided adequate clarity about the design expectations. The Council is also not convinced the application has been sufficiently supported in terms of analysing and recognising the intrinsic character of the open countryside. The site forms part of the Open Clay Vale character area which includes a Special Landscape Area (SLA) immediately to the North-East of the site and the site benefits from views to and from Sandridge Park Hill as well as forming a rural buffer to the SLA that would be lost by this development.

The adopted Wiltshire Core Strategy seeks to protect and conserve landscape character, and the Framework sets out within paragraph 180 the need to contribute to and enhance the natural environment, and the Council is not satisfied that this proposal would deliver this policy requirement.

Therefore, the proposal fails on the fundamental tenet of delivering high quality design and place shaping and is found contrary to Core Policies 45, 51 and 57 of the Wiltshire Core Strategy, policies 6 and 18 of the Joint Melksham Neighbourhood Plan and paragraphs 8b, 96, 128, 129, 131, 135, 136, 139, 180 of the Framework.

- 3. The proposed development would cause harm to the setting of the grade II listed farmhouse at Blackmore House, at Sandridge Common. The proposals would introduce a significant suburban form of development which is out of character with the existing agricultural landscape, over a very large area, and would result in the almost complete loss of the wider rural setting within which the listed farmhouse is experienced with a consequent diminution of its significance as the farmhouse becomes completely divorced from the surrounding agricultural landscape. This harm is considered as “less than substantial harm” and in accordance with paragraph 208 of the NPPF, on balance, it is not considered the public benefits of the development outweigh the harm caused. The proposed development is therefore contrary to Core Policies 57 and 58 of the Wiltshire Core Strategy and paragraphs 203, 205 and 208 of the Framework.*
- 4. The applicant has failed to provide sufficient information to fully determine the ecological impacts, including the extent to which the proposed development would impact upon priority habitat types, protected / notable species which are reasonably likely to be present and affected by the development, and the extent to which the development would impact local green infrastructure, as a consequence, the application is not considered to be environmentally sustainable. In addition, insufficient information in the form of adequate/complete bat surveys has been submitted as part of the application to determine the impact of the development on potential tree roosts by bats which are sensitive to the anticipated increase noise and artificial light disturbance, and the impact for Bechstein’s bat in particular. The applicant has also failed to submit sufficient information to provide evidence of Biodiversity Net Gain. The development is therefore contrary to Core Policies 50 and 52 of the Wiltshire Core Strategy, Policy 13 of the Joint Melksham Neighbourhood Plan and paragraphs 180 and 186 of the Framework.*
- 5. The proposed development fails to provide and/or secure adequate provision for necessary on-site and, where appropriate, off-site infrastructure to make the application proposal acceptable in planning terms. The application is therefore contrary to policy CP3 of the adopted Wiltshire Core Strategy, and the National Planning Policy Framework, specifically the central social and environment sustainable development objectives enshrined within paragraph 8.*

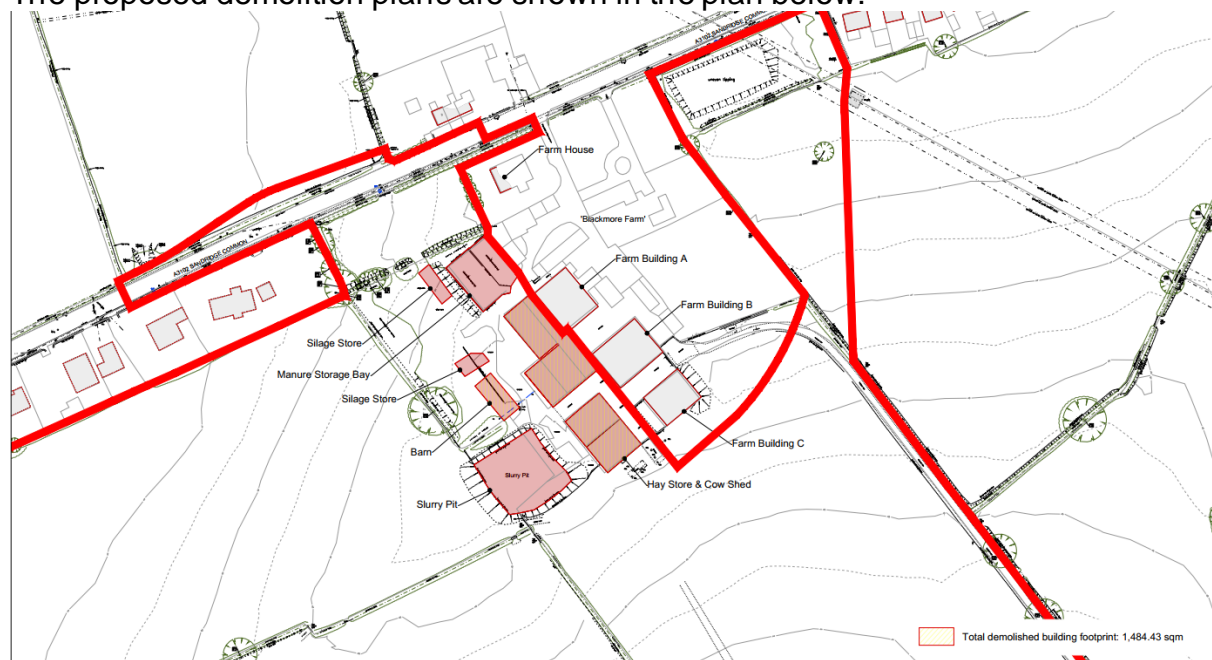
PL/2022/01864 – EIA - Scoping request associated to Land at Blackmore Farm, Melksham – EIA not required

6. The Proposal

This application seeks to obtain outline planning permission, with all matters reserved except for access, for the following development/ works: -

- erection of up to 500 dwellings (with a clear commitment given by the applicants in early April 2024 to deliver 200 dwellings (40% of the scheme) as affordable homes)
- erection up to 5,000 square metres of employment floorspace (class E(g)(i) & E(g)(ii)) (Commercial, Business and Service falling within office use and research and development use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, smells and fumes etc). On the Illustrative Masterplan (see below) this has been shown as comprising circa 2.07ha with space for car parking and a building footprint with a floor area of c.5,000sqm (to be built over two/ three storeys)
- provision of land (2 hectares) for a new primary school (class F1) and sports pitch provision
- provision of land for a mixed-use hub (class E / class F). On the Illustrative Masterplan this has been shown on a land parcel of circa 0.17ha (1700sqm) with space for car parking and a building footprint with a gross floor area of c.400sqm.
- public open space provision (15 hectares) including 2 equipped play spaces (one for children and one for teenagers) and allotments (amounting to 0.17ha).
- construction of a new ghost island right turn access off Sandridge Common (A3102)
- and associated infrastructure and green infrastructure (additional tree planting, landscape buffers, green corridors and enhancement of existing hedgerows etc)
- demolition of the existing agricultural buildings at Blackmore Farm

The proposed demolition plans are shown in the plan below:



The detailed matters relating to appearance, landscaping, the layout and scale of the proposed development are reserved for a later reserved matters application. However, to assist the Council with its assessment of this outline application, the applicant has submitted an Illustrative Masterplan which is shown on the next page.



Illustrative Masterplan (Drg no. 417 rev C)

7. Local Planning Policy

The adopted Wiltshire Core Strategy (WCS) 2015 – The relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure Requirements; Core Policy 15: Spatial Strategy - Melksham Community Area; Core Policy 34: Additional employment land; Core Policy 38: Retail and leisure; Core Policy 43: Providing Affordable Housing; Core Policy 45: Meeting Wiltshire's Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable transport; Core Policy 61: Transport

and Development; Core Policy 62: Development Impacts on the Transport Network; Core Policy 64: Demand Management; Core Policy 67: Flood Risk

Wiltshire's Emerging Local Plan With regard to - Policy 17 – Melksham Market Town; Policy 18 – Land East of Melksham [Important Note: Following the Full Council meeting on 15 October 2024. The emerging Wiltshire Local Plan was submitted to the Secretary of State on the 28 November 2024 to appoint a planning inspector and to programme an independent examination].

The made Joint Melksham Neighbourhood Plan 2020 – 2026

Emerging Joint Melksham Neighbourhood Plan (Regulation 16 public consultation being held Nov 2024 to Jan 2025)

Wiltshire Council's Housing Land Supply Statement June 2024 (with baseline date of April 2023) – however it is important to note that the June 2024 HLS has been superseded by fresh calculations made following release of the revised NPPF in December 2024 and members should refer to the following:

Wiltshire Council Briefing Note No.24-20 (17 December 2024)

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

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

Wiltshire Council's Waste Core Strategy, adopted July 2009

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

West Wiltshire Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance August 2024) and Wiltshire Council's Playing Pitch Strategy February 2017

Art and Design in the Public Realm in Wiltshire – 2024 Guidance – adopted May 2024

West Wiltshire Landscape Character Assessment, March 2007

Leisure and Recreation Development Plan Document, January 2009

A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030

Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)

- Active travel infrastructure design standards 2022
- Active travel parking standards and design guide 2022

LTN1/20 – Cycle Infrastructure Design (July 2020)

Air Quality SPD (July 2023)

Wiltshire Council's Wiltshire Design Guide SPD (March 2024)

Wiltshire Housing Site Allocations Plan, adopted 25 February 2020

National Planning Policy Framework (Dec 2024) & Planning Practice Guidance

Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance) and Wiltshire Council's Playing Pitch Strategy February 2017

Summary of Consultation Responses

Note following the release of the revised NPPF dated December 2024 some of the following comments from consultees may reference out of date NPPF policy paragraphs.

Melksham Without Parish Council: Following submission and review of revisions, the PC maintained an objection (dated 18 December 2024) due to the health and safety implications of the single access off the A3102. The comments that the parish council have previously submitted over the last year still stand. The parish council supports plan led development but feels strongly that this application does not align with the policy in the Local Plan, with only one access, it also notes it's for 75 more dwellings than the emerging new local plan proposes.

1. Relocation of the Employment Land

Concerning the revised plans, the parish council objects to the revision to move the employment land from the Northeast to the Southwest. The parish council understand from the Planning Officer that this was done to make the plan more aligned with Policy 18 in the draft Local Plan. On looking at the policy Figure 4.12, that made sense when the access was coming from Eastern Way as directly off the distributor road Eastern Way, straight into the employment area. The parish council objects to the increased traffic for the employment land now accessing the employment land via the A3102, travelling the length of the development on an estate road, past the primary school and the residential development – it is felt that it's very unlikely that those accessing the employment land will all be living on the development and walking to work. This will put more traffic pressure on the single access to the site on the A3102 at peak times, with residents out commuting and workers on the employment site and school attendees coming into the development at the same time.

The parish council suggests that this planning application conflicts with the new NPPF paragraph 115 “*b) safe and suitable access to the site can be achieved by all users*” and “*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highways safety, can be cost effectively mitigated to an acceptable degree through a vision led approach*”; and feels that paragraph 116 applies “*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, following mitigation, would be severe...*”

2. Sustainable Transport:

The parish council have previously raised that they wish to see any comments from Active Travel England, as they feel that they put forward constructive comments for the planning application for the adjacent site at Land at Snarlton Farm. These are not available on the online portal for viewing, if they have been received can they be uploaded please, and if not received, can they be chased please to inform this decision-making process.

3. Emergency Access:

The other revision to the plan was to update the emergency access route on the plan, but this is only for emergency vehicles using the pedestrian/cycle way. If there was an accident/incident/road works on the junction of the A3102 and the development, how would the residents of the 500 houses, the school pupils/staff and those working at the employment land be able to exit or come into the development?

4. Community Hub:

The land for the community hub looks to be wholly inadequate to provide a building and car park to serve the community of the new development and needs to be much bigger. We are unable to scale off the drawing, is this something that can be provided to the parish council so that they can compare it to the size of the village hall recently built at Berryfield. The parish council do not feel that community use of the primary school is an acceptable solution, this was done with the relatively recently built Forest & Sandridge School with many issues accessing it for community uses in practical terms, especially as it's not available during the day.

As per the previous comments, the parish council wish to discuss the community hub provision to ensure that a holistic approach is adopted when in consideration with other current planning applications for s106 funding from adjacent sites at Land at Snarlton Farm and Land at New Road Farm. It may be that funding could be secured from the Snarlton Farm application, if Wiltshire Council are minded to approve the application, to fund a larger community hub/centre that could serve both developments. The parish council urge that these options are investigated rather than two community centres being provided on adjacent sites, as well as the one to be built by Melksham Town Council on the Hunters Wood/The Acorns development: leading to an unsustainable proposition.

5. Further discussions:

This is a large development, bigger than some villages in Wiltshire, and the parish council feel that they have an important part to play in the planning process with their local knowledge. The parish council query if their comments that were submitted to the Local Plan review consultation on this policy have been taken into account.

The PC also expressed an interest in seeing conditions and a summary of the s106 obligations in a committee report and the implications of the recent publication of the latest NPPF.

The Melksham Neighbourhood Plan is an important and relevant part of the Development Plan and is still valued as such in the newly published NPPF.

Parish Council comments received 24/9/2024 –

This consultation solely related to the proposed development being accessed via the A3102 and a ghost junction instead of a roundabout.

Melksham Without Parish Council expressed being disappointed that there is still only one access to the development off of the A3102, which is not considered suitable for the reasons expressed previously (in February 2024 and follow up consultation commentary) but the PC maintains its opposition to this application and strongly supports the comments made by the Sustainable Transport Officer in August 24.

In addition, the PC notes some environmental changes to the parameter plans and the parish council requests that the existing mature trees and hedgerows be retained at the site of this development. There are some mature oak trees of significant value on the site.

Also dated 24/9/2024, the PC submitted the following comments–

Further to the recent Planning Appeal hearing for Land west of Semington Road, the parish council requested that any Reserved Matters application should be submitted **WITHIN TWO YEARS**, and not 3 years as per the standard Wiltshire Council condition. This is to try and address the shortfall in the 5-year housing land supply pipeline. Whilst the decision of the Inspector is still pending, he did accept the change in conditions to reflect this request.

Melksham Without Parish Council therefore request if Wiltshire Council are minded to approve the application for Land at Blackmore Farm that any Reserved Matters application should have a condition that they have to submit a Reserved Matters application within 2 years of the decision date.

Parish Council comments received 13/9/2024 –

Melksham Without parish council have considered the current situation with the potential for a community centre on the Snarilton Farm application, the same on the application for Blackmore Farm and the s106 funding for a community centre in the application for Hunters Wood/The Acorn 14/10461/OUT which is now in the parish of Melksham Town, and it is noted that the Town Council are yet to submit a planning application for the proposed site in Angelica Avenue to the rear of Spa Medical Centre.

We just want to draw to your attention to the above and to understand how best the planning applications with any s106 funding and land agreed for a community centre deliver the most appropriate new facility. The parish council do not think three community centres are required, but perhaps two are necessary noting that the one for the initial development of 800 dwellings on land to the east of Melksham had the community facility omitted as part of the new primary school development. We also want to ensure we don't miss out on any at all, and the potential for funding. The parish council would like to be party to any discussions on this, with the town council as appropriate.

Parish Council comments received 11/9/2024 –

Regarding the above planning application, at a Planning Committee meeting on 19 August, Members considered the comments from the Wiltshire Council ecologist on the proposals and supported their objections.

Parish Council Comments received 12/2/2024 –

Melksham Without Parish Council strongly objects to this planning application for the following reasons:

- The proposals do not answer the strategic needs of the Melksham Neighbourhood Plan area and in fact distinctly hinder any future strategic plans for Melksham in terms of master planning via the draft Local Plan policies.
- This is speculative and not plan-led development, its piecemeal and not in line with the allocation in the draft Local Plan (Policy 18); despite the statement in the Preface of the Design & Access Statement that this new application has been prepared in response to this emerging allocation. This gives an uncoordinated, disjointed approach, without the means to properly address the infrastructure needs that the impact this number of houses to the area will bring.

Attention is drawn to the comments of the Urban Design Officer in the Statement of Community Involvement, which the parish council agrees with.

“The site in question is just one piece of a wider area; an area which looks to become a new urban extension (UE) for Melksham, and which will need to be master planned in a holistic way, with input from a range of stakeholders as well as adjacent landowners. The applicant’s seemingly self-serving masterplan references adjacent land promoted by other developers but does not show what is proposed or how those land uses would integrate with the applicant’s masterplan.”

- The application does not adhere with Policy 18 in the draft Local Plan, regarding the housing allocation for Blackmore Farm:
- The local plan allocates 425 dwellings on this site.
- The Local Plan seeks an allocation of 5ha employment land. However, proposals only show 0.93ha of land for employment use, as office space. It is unclear where the requirement for additional office space in Melksham has been evidenced, particularly as there is currently a shortage of warehouse/manufacturing space within Melksham, with businesses and agents reporting significant demand for expansion space in the area against a shortage of available sites and premises, as highlighted in the Wiltshire Employment Land Review Update dated September 2023.
- The Local Plan seeks a much lower density of housing to the east of the site, in order to prevent coalescence with the rural character of the area. However, there is no reference within documentation supporting the application of the level of density proposed in this area, just a general note of “500 dwellings at 36dph average” on the Illustrative Masterplan legend.
- There does not appear to be provision for a mobility hub, including bus and cycle infrastructure provision.
- The development is in the open countryside, outside the Settlement Boundary of Melksham & Bowerhill, isolated and therefore unsustainable and in conflict with Melksham Neighbourhood Plan policy 6: Housing in Defined Settlements It is stated within the Design & Access Statement the development is adjacent to the settlement boundary, this is not the case, as it is next to a ‘ransom strip’ adjacent to Eastern Way.

- It is noted in the Design and Access Statement it states Core Policy 2 of the Core Strategy is out of date by virtue of a lack of 5-year land supply. However, this is irrelevant given recent changes to the National Planning Policy Framework (NPPF), as Wiltshire Council now have “Paragraph 77” protection.
- The Melksham Neighbourhood Plan was made on 8 July 2021 and therefore meets the National Planning Policy Framework (NPPF) “Paragraph 14” criteria following recent changes to the NPPF. Whilst their documentation states that they have submitted this application to reflect the draft Local Plan, they have made no reference to the Regulation 14 consultation on the reviewed Melksham Neighbourhood Plan that took place in October and November 2023, despite making representations.
- The proposals are not part of any housing allocation in the current Melksham Neighbourhood Plan. The Steering Group are looking to allocate a meaningful number of houses (200-250) as part of the Neighbourhood Plan Review.
- The proposals do not adhere to policies within the adopted Neighbourhood Plan, particularly policies 1, 6, 8, 11 and 18 with regard to sustainable design and construction, housing in defined settlements, infrastructure phasing and priorities, sustainable transport & active travel and local distinctive, high-quality design, respectively.
- There has been no adherence to either the emerging Wiltshire Design Guide or Melksham Design Guide within the development design.
- There is a lack of connectivity with the surrounding area and lack of connection to the distributor road Eastern Way. The only vehicle access proposed is off the A3102; and only one access. It was noted in response to a Scoping Document request, that the Planning Officer had stated ‘despite the large size of potential development it is not proposed to include land to the East of the development at Eastern Way as a means of access, Eastern Way is effectively a by-pass that has been presumably designed to accommodate future growth of the Eastern side of Melksham and included a roundabout with anticipated access to go further east towards your site.’
- It is noted within the Design & Access Statement it refers to Sandridge Common having sufficient capacity to accommodate access points and traffic arising from the proposed development. The parish council would like to see the evidence to support this claim, particularly as they have a concern the only entrance/exit will be at the bottom of a steep hill and on a bend, with several accidents having taken place along this stretch of road over the years.
- Whilst it is noted the only proposed entrance/exit will be served by a roundabout, some of the arrangements for pedestrians around the roundabout are unsatisfactory, particularly as it is noted there is no means of crossing the main road via a central island to access the bus stop on the North-Western side of A3102 outbound or the proposed nursery in the draft Local Plan in Policy 20.
- Concern is raised if there were to be an accident near the only access/egress, this could be completely blocked off, therefore a separate access in a different location is required, as suggested in the draft Local Plan.
- Attention is drawn to Paragraph 114(b) of the National Planning Policy Framework (NPPF) which states: new developments must ensure safe and suitable access to the site can be achieved for all users.
- There is a concern at the impact this development will have on the narrow country roads to the North of the site. A large number of residents will be tempted, as drivers from East of Melksham currently do, to use country lanes such as New Road (single track with passing places), Forest Road and through the National Trust village of

Lacock via a single-track medieval bridge to pick up the A350 to access Chippenham and the M4. The bridge at Lacock is often closed due to flooding.

Concern has recently been raised with the parish council by Wiltshire Council's Highway Officers at the condition of the verges along New Road, given the number of vehicles trying to pass each other on such a narrow road, despite passing places. Therefore, the parish council seek a highway contribution towards increased highway maintenance needed as a result of this development.

- Whilst the parish council have not had sight of the Highway Officers comments relating to this application, they had noted the Highway Officer's previous comments relating to the original planning application (PL/2023/01949) and therefore had requested that any highway requests recommended in those Highway Officer comments should be in place prior to first occupation and not the 400th as indicated in his original report.

- The illustrative map does not show the route of a potential Eastern bypass, as on the original planning (PL/2023/01949). Concern is expressed, there is very limited space between the development and existing woodland near Praters Lane.

The parish council would strongly oppose the destruction of the woodland in order to accommodate a potential eastern bypass. Therefore, concern is expressed at the statement in the Design & Access Statement, that "there is no saved route in the draft Local Plan and therefore no planning policy in place which states they should have regard of the line of Eastern bypass." The parish council note that there is funding for the Eastern Bypass project in the Wiltshire Council budget for 2024/25.

- Within the Local Plan, the indicative plan indicates there will be two accesses to the development, therefore any bus operator would be amenable to running a service to this site, as they would be able to go in one way and out the other and therefore cover the maximum number of passengers and be more efficient from an operational point of view. However, plans only show one access, and no circular route, therefore making the site less accessible for bus operators and less attractive from an operational point of view.

Within the Transport Accessibility and Movement Report it states there is an hourly bus service. However, it does not state when this service starts and finishes. Any service should be available at times to take children from the development to the various schools in the area and visa-versa.

It is also stated a proposed new bus service would go 'down Eastern Way, Western Way, The Spa, through the town centre onward to the Train Station'. Confusion was expressed in the use of Western Way.

Within plans it states bus stops being only 500m away from the site. However, this distance could only be achieved by having to use the existing public right of way network, which is not surfaced and therefore, would need to be sufficiently upgraded.

It is noted the developer does not own the land in question with the landowner objecting to the development for the previous 650 houses.

It is noted the area only has a limited bus service at present. Attention is drawn to the comments of the Planning Inspectorate at a recent Appeal for an application in Southwick (PL/2023/00952), which stated the development was unsustainable due to

an infrequent bus service, therefore, this would suggest this development is unsustainable.

- Whilst it is noted within the Statement of Community Involvement it states the Drainage Team had no objection to the original proposals for planning application PL/2023/01949, this is a bit misleading, as they have asked for several conditions to be addressed.

The parish council have a concern at potential flood risk and note this had also been raised as a concern by several people when commenting on the previous application for 650 dwellings (PL/2023/01949). Although there will be attenuation, once full, the run-off will go into the water courses and unless these are more than adequate, there could be flooding issues including further downstream.

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

- Whilst noting land has been allocated for a 2-form entry school. Any school needs to be in place as soon as residents move in. If not, children will be taken by vehicle to other schools in the Melksham area, causing additional traffic, which does not conform with Wiltshire Council policy. We can only see reference to 2 form entry school in the Transport Accessibility and Movement Report, whereas the other documents and plans only say 2.0ha of land for a school. Wiltshire Council policy is for 2 form entry schools.

Paragraph 99 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. The Wiltshire Council draft School Place Strategy (page 17) states: *"Wiltshire Council believes that: Parental preference is a key consideration and ability to access a school place close to home within the local community is an important factor."*

The draft School Places Strategy (page 89) states that *"At present, there are clearly insufficient primary school places available in the town to cater for the proposed Local Plan housing"*. It also adds that the closest primary school, Forest & Sandridge, has a capacity of 420 and is full, with a S106 contribution secured to expand the school to 2.5FE. With only 5% of urban primary school capacity at present, it is clear that there are no spaces for the children moving into this proposed development in the current schools; let alone choice of schools.

- Early years: Within the Design & Access Statement it suggests the inclusion of a nursery as set out in Policy 18 of the draft Local Plan is an error. However, it is understood both the Blackmore Farm site and the site allocation in the draft Local Plan opposite at New Road Farm (Policy 20) are required to provide 60 early year places and 110 nursery places respectively. There needs to be a firm plan for the early years

provision and s106 contributions to provide for the new young children that this development will bring to the area. Page 21 of the draft School Places Strategy states:

"Wiltshire Council believes that where additional school places are needed because of new housing development, as far as possible the costs should fall on the landowners and/or developers, by way of contributions falling within the concept of planning obligations". This should apply to Early Years provision too.

- For secondary education, the draft School Places Strategy document states *"The number of pupils attending Melksham Oak is forecast to grow significantly over the next few years as larger cohorts being to feed through from primary schools and as new housing is completed. The recent expansion means that the school now has a PAN of 300 which will be sufficient to meet the needs of current housing. If the proposed Local Plan houses are taken forward, there would be a significant shortfall of secondary places. Whilst the school site is large, expanding the school over 12FE would make it the largest school in the Country and would probably be considered too large to operate from one site"*.
- Again, there is evidence that the secondary school places are only sufficient for the current housing in the pipeline, and not for any new school places being generated by speculative development. This is why any future development needs to be planned strategically.
- The Wiltshire Council Education team's comments relate to the prematurity of this application, as there would be insufficient places or room for expansion until the site allocation (Policy 19) in the emerging Local Plan comes to fruition.
- Concern was raised at the safety of children wishing to access Melksham Oak School, as they would need to use Eastern Way and compete with the traffic, particularly as there is still no rear access to the school. There are already many concerns raised at the number of pupils on the A365 pavement, both pedestrians and cyclists, and evidence of regular accidents and near misses as the flow of children at school opening and finishing times is wider than the pavement can cope with. A planning application has recently been submitted for a footpath to the rear of the school (PL/2023/10488) but as yet is no more than a planning application.
[officer note: the above application was approved on 22 April 2024 and a discharge condition submission has been lodged with on-site works being planned for late 2024/early 2025]
- Due to the piecemeal approach of this development, although it shows a primary school on the plans, there is no access to the school from adjoining land, which are in the SHELAA (Strategic Housing & Employment Land Availability Assessment), form part of a wider site in the Local Plan Review in 2021 and have a current public consultation for 300 dwellings with a planning application planned shortly.
- It is noted residents were written to in April 2022 and the public consultation event was also held then. However, since then, there has been more development (some 450 dwellings) in the vicinity i.e. Hunters Wood/the Acorns (18/04644/REM these residents' views would not have been taken into account.
- Whilst there is a proposal to have a pedestrian/cycle access using part of Browns Lane bridleway on Eastern Way, there is still no other means of connecting to existing development and services East of Melksham.
- Only 30% affordable housing is included within proposals and not 40% affordable housing as sought in the draft Wiltshire Local Plan. This is disappointing as the development is envisaged and allocated as part of the Local Plan strategic allocation.

- In order to facilitate access to this development a number of farm building and facilities are due to be demolished and removed. The parish council strongly object to these proposals on heritage grounds. There is concern whether this will allow for the continued viability of the farm holding as 50% of the farm would remain as open land.
- Concern is expressed at the loss of agricultural land used for food production, noting the land and buildings current use is for dairy farming. Following recent changes to the National Planning Policy Framework, a new footnote to paragraph 181 states that when agricultural land must be used, poorer quality land should be preferred over higher quality land. It states: “The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”
- Concern is expressed at the impact this development will have on the Grade II listed Blackmore House, and its setting, adjacent to the site.
- The Melksham Neighbourhood Plan is currently under review and has a number of emerging evidence documents to underpin revised and new policies. The draft AECOM Site Assessment report 2023 has assessed this site. It excluded it from the initial first sieve of sites, at Stage 1, with the following comments: “The site is removed from the settlement boundary. The site may be appropriate to be developed alongside Site 3678, 3683, 3701 and 3525 as a large urban extension of Melksham which connects to the Melksham Bypass. The site contains deciduous woodland which have priority habitats. The site also includes the designated heritage assets of Blackmore House. The site is exposed to views across from Sandridge Hill.”
- It is noted within the Design & Access Statement the presence of 12no. Category A trees (oak) within the site, with design proposals **seeking** to retain all of the Category A trees. The parish council **insist** all Category A trees are retained.
- It is noted there are a few inaccuracies/errors in the Design and Access Statement as follows:

Local Context

- Melksham Community Hospital. There is no minor injuries unit on site
- There is reference to banks in the town centre, but there are no longer any banks open in Melksham.
- Little Joey’s Nursery is now closed.
- The Somerset Arms Pub is now closed.
- Melksham Rugby Club pitches are not available to the general public to use. It is also listed twice.
- Melksham Town Football Club pitches are not available to the general public to use.
- The Beecher Veterinary Centre should be referenced as The Beeches Veterinary Centre.
- Melksham Blue Pool Leisure Centre is now closed.
- Aztec Fitness is now closed.
- The United Church has been missed off the list of churches.
- Melksham Youth Development Centre is now closed.
- There are several references to the local distinctiveness of villages such as Seend, Seend Cleeve, Semington, Bromham, Saint Edith’s Marsh and Nether Street which are irrelevant within the context of the site location – for the palette of materials, and areas of local distinctiveness the Melksham Design Guide should be adhered to.
- Some parts of the report seem outdated, for example there is reference to site 1a which was the larger site in the first draft Local Plan consultation report, not the one from Sept 2033 that the document says this application was designed to meet.

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

- Adherence to policies of the current Melksham Neighbourhood Plan and those of the reviewed Neighbourhood Plan (JMNP#2), such as the Housing Needs Assessment, Design Guide etc

<https://www.melkshamneighbourhoodplan.org/np2-evidence-base>

- The Parish Council seek the provision of play equipment, above that required by the West Wiltshire District Council saved Policy in the Core Strategy, which is also imaginative to encourage active play.
- It is noted it is proposed to include a destination play area, however, having looked at guidance, the Parish Council are concerned at having everything in one place. They believe that the size of the development would warrant both a LEAP (Local Equipped Area of Play) and a NEAP (Neighbourhood Equipped Area of Play) and a MUGA (Multi Use Games Area) so that there is a range of suitable equipment for all ages; children and teenagers – as per the draft Local Plan policy.
- The Parish Council also wish to enter into discussions to be the nominated party for any proposed LEAPs & NEAPs and seek the following:
 - A maintenance sum in the s106 agreement for continued maintenance of the play areas.
 - Safety Surfacing extended beyond the play area fence line (by at least 30 cm) and for the whole area to be surfaced as such, with no joins to prevent future expansion gaps, and no grass that will require maintenance.
 - Tarmac, not hoggin, paths provided.
 - No wooden equipment provided.
 - Dark Green Metal bow top fencing provided.
 - Clean margins around the edges, no planting.
 - Bins provided outside the play areas.
 - Easy access provided for maintenance vehicles.
 - Public access gates painted red.
 - No insetsymbols provided in the safety surfacing, which should be one solid surface.
 - Public Open Space which is regularly mown and not all for wildflower areas, to allow for children to kick a ball around informally.
 - Equipment installed for teenagers.
 - Whilst proposals to include allotments are welcomed, the Parish Council ask that these are fenced in, with access to water, as well as a car park provided, and security measures installed. The parish council wish to understand who will run the allotments; if this is to be an Allotment Association then they will require a large, vandal proof shed.
 - Circular pedestrian routes around the site.
 - The provision of benches and bins where there are circular pedestrian routes and public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
 - Connectivity with existing housing development.
 - There are practical art contributions, with the Parish Council being involved in public art discussions.
 - Speed limit within the site is 20mph and self-enforcing.
 - The development is tenant blind. The parish council draw attention to the recent Housing Needs Assessment undertaken as part of the Melksham Neighbourhood Plan

Review, which reflects the current needs of the Melksham area in terms of housing and tenure mix

https://www.melkshamneighbourhoodplan.org/_files/ugd/c4c117_4c8411b64439472fbfcf8e856799e2c9.pdf

- Given the development is adjacent to existing dwellings fronting Sandridge Common, the design layout should result in new gardens backing onto existing garden and that the new housing is no higher than 2 storeys. The design layout should also take account of the impact on any potential new dwellings on the strip of land to the West of this site adjacent to Eastern Way and to the South.
- The road layout within the development is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- Contribution to educational and medical facilities within the Melksham area.
- There is visible delineation between pavement and roads. Shared spaces which are easily identifiable.
- Tree planting is not adjacent to property boundaries; in order they do not cause issues later with growing over the boundary to resident's properties or causing shade on gardens.
- Whilst the parish council welcomes a developer contribution to enhance public transport, the proposals do not go far enough, particularly as reference is made to existing bus services which do not serve Melksham Railway Station, with the nearest bus stop being some distance away from the Railway Station.
- Members welcome the provision of bus shelters with the capabilities for real time information and therefore ask that proposed bus shelters are tall enough with a power supply to enable this. To give good shelter from the weather, shelters are provided with sides, with a bench seat rather than a perch seat.
- Whilst land has been set aside for a 400m² mixed use hub, this will be too small to serve such a large community. Therefore, the parish council ask that significant land to be set aside to enable a functional, 2 storey community building and hub to serve the whole community. The parish council request a community centre large enough to include additional health facilities (with room for GP clinics, as well as complimentary services like physio, chiroprapist, osteopath etc.) as well as associated facilities to service and provide a 3G pitch.
- Provision of a Local Centre, similar to nearby Verbena Court, with the provision of electric car charging points (in line with Policy 4 of the Neighbourhood Plan). Contribution towards green initiatives i.e., provision of charging points, local green energy production and battery storage for the community hub.
- The parish council seek improvements to existing Rights of Way in the area which are understood to have been submitted by Wiltshire Council's Rights of Way Team as part of their response to the proposals at public consultation stage and ask that Right of Way MELW30 becomes a bridleway to connect up bridleways at MELW40 & 41, particularly as there are many stables in this area.

As previously requested, the parish council would like to see included in proposals a safer access to Praters Lane from the A3102, as currently people have to go via Lopes Close across private gardens to access the right of way safely.

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

Melksham Town Council: Objects.

Following submission of revised plans received 22/11/24 –

There are no material changes in this application, and it does not address the previous concerns. Issues of access, suitability of existing road and infrastructure have not been addressed. Extra traffic caused by this development would cause problems across the whole of the Melksham area.

MTC reiterates its previously submitted objections, set out below:

Melksham Town Council objects to this application on the grounds that the proposal conflicts with NPPF, Wiltshire Council Core Strategy (Core Policy 2), the allocation in the draft local plan, and the draft Neighbourhood Plan, the existing Neighbourhood Plan and the Wiltshire Design Guide. The proposed Primary School does not comply as it is a one form entry. There is no information on affordable housing or an environmental study. Melksham Town Council also has concerns about infrastructure, archaeological matters and swift bricks.

Lacock Parish Council: Objects. This planning application was considered at a meeting of Lacock Parish Council on 12 February 2024 when the Council resolved to lodge a strong objection to the proposed development for the reasons stated below.

Lacock Parish Council has for many years become increasingly concerned over the increasing number of vehicles travelling through the historic village of Lacock and over the roads leading to Lacock including the single-track medieval bridges over the River Avon. The increase in vehicles undoubtedly arise from the significant major new residential developments to the east of Melksham. As no new road infrastructure has been built to accommodate the increase in traffic from these developments, for those drivers wishing to access the A350, northwards, and potentially the M4 there is no better route than by using New Road, then Forest Road before traversing the bridges and passing through Lacock to reach the A350.

This is a wholly unacceptable situation and is giving Lacock Parish Council a major problem in knowing how to deal with the concerns raised by local residents. The large number of vehicles using Lacock as a “rat run” is causing safety, environmental and damage to the character of the historic village. Traffic calming measures are under consideration, although the cost to the parish of introducing these is significant, but in reality, the only solution is for new road infrastructure to be built to deal with the problem. At the recent consultation Lacock Parish Council supported a new bypass to the east of Melksham terminating at a junction on the A350, to the north of Beanacre (option 10c). Therefore, until the new road infrastructure has been built Lacock Parish Council would argue that no new planning permissions should be granted for new residential development.

Were the Blackmore Farm development to be permitted the new residents who wish to travel northwards would undoubtedly travel along New Road and ultimately through Lacock making the present unacceptable situation even worse. For this reason, the Parish Council argue that the planning application is premature and should be refused.

Wiltshire Council Strategic Planning Team – In terms of the emerging Wiltshire Local Plan Review, limited weight can be given at this stage given that it has not yet been subject to examination.

With regard to NPPF para 49, this development would be unlikely to constitute as being premature because the two limited circumstances do not apply. The application is substantial but *‘not so substantial, or its cumulative effect so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan’*.

Granting permission for this application would be unlikely to undermine the plan-making process or undermine decisions on location or phasing of development as the proposed allocation of this site means that it is considered to be a sustainable location for development. And the emerging Wiltshire Local Plan (WLP) is not at an advanced stage to carry material weight.

With regard to the proposed quantum of housing development (up to 500 dwellings) – given the Council’s HLS shortfall, and the relatively modest increase in housing over and above the emerging WLP Draft Policy 18 (approx. 425 dwellings) the difference is not considered significant

The application is proposing to deliver most of the main infrastructure requirements of Policy 18 i.e. a local centre, a 2ha site for primary school, vehicular access from A3102 and a mobility hub.

It is also noted that the application is proposing to set aside over 2 hectares of land for new employment development, and through negotiated revisions sought by officers, the location of the new employment land provision would respect the emerging WLP concept plan for Policy 18 (Local Plan Figure 4.12). It is also important to appreciate that about half of the land being put forward for new employment purposes through Policy 18 is under the control of other landowners. Therefore, it will be possible for further employment to be delivered within the Policy 18 site allocation on land controlled by other landowners.

Wiltshire Council Economic Development: Objects. In the emerging local plan, it is proposed that 5Ha of land, some of which is on this site, should be allocated for employment use. This proposed employment allocation is adjacent to Snarlton Farm, which already has commercial uses on the site and has planning permission to expand further. The illustrative plan submitted with this application shows housing on this land which we do not feel is desirable or acceptable. Should the remainder of the proposed employment allocation come forward for commercial use then these houses will be virtually surrounded by industrial units.

We note that as part of the application it is proposed to include 4950sqm of space for office, research and development use. Whilst this is welcome, we feel that it would be far better for this indicative employment land to be located adjacent to the existing commercial site at Snarlton Farm. We would also like to see a larger range of class uses – there is still an oversupply of offices following the pandemic and whilst there is

substantial, unmet demand for business units locally it does not tend to be for research and development.

We are also concerned by the proposed upgrade to part of the bridleway MELW41 (PRoW) for use by pedestrians and cyclists. This in our view would have an impact on the existing commercial businesses operating at Snarlton Farm and potentially result in highway safety concerns.

Officer Note on the above: Following the submission of revised plans dated 22/11/2024, the applicant revised their proposal for employment land use – which has been re-located to the southwest of the site adjacent Snarlton Farm to align with the emerging local plan, as such it is considered the above objection has been overcome.

Wiltshire Council Highways Team: No objections subject to conditions.

The following comments were received on 17/12/2024 following the submission of revised details dated 22/11/2024.

Having reviewed the latest submissions and development on the overall application there does not appear to be a specific new drawing or document for review. The following comments are provided in the context of NPPF (Dec 2024), DfT 01/22 and Manual for Streets.

The requirement for an emergency access is not one for consultation with the local highway authority in terms of the principle. This is a matter for the local emergency services to establish the need based on their plans and protocols for the scale of development proposed. In terms of an access that accommodates emergency vehicles, suitable geometry, visibility, construction standards in accordance with Part B will all form part of any technical approval for a highways access onto a public highway should the need be established on human safety grounds by others.

The comments on the officer's report suggest that a s106 is preferred for securing a Travel Plan and this would be acceptable. In terms of the latest version of the NPPF, the need for monitoring would appear to be better covered within a legal agreement than by planning condition.

The need for a School Travel Plan condition or inclusion within the S106 has been rebutted by the applicant. This is due to the fact that the school is intended to form part of a separate application. However, the modelling work and assessment to date for the site has been with the school. In effect there should have been a modelled future scenario without a school included within all submissions, certainly in the context of the latest 'all future scenarios' with in the NPPF.

In terms of the order that buildings could come forward and whether trips from outside the site to the school would be greater, has not been fully validated in the work to date. The work and assumptions are based on a complete development operating as per the transport assessment.

If the school development comes forward separately then the respective applicant would need to redo the Transport Assessment work at that time.

The proposals have been subject to a robust transport assessment and the singular access point off the A3102 Sandridge Common Road has been fully modelled and no highway-based objections are raised.

Comments dated 27/8/2024 – these comments concluded -

The proposed access would be safe and suitable, subject to technical approval, but it would have an urbanising impact along a short section of A3102 Sandridge Common Road. The sections of road are all subject to 40mph and the overall change in context and character would not impact significantly on maintenance of local roads due to the hierarchy of roads they hold in the WCC Asset Management Strategy.

The site due to its distance from facilities outside the site is unlikely to result in a better-than-expected level of sustainable mode use but is proposed to be supported by a new hourly bus service.

The proposed walking and cycling improvements and highways works would enable safe and suitable crossing of Eastern Way and routes identified in the draft Local Walking and Cycling Infrastructure Plan, however the distance to local facilities would remain a factor in travel mode choice.

Further development beyond the current settlement boundary, if absent of additional facilities could lead to severe cumulative impacts of the issues outlined above.

In terms of this application, when tested on its own merits, the highway authority considers, having highlighted a number of potential matters, that it has no substantive highway-based objection subject to the required planning conditions, developer contributions and securing a range of highways works which would require separate technical approval from the local highway's authority.

Active Travel England (ATE): In summary, ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue.

Key Issues

Trip generation analysis and travel plan targets

The trip generation and assignment analysis set out in the TA and subsequent Transport Update Notes has a heavy focus on vehicle traffic which, despite helpfully acknowledging a range of trip types and including active travel mode shares, is restricted to a consideration of peak hours of vehicle travel only. ATE requests that a multi-modal trip generation analysis is provided for the entire day, otherwise the application risks setting an artificially low bar for consequent mode shift targets.

These targets lack ambition in their current form, especially considering the fact that the number of proposed dwellings would exceed the quantum outlined in the relevant

emerging Local Plan policy, and they should be increased to better align with the government's target for half of all journeys in towns and cities to be walked, wheeled or cycled by 2030. As it stands, the focus on vehicle traffic and the limited mode shift targets would not be in step with the vision-led approach to transport planning which is currently expected by central government and set out in the most recent revision to the NPPF.

Off-site improvements, public transport strategy and access to the site

The use of the WHCAR (Walking, Cycling and Horse-riding Assessment Review) methodology to identify key routes and identify potential interventions is welcomed, and it is clear that the applicant has taken steps to liaise closely with the LPA and LHA in identifying key issues. Nevertheless, the application would benefit from a more in-depth critical analysis of the quality of existing routes against the principles of the National Design Code and guidance set out in LTN 1/20 and Inclusive Mobility, and useful mapping of key routes and facilities may be further improved with photographs of key deficiencies.

The most up-to-date national guidance on 'walkability' has coalesced around a single common 'walkable' range of 800m (National Design Guide, 2021). It is clear from the distances cited in Table B.1 of the latest Transport Update Note that the vast majority of existing local facilities would fall far outside of this range, and the referenced thresholds of 1.6km and 3.2km, though walkable for some, would serve to exclude a significant proportion of potential users of the walking/wheeling network. This calls into question the capability for the development to be considered sustainable without significant optimisation of local public transport connectivity and cycling infrastructure, as well as the adequate (and early) provision of on-site services which can internalise a sufficient proportion of trips.

It is therefore encouraging that a package of proposed improvements/contributions to be made to off-site infrastructure and public transport services has been set forth at this stage of the application.

ATE has comments to make on the following aspects:

Eastern Way

Eastern Way represents a significant barrier to East/West permeability, and the applicant should look to support/provide interventions which restrain high vehicle speeds and promote safe active travel movements across this route, beyond the proposed toucan crossing at the Snarltan Lane/PRoW MELW41 access. Given the breadth of development scheduled to take place to the east, and the strategic nature of the road, ATE is keen to understand Wiltshire's intentions with respect to traffic-calming interventions along this route.

Outside of the proposed signalised crossing point, the only other ways to cross Eastern Way would be uncontrolled pedestrian crossings at the Sandridge Common Road roundabout and on PRoW MELW27. The latter suffers from a lack of refuge and the protection provided by signal controls yet represents the most direct pedestrian and cycle desire line between the northern half of the site and more central parts of Melksham. Given that the proposed development exhibits a particular deficiency in terms of East/West cycle permeability, with dedicated cycle access only available via

the southern part of the site, ATE considers it particularly important that this crossing and access route be appropriately upgraded to safely accommodate **both** modes.

Public transport strategy

Triggers for the provision of vital internal bus services should be identified and set at this stage of the application. Should the delivery of an internal service be delayed until a later phase of the development, then poorly equipped existing bus stops should be appropriately upgraded in anticipation of any shortfall in public transport provision.

As proposed, future bus services would enter and leave the site via the single northern access point, resulting in a limited and rather inconvenient internal loop. Given the scale of development proposed to the south and east of Melksham, ATE would suggest that a much wider master planning exercise is necessary to understand future public transport needs for the area, and how expanded and newly funded bus services may be made to successfully integrate with nearby development sites; for example, through the provision of a filtered bus connection leading to areas of development south of the site.

New stops to be provided within the development should each include raised kerbs, shelters, seating and real-time passenger information, in continuity with the proposed mobility hub.

Contributions to rail access improvements (Obligation 9) should be tailored/of a sufficient amount to ensure that the expansion and upgrade of cycle parking at Melksham Station is appropriately supported, given the potential increase in rail passengers represented by the proposed development.

Permeability, placemaking and connectivity

Internally, ATE expects all relevant infrastructure to conform to LTN 1/20 and the principles of the National Model Design Code, and requests to be consulted on further details of layout and design. The following should be particularly noted:

- a. Internal crossings should feature raised tables to prioritise pedestrian movements and footways should be continuous and direct, anticipating potential desire lines.
- b. The Illustrative Masterplan shows a lack of dedicated internal cycle infrastructure, particularly in the east of the site, and segregated routes of appropriate width should be provided along key internal corridors.
- c. The internal layout should be specifically designed to provide multiple active travel connections to the south and east, to improve wider permeability and in anticipation of nearby future development.
- d. Appropriate details of lighting and surface treatments for off-street corridors should be agreed at an early stage; footways and cycleways should be bound and level to accommodate users of all mobilities, and residential layouts should be designed to maximise active frontages and passive surveillance to improve feelings of comfort and safety for more vulnerable users.
- e. Cul-de-sacs should be avoided within the residential layout, in favour of instances of filtered permeability.

Cycle storage

Appropriate details of cycle storage, in line with the principles outlined in Section 11 of LTN 1/20 and in accordance with up-to-date local standards, must be considered early

for each aspect of the development. ATE would request to review further details, once submitted, and these should be secured via an appropriate condition. It should be noted that sheds are not the most convenient form of residential cycle storage, and ATE would recommend that cycle parking be located at the front of properties, ensuring convenient access to the highway and sending a clear message that cycling is a viable method of transport from this development.

Conclusion

ATE requests that the local planning authority shares this response with the applicant's agent with a view to providing a further response/appropriate wording for conditions as required.

Wiltshire Council Urban Design Officer: No further comments received following the re-consultation exercise. The Council's urban design officer comments dated 27/2/2024 raised the following concerns: -

- With regards access to the site, the development would fail to provide a key vehicular entrance into the allocation site from the roundabout on Eastern Way
- The proposal fails to provide the allocation of 5ha of Employment Land
- To create a greater sense of security and privacy for new and existing residents, new rear gardens should back onto the existing rear gardens along Sandridge Common.
- There is a major imbalance in the proportion of the size and location of the green open spaces on the site.
- The central POS should be enlarged and not bisected by a road.
- The green spaces dominated by suds basins between the proposed Clackers Way Park and the more formal central POS do not make the most effective use of land.
- The gateway landscape should be concentrated more around the island junction.
- The PRoW should not be preserved on the current alignment as it would cut diagonally across the housing layout grid.

However, since the above consultation comments were received, the applicant agreed to open up the application (at the Council's request) to an independent design review. This was completed by **Design West** - an independent review panel of experts from the built and natural environment sectors, who were invited to review the current application including the illustrative masterplan in August 2024, and in response, the design review panel concluded as follows –

'The applicant has clearly demonstrated, in the view of the panel, the potential of the site to provide a high-quality residential development.'

Police Liaison Officer: No comments

Wiltshire Council Landscape Officer: No objections subject to conditions

Wiltshire Council Ecology Team: No objections subject to conditions

Natural England: No objection

Wiltshire Council Housing Enabling Team: No objections, subject to the housing mix being secured through a s106 legal agreement as summarised below -

The Affordable Housing units should be provided with a tenure mix of 60% of the dwellings being for Affordable Rented housing, 25% of the dwellings being provided as First Homes and the remainder of the dwellings 15% being provided for Shared Ownership homes. The finalised breakdown of the house types/sizes would be confirmed through the s106 legal agreement preparation and based on the most up to date needs data.

Officer Note: The revised December 2024 NPPF (paragraph 66 footnote 31) no longer requires the delivery of First Homes, the delivery of First Homes can still be sought where the local planning authority can evidence that there is a local need and in this case, the Council's affordable housing / new housing team maintain there is a localised need for 38 First Homes to be provided and be subject to a s106 developer obligation.

Wiltshire Council Climate Team: No objections. The applicant was encouraged to take ambitious action as per the existing development plan policy, and it is noted that the developer has made some positive commitments to ensure the scheme would result in more sustainable construction than current building regulations and as such produce carbon savings. Therefore, based on current policy, there are no substantive grounds to sustain an objection overall despite the potential for further improvements.

I would also point out that if the developer is relying on the emerging Local Plan as a substantive material consideration in terms of meeting housing need, the other emerging Plan policies may merit being afforded some weight. Such policies include the requirement for operational net zero and embodied carbon reporting. Neither standard is being currently targeted by the developer. If the emerging Local Plan policies are being applied equally then I would welcome further information from the developer to demonstrate a scheme that is net zero in operation and commits to having an embodied carbon impact no greater than 900kgCO₂/m².

Officer Note: This application is in outline only and the above comments relate more to the detailed scheme which would be material to the future REM submission(s).

Wiltshire Council Rights of Way Team: No objection but commented as follows:

Comments received dated 16/12/2024 following the re-consultation on revised plans submitted by the applicant on 22/11/2024 –

National Planning Policy framework (December 2023) paragraph 104 states that *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

Comments received/ updated 7/11/2024

Developer contributions are required for the following:

MELW27 requires new surfacing works and removal of access furniture and a developer contribution of £22,500 is justified with the section of MELW27 requiring resurfacing extending to 85m (sum to be index linked).

MELW26 is currently the only Public Right of Way from the development which links to the rural public rights of way network, and three pieces of access furniture would be required to provide access to MELW41 - The Woodstock Medium Mobility kissing gate costs about £580 plus deliver and installation costs, So, £3,500 is justified.

The scheme would require a Cycle Conversion order which is costed at £5,000

Justifying the other contributions.

Of the first 500 responses we have had to the Countryside Access Improvement Plan 2025-2035 survey which is currently open to the public, 384 of the first 500 responses were from people who walked daily or a few times a week.

When asked about the average distance of their journey non-vehicular users of the Public Rights of Way network, the participants responded with the following:

42 users regular journey was under 2 miles
257 users regular journey was 2-5 miles
128 users regular journey was 5-10 miles
36 users regular journey exceeded 10 miles.

These figures clearly demonstrate that all of the requested contributions are justified and one of the selling points of this development will be the ease of access to the Countryside.

Minimum recommended dog walking distance 15-to 30 minutes if taking several walks, a day a distance of 1-2 miles. If walking once a day 45-60 minutes. With a typical average being 30-minutes to 1 hour covering 2-4 miles. More active dogs may need 1-2-hour walks

The figures for dog ownership seems to vary, although I have found websites showing between 28% and 36% of UK homes have a dog. I will work with a figure of 33% for the purpose of this application.

Based on 500 dwellings this development is likely to result in (on average) 165 properties having a dog. Whilst for some the open space and surfaced paths may well provide an adequate distance for short dog walks, those residents with more time available or for owners looking for a longer dog walk or walkers without a dog but who are walking for health and personal enjoyment and wellbeing, are likely to want a longer walk, and the following paths all fall within a four mile return walked distance of this development.

Two addition links to MELW40 (as bridleways or cycleways), the residents of this development should have easy access to the public rights of way network, MELW40 lies 0.15 miles to the East of this development, links to this bridleway would be of huge

benefit to this development giving them easy quick access to the PROW network, MELW40 is a very wide bridleway with part of the bridleway already surfaced and able to withstand an increase in use.

MELW30 Contribution of £3,000 for more accessible access furniture is recommended in the form of gates rather than stiles. MELW30 is only 0.86 miles from the nearest proposed dwelling within the site.

MELW29 is within walking distance of the site being only 0.8 miles to the nearest part of the site. Given that this path is within 15 minutes' walk from the development site, a £4,000 developer contribution can be justified based on the increased pressure this proposed development would place on the existing footpath.

SEEN54 is also within walking distance being just over 1 mile from the development site and easily within range of a short circular walk from this development. The previous request for a developer contribution of £2,000 would allow for the installation of pedestrian gates rather than kissing gates. A figure closer to £8,000 would be needed to complete this work if the landowners insist upon kissing gates.

MELW25 is a path where we have a discrepancy between the definitive map (the legal map) the route that the Parish Council appears to have claimed and the position of the available route. As this path is within 0.7 miles of the development site (and within a walkable distance, a developer contribution is sought for a maximum of £5,000 to enhance the existing available route which is likely to be subject to more use from the proposed 500 dwellings.

MELW23A is within 0.85 miles of the proposed development site, and it too, would likely receive an increase in use should this development proceed, and a developer contribution of £2,500 for improvements to the access furniture to make the path more accessible for all users is justified.

MELW23B is within 0.9 miles of the proposed development site and it is also likely to receive an increase in use should this development proceed, and a developer contribution of £500 for improvements to the access furniture to make the path more accessible for all users is justified.

The following is within a relatively short walk of the proposed development and the PROW request the following developer contributions.

SEEN33 is about 1.7 miles from the development site and the PROW officer requests £5,500 for improvements to the access furniture to make the path more accessible for all users.

ROWD22 is up to 2.1 miles from the proposed development site, is likely to receive an increase in use should this development proceed, and a developer contribution of £5,000 is sought for improvements to the route and access furniture to make the path more accessible for all users.

MELW25A is a walked distance of 1.78 miles from the proposed development site and it is noted that the PROW team have an outstanding request from a user group for

improvements to MELW25A and £5,000 is sought (although this could probably be reduced to £4,000) to cover the legal order.

SEEN21 is 1.2 miles from the proposed development site and provides an important link to the Barge Pub which would be a nice walk from the proposed development site. SEEN21 is likely to receive an increase in use should this proposed development proceed, and £2,500 is sought for improvements to the access furniture to make the path more accessible for all users.

A developer contribution is also sought to go towards the restoration of the Wilts and Berks Canal. This would provide a great safe walking and cycling route from Melksham to Lacock and beyond. The proposed development is located 1.1 miles from the proposed development. We normally seek a contribution of £550 per dwelling (so £275,000) towards the restoration of the canal and its towpath.

Wiltshire Core Strategy Core policy 53 supports the restoration and reconstruction of the Wilts and Berks canal it states that restored canals can bring significant benefits in terms of attracting visitors to Wiltshire, contributing to the local economy, promoting sustainable transport through the provision of walking and cycling routes and providing an important element of the strategic green infrastructure network. The restored canal network will provide opportunities for standing open water and marginal habitat.

Core Policy 52 supports the delivery of green infrastructure projects and initiatives. The planning and delivery of these projects will need to address any potential negative environmental impacts, particularly in relation to disturbance of wildlife, flood risk, water quality, landscape character and tranquillity.

Wiltshire Council Archaeology Officer: No objection.

Wiltshire Council Conservation Officer: Objects (however see comments below).

Comments provided following submission of revised plans dated 22/11/2024

Revised proposals December 2024:

The scheme has been revised with amendments including changes to the indicative layout to relocate the employment area from the immediate south-east of Blackmore Farm to another area of the site. Previously, the location of employment adjacent to the farm to the SE offered an opportunity at least for a form of development (including the scale, form of layout of buildings) which could have been less at odds with the agricultural character of the farmstead. The replacement with residential development in this area close to and wrapping round the SE boundary of the remaining farmstead will exacerbate the harm from the development overall by specifying a suburban form of development which is out of character with the existing agricultural landscape at close proximity, lending further weight to the conclusion that the development would result in harm to the setting of the farmhouse within the medium range of less than substantial harm.

The issues and conclusions overall remain as set out within my comments below (changed NPPF paragraph numbers noted to reflect the recent revision of the NPPF). Please therefore take these into account as reflecting my current position.

Scope of comments: the following comments relate to the built historic environment.

Assessment: Paragraph 200 (207) requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The current pre-application is accompanied by an Archaeological and Heritage Assessment which identifies the designated assets affected and assesses the impact of the proposals. The requirements of the NPPF are therefore met in this respect.

The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be **archaeological, architectural, artistic** or **historic**. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place. In this case I agree with the Heritage Assessment which concludes that the significance of the building lies largely with its historic interest, including its fabric, its form, layout and vernacular design and materials and from the contribution it makes to the understanding and experience of the historic agricultural landscape surrounding Melksham. I also agree with the Assessment that the surrounding land which farms the site has a historic and functional connection with the house that contributes to its significance and its understanding as a farmstead within the rural landscape.

In common with the previous application, the proposals would introduce a suburban form of development which is out of character with the existing agricultural landscape, over a very large area, and would result in the loss of a substantial part of the wider rural setting within which the listed farmhouse is experienced and a consequent diminution of its significance. Given that there would be no direct impact on historic fabric, the harm can be taken as “less than substantial harm” for the purposes of interpreting the NPPF.

On this occasion the omission of built form from the area to the east of the farm does constitute an improvement and allows the farm to retain something of its connection with the surrounding agricultural landscape. Similarly, the introduction of additional landscaping to the south of the boundary to the farm provides some further mitigation.

It is also acknowledged that there has been some erosion of the immediate setting of the house via the loss of much of the historic farmstead and by the construction of the adjacent bungalow, which is out of character in this historic context. However, the area of land covered remains very large and approaching from the north, the farm would become be viewed against a new backdrop of suburban housing development in place of the current agricultural character of the landscape. As a result, there will continue to be a level of harm to the setting of the farmhouse which would result from the proposed development, albeit at the medium/lower end of the spectrum of less than substantial harm.

No heritage benefits are argued or will result from the proposals.

Conclusion: the proposed development would result in harm to the setting and significance of the grade II listed Blackmore Farmhouse. Taking into account the

special regard required by Section 66 of the Act to be given to the desirability of preserving the setting of listed buildings and the **great weight** ascribed to the conservation of designated assets by paragraph 205 (212) of the NPPF it is clear that the proposals should be subject to a high level of scrutiny.

Paragraph 208 (214) of the NPPF requires that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal” (Note: these may include but are not limited to heritage benefits). Paragraph 201 (208) of the NPPF also requires that local authorities take opportunities to avoid or minimise conflict with heritage objectives. The proposals are also at odds with the requirements of Core Policies 57 and 58.

From the viewpoint of the built historic environment alone there are no heritage benefits which will outweigh the harm caused to the historic environment and I must object to the application.

In due course it will fall to the Case Officer to assess the benefits which will accrue and to weigh these against the heritage harm which will be caused and any other planning constraints and to reach a view on the final planning balance. During this process close scrutiny will need to be given to the level and nature of the need and the opportunities for providing the public benefits which would be delivered either in other ways or on other sites which would have a lesser adverse impact.

Following submission of revised details, the conservation officer concluded on 9/5/24 that – ‘...**the harm caused will be within the lower half of the spectrum but there remains an impact which would be required to be offset by the public benefits of the development overall.**’

Wiltshire Council Education Team: No objection subject to s106 contributions as summarised below:

- Early Years Places - $£17,522 \times 59 = £1,033,798$
- Primary School Places - $94 \times £18,758 = £1,763,252$ (subject to indexation).
- Secondary School Places - Melksham Oak can fully accommodate the pupils that would be generated by the proposed development, without further expansion.

Wiltshire Council Waste and Refuse Team: No objection subject to s106 obligations regarding securing developer contributions for refuse bins

Sport England: Objects. Sport England initially responded to the application consultation with a non-statutory objection on 22 January 2024 on the grounds of lack of sports provision. As a follow up, Sport England note that the applicants state that playing pitches would be brought forward as part of the primary school provision. However, as we pointed out this would have restricted use (none during the school day), therefore, we do not consider this to meet the needs of the new population.

The new population should be able to have unfettered access sports provision during the day. The Wiltshire playing pitch strategy has had annual updates since its adoption, so the applicant’s statement in the technical assessment is incorrect.

Wiltshire Council is currently in the final stages of preparing a replacement playing pitch strategy.

With reference to the covering letter dated 6 September 2024, we note the applicants mention a draft S106. Sport England sought access to the draft to identify the developer's commitments to any offsite provision. In the absence of any proposed on/off-site sport provision being proposed for playing pitches or built facilities, Sport England's position of objection remains in place.

Officer Note: The above objection is not reasonable or sustainable. Members are invited to note the following consultation response based on local needs and knowledge in terms of local sports related infrastructure requirements.

Wiltshire Council Public Open Spaces/ Leisure Strategy Team: No objection subject to a s106 securing the following developer obligations as summarised below:

- 17,464m² of Public Open Space (POS)
- 885m² of Equipped Play in the form of two equipped play spaces
- Sports contribution of £118,000 towards a 3G Artificial Turf Pitch within the Melksham Community Area

Wiltshire Council Drainage Team: Supportive subject to planning conditions

Environment Agency: No objection, subject to conditions

Wessex Water: No objection, subject to a planning condition

NHS Planning Advisor: Have requested a financial contribution of £512,727 to provide additional primary care floorspace at Giffords Surgery and Spa Medical Centre in Melksham.

Wiltshire Council Arboricultural Officer: No objections. The submitted Arboricultural Impact Assessment and Method Statement dated December 2023, and Tree Protection Plans GLEE24436-01-05 dated November 2023, prepared by ACD, demonstrate that the retained trees on and near to the site, have been sufficiently considered, and appropriate protection, methodology and materials are proposed to be used. These documents and plans should form part of approved plans list planning condition.

Wiltshire Council Public Protection Team: No objection subject to conditions

8. Publicity

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site and erection of site notices.

As a result of this publicity 198 representations have been received. The representations have been summarised as follows:

- The revised location of the employment land would result in traffic passing through residential areas, causing danger to local residents and school children going to and from the proposed school

- There is an opportunity to negotiate with owners of Snarlton Farm, to provide a separate vehicle access serving the revised employment area via the existing Snarlton Farm access
- Development is not in keeping with the Melksham Neighbourhood Plan/Local Plan/draft Local Plan
- No information is provided relating to affordable housing within the development
- No need for more housing in Melksham/Melksham has already fulfilled its housing quota
- Setting a precedent for the destruction of “common” land
- Speculative application
- A new primary school and doctors was promised at Bowerhill but still hasn't been built
- Lack of infrastructure (doctors, dentists, schools etc)/ increase pressure on medical services
- No provision for improving recreational facilities
- No provision for secondary schooling
- Adverse impact on local wildlife/protected species/ native flora and fauna
- Harm to biodiversity by destroying habitat
- Loss of open space and hedgerows/ trees will affect local wildlife
- Loss of green open space / adverse impact on the landscape
- Plans do not take into consideration Wiltshire Council's climate policies regarding solar panels or EV charging
- Poor traffic management
- Increased traffic/ congestion/ highway safety issues
- Town is already struggling with traffic due to previous poor planning permissions
- Unsustainable location – will result in greater use of car / car dependent scheme
- Poor bus provision
- Proposed access via Sandridge Road/ A3102 likely lead to congestion on Sandridge Road
- Little thought seems to have been given to the impact on New Road and Forest Road
- Poor parking in area
- Poor state of the roads
- Visibility when exiting Lopes Close is poor
- New Road used as a ‘rat run’/traffic joining the busy commuter road A3102
- Difficult to see how the road could be widened and made safer for all road users
- Increased crime
- Flooding issues
- Increased noise/ air pollution/ vibrations from heavy vehicles/ traffic
- Physical/ mental health issues
- No new reservoirs are being built to ensure water supply
- Need to improve carbon footprint
- Impact on Melksham bypass
- Developments need to be pushed to redeveloping and investing in derelict and brownfield sites
- Reduced / lack of employment opportunities
- Homes should be built in straight lines
- New developments are an eyesore
- High housing densities

- Loss of agricultural land
- Overdevelopment
- Upgrades to part of bridleway MELW41 (PRoW) are proposed for pedestrians and cyclists which potentially adversely affect the operation of business at Snarleton Farm
- Piecemeal development – not including land between application site and Eastern Way
- Employment uses should be located adjacent to those already existing on Snarleton Farm
- Development should provide a second more sustainable vehicular access for buses and cars onto the existing roundabout on Eastern Way
- Lack of a masterplan
- Noise and disturbance on future occupiers of the development due to proximity to proposed employment land
- No need for another primary school

9. Assessment

9.1 Principle of Development

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

9.1.1 Wiltshire Core Strategy/Housing Land Supply: Case Law & NPPF requirements

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

WCS Core Policy 2 sets out the Delivery Strategy for growth for the period to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development for settlements there is a presumption in favour of permitting sustainable development.

Development proposals outside these defined limits are not supported in principle unless the proposal satisfies the exceptions set out within paragraph 4.25 of the WCS; and none of these exceptions apply in this case.

The policy goes on to emphasise that the limits of development may only be altered through the identification of sites for development through subsequent Site Allocations DPDs and the Neighbourhood Plan making process. This site has not been allocated either through a Site Allocations DPD or neighbourhood plan.

Consequently, the development is contrary to the adopted Wiltshire Core Strategy policies CP1, CP2 and CP15 (Melksham Community Area Policy – which states in its

opening line that *development...should be in accordance with the Settlement Strategy set out in Core Policy 1*).

9.1.2 Housing Land Supply Considerations

On 12 December 2024 the Government issued an update to the National Planning Policy Framework (NPPF). On the same date the Government also issued revisions to the Planning Practice Guidance (PPG) including the standard methodology for assessing and setting Local Housing Need and published the 2023 Housing Delivery Test results.

The revisions that are pertinent to the housing land supply calculation and its implications are summarised as follows:

a) Local Planning Authorities are now required to demonstrate a deliverable supply of housing sufficient to meet five years against their housing requirement set out in adopted strategic policies (or against their Local Housing Need where the strategic policies are more than five years old) in all circumstances. Under the previous NPPF, Wiltshire was only required to demonstrate a four-year housing land supply because its draft Local Plan had reached an advanced stage.

b) Local Planning Authorities are now required to add a buffer to the housing requirement in the five-year housing land supply calculation in all circumstances (paragraph 78 of the NPPF). The buffer to apply is driven by the council's latest Housing Delivery Test results, which for Wiltshire indicates a 5% buffer to be added¹. Under the previous NPPF a buffer was only required if the council's Housing Delivery Test results indicate under-delivery of 85% or lower against the housing requirement, which was not the case for Wiltshire.

c) The revisions to the PPG have set out a revised standard methodology for the Local Housing Need – this is the calculation that establishes the housing figure to be used in the housing land supply calculation. The revision has changed the method from being based on future household projections, to being based on the amount of existing housing stock in the local authority area. The revision has also changed the adjustment factor which is based on the affordability of housing in the local planning authority.

d) The consequences of not being able to demonstrate a five-year housing land supply are that the presumption in favour of sustainable development (often referred to as the 'tilted balance') applies. This is set out in paragraph 11d of the NPPF. This paragraph has also been amended in two ways. Firstly, where there are exception policies that prevent the 'tilted balance' applying that these provide a 'strong' reason for refusal, rather than a 'clear' reason for refusal. Secondly, to ensure that when the planning balance is being carried out, that particular regard is had to certain key policies in the Framework related to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In summary, the changes to the NPPF now require Wiltshire to demonstrate a five-year housing land supply, including a 5% buffer, and must apply the revised Local

Housing Need for decision-taking immediately. This results in a significant increase in the five-year housing requirement to be met from the previous calculation. When this is assessed against the housing land supply which can be delivered within five years, the recalculation shows a significant reduction in the number of years supply. The council cannot demonstrate the requisite five-year housing land supply and can demonstrate a **2.03 years'** supply.

Prior to the publication of the revised NPPF, the Council was already in a position where it was unable to demonstrate the requisite housing land supply, and the 'tilted balance' was for many applications, engaged. The same implications for determining this outline application therefore continue to apply.

However, the changes introduced within the revised NPPF (December 2024) mean that the Council now has a substantial shortfall in its housing land supply position (being 2.03 years when tested against the 5-year requirement), and it is necessary to alter and elevate the weight to be given to housing supply as part of assessing applications for residential development.

This means balancing the strengthened need to boost housing supply against any adverse impacts of the proposal, when considered against the adopted development plan and NPPF as a whole, and any material considerations on a case-by-case basis. When Wiltshire Council was last in deficit in the summer of 2023, a briefing note / action plan was produced (No. 22-09) which outlined how the Council would work towards restoring its 5-year housing land supply requirement (which applied at the time) in the face of the acknowledged shortfall.

There has not yet been an updated action plan and as such, officers maintain that the 2023 version should be given significant material weight in terms of setting out the Council's commitment to addressing the housing supply shortfall until such time that either an updated housing land statement concludes the Council can demonstrate an NPPF compliant HLS or, the relevant policies in the emerging WLP can be afforded significant weight and its site allocations (in addition to pre-existing commitments and windfall calculations) can fulfil the housing supply requirements for the County (which would firstly require a planning inspector to find it sound as part of the examination process).

We have not reached that stage and as such, officers will look to support new housing development on unallocated sites when justified and in accordance with NPPF paragraph 11.

The third bullet point set out within paragraph 6.1 of the 2023 published action plan set out very clearly that:

"The Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or unallocated".

Officers strongly advise that this application proposal has the potential to deliver significant housing at a time when the Council has a significant under supply of land for housing.

The remainder of this report will review the technical and material planning considerations which merit being part of the planning balance.

9.1.3 The made Joint Melksham Neighbourhood Plan (JMNP) 2020-2026

The Joint Melksham Neighbourhood Plan (JMNP) 2020-2026 was 'made' in July 2021 and now forms part of the development plan framework for Wiltshire.

JMNP Policy 6 – Housing in Defined Settlements, Policy 7 – Allocation of land at Middle Farm, Whitley and Policy 8 – Infrastructure Phasing and Priorities are all considered material to the assessment of this application.

JMNP Policy 6 of the JMNP supports sustainable development and new housing within the defined settlements of the neighbourhood plan area with new housing proposals outside of the limits of development not being supported unless the proposals comply with Core Policy 2 of the adopted WCS or other policies in the WCS.

JMNP Policy 7 relates specifically to the NP housing allocation site at Middle Farm in Whitley for the development of a 1.6-hectare site for about 18 dwellings, as represents a planned housing growth site allocation which advanced through the neighbourhood plan making process.

The current application proposal does not comply with Policy 6 and is not relevant to Policy 7 of the JMNP. With the JMNP being made in July 2021, it is relevant to record that paragraph 14 of the revised December 2024 iteration of the NPPF states as follows:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70)*

When tested against paragraph 14 of the NPPF, it is not in dispute that the 'made' joint Melksham neighbourhood plan is less than 5 years old and the Plan contains policies and housing allocations to meet its housing requirement. However, in recognition that the Wiltshire Core Strategy is more than 5 years old, the housing need is defined by the County as a whole and not any one settlement or community area. Furthermore, following the release of the revised NPPF in mid-December 2024 and in recognising the Council's urgent need to address the significant housing supply deficit, supporting this development would not compromise the integrity of the made Neighbourhood Plan and this is further strengthened by the site being identified by the Council as part of a mixed use allocation including housing at Melksham in the emerging Local Plan.

In having regard to these significant factors and having due cognisance of the Council's Action Plan (to address the housing supply deficit), officers consider that supporting this application would deliver significant housing over the next 3-5 years and thus, help address the HLS deficit and the delivery of a significant number of affordable homes which, individually and cumulatively, must be weighed against NPPF paragraph 14.

It is also important to appreciate that the emerging Joint Neighbourhood Plan 2 (covering the period of 2020-2038) has been submitted to Wiltshire Council under Regulation 15 and is currently being consulted on with the Regulation 16 stage ending on 22nd January 2025. However, at this time in the context of this application, the emerging NP holds no weight in the planning balance.

9.1.4 Emerging Draft Wiltshire Local Plan (WLP)

The Council submitted its emerging WLP for independent examination on 28 November 2024. Under the NPPF's transitional arrangements for plan making, the Plan (and the housing requirement) will continue be assessed under the relevant previous version of the NPPF, which in this case is the September 2023 iteration of the NPPF (which is based on the stage the emerging plan had reached).

As part of the many aspects the examining inspector will need to review and be satisfied about, it will be imperative that the Council can demonstrate a five-year housing land supply at the point of the Plan being adopted. This will be assessed against the housing requirement in the emerging WLP which is lower than the revised Local Housing Need.

Within the emerging Plan, draft policy 17 titled 'Melksham Market Town' sets out the following—

'Development at Melksham will:

- 1. ensure town centre regeneration through continued investment in the town centre, maximising use of brownfield land and encouraging employment opportunities;*
- 2. reduce out-commuting through an improved employment offer, including delivery of new employment land to allow existing businesses to expand and to attract inward investment;*
- 3. not undermine the delivery of an A350 bypass to the east of the town;*
- 4. increase levels of train passenger transport and help reduce traffic congestion through improvements to railway station parking facilities, together with improved facilities for public transport, pedestrian and cycle access that have strong links with the town centre;*
- 5. ensure sufficient healthcare facilities, schools and transport infrastructure are delivered;*
- 6. ensure a town-wide approach to future education provision, with sufficient early years, primary and secondary school places provided to meet the needs of all new housing development;*
- 7. continue to safeguard a future route of the Wilts and Berks Canal and enable its delivery to provide significant economic, environmental and social benefits for Melksham;*

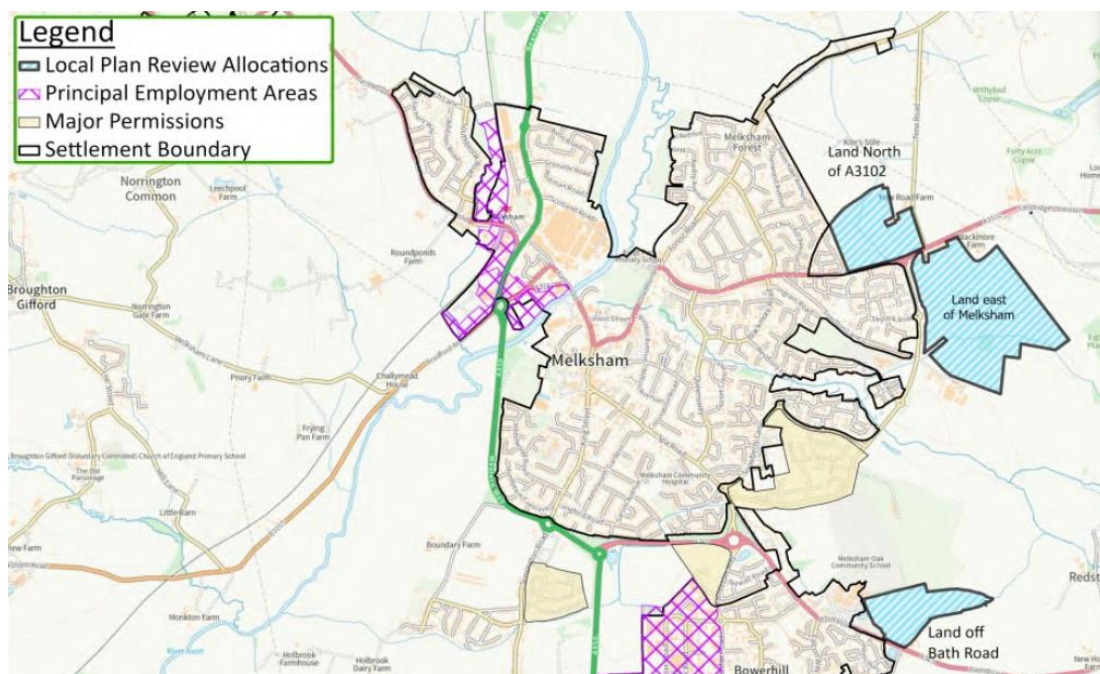
8. deliver improvements to the town's green and blue infrastructure networks, optimising their accessibility and ecological capital, connecting communities and contributing to mitigating and adapting to climate change; and
9. deliver funding contributions towards a Melksham Transport Strategy;

Over the plan period (2020 to 2038) approximately 2,160 homes and 5 ha of employment land will be provided at Melksham, including:

- new allocation for approximately 425 homes and 5ha employment land on Land East of Melksham (**officer note: the site that is the subject of this application**);
- new allocation for approximately 135 homes on Land off Bath Road;
- new allocation for approximately 285 homes on Land North of the A3102; and
- remaining employment land on existing allocation at Hampton Business Park.

The neighbourhood area designation requirement is 270 dwellings. The following Principal Employment Areas will be retained in accordance with Policy 65 (Existing employment land): Bowerhill Industrial Estate, Hampton Business Park, Avonside Enterprise Park, Intercity Industrial Estate, Upside Business Park, Challemead Business Park and Bradford Road Employment Area. Longer term, a broad location for growth will be considered for further housing, employment development and co-ordinated delivery of infrastructure.'

As detailed in the above policy and as highlighted on the map insert below, the current application site does form part of the land which is presently designated as 'Land East of Melksham' (as noted below) which is allocated for approximately 425 dwellings in the emerging WLP.



Melksham Policies Map (Wiltshire Local Plan Fig 4.11 p.83)

Policy 18 'Land East of Melksham' of the Wiltshire Local Plan states –

The Land East of Melksham site is identified on the Policies Map, and is allocated for approximately 425 dwellings, 5ha of employment uses, a local centre, and a 2ha site for a 2-form entry primary school to include 60 early years places. A single comprehensive masterplan, phasing and delivery strategy for the development, must be prepared and approved by the local planning authority in advance of any planning application being submitted for the whole or part of the allocated site.

This must take account of the requirements of this policy and the principles shown within the concept plan and be prepared in consultation with the local community and local planning authority. Subsequent planning applications must be in accordance with the approved masterplan. Infrastructure and mitigation requirements include:

- vehicular accesses from the A3102 and existing roundabouts on Eastern Way; measures to protect and enhance watercourses, as well as ponds, within the site;*
- green and blue infrastructure through the development that incorporates new and existing woodland and protects and enhances existing hedgerows and hedgerow/field trees;*
- lower density development in the east of the site to retain the rural character of the wooded hills towards Sandridge Park;*
- design and layout that safeguards high value archaeological features including the former medieval settlement of Snarlton and heritage assets including the listed Blackmore Farmhouse and its setting;*
- offsite infrastructure improvements to water supply and foul water network;*
- water infrastructure running through the site will need safeguarding through appropriate buffers to allow for access and maintenance;*
- a mobility hub, including bus and cycle infrastructure provision;*
- funding contributions towards early years, primary and secondary education and on, or off-site healthcare capacity to meet the needs created by the development;*
- implementation of ecological buffer zones alongside habitats to be retained and protected within the scheme layout, and wildlife sensitive lighting design in order to minimise adverse effects on light sensitive and intolerant wildlife, particularly bats;*
- appropriate mitigation and compensation for protected species, such as great crested newts; and*
- measures to positively support walking, cycling and public transport use between the site, Melksham town centre and Melksham railway station and linking into existing networks.*

Given that the emerging WLP has not yet been examined, whilst officers fully acknowledge that the landholding at Blackmore Farm has been proposed by the Council for a potential future housing led development, limited weight can be afforded to the WLP at this stage. It does however present a clear commitment by the Council to support the principle of developing this site; although this is part of a wider allocation where it is envisaged that a comprehensive site-wide masterplan would be prepared with all the landowners to ensure that sustainable development can be achieved through securing the mix of uses, phasing of development and infrastructure across the allocated site.

The failure on the part of the respective landowners to come together and agree a site-wide allocation masterplan is very disappointing, which has led officers to secure an illustrative masterplan for this application site that is sufficiently informed by the emerging WLP allocation and to seek a series of commitments from the applicant for the requisite connections to the other site allocation land parcels to the south and west. The applicant's illustrative masterplan and commitments to deliver unfettered highway infrastructure and pedestrian and cycle routes up to their western site boundary to connect with the land parcels to the immediate west of the site would be bound by a s106 legal agreement which would also secure the future delivery of the on-site employment provision, a new primary school, and a mixed-use hub (Classes and E and F) to deliver a sustainable mixed-use scheme.

It should be noted that the emerging WLP draft Policy 18 identifies the need for a vehicular access from both the A3102 and Eastern Way, however the land to the immediate west of this site falls under the control of other landowners, but any grant of permission and the associated s106 agreement for this site shall secure the necessary infrastructure to avoid ransom strips to allow for future linkages to the other parcels of this allocation site.

In terms of recognising there is an emerging plan in progress, the NPPF provides the following direction:

Para 49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Para 50. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

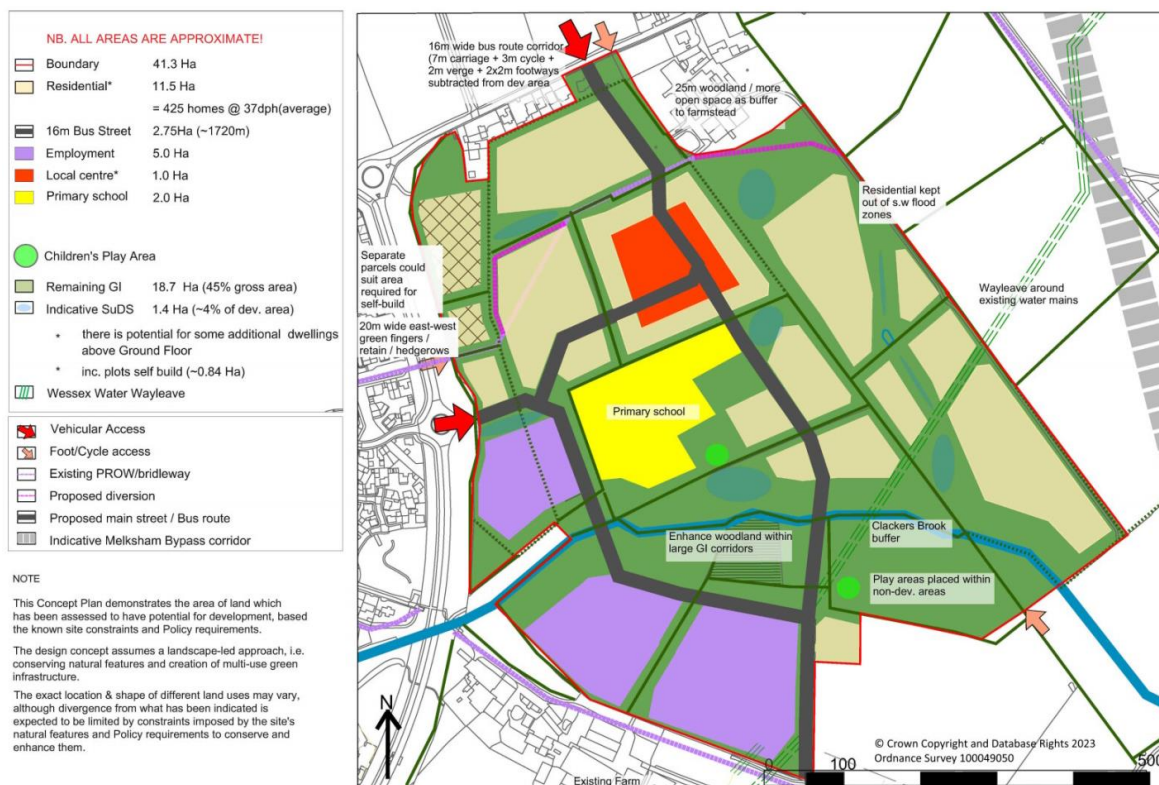
Para 51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the

local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

The emerging WLP has been submitted for independent examination and hence can be considered to have reached an advanced stage in plan making terms. In this regard, and in the light of NPPF para 49, limited weight can be attributed to draft Policy 18 of the emerging Local Plan. Moreover, the site selection work done by the Council's strategic planning team strengthens the resolve of officers to support the application – which itself, has been subject to fuller, more empirical assessments completed by the applicant.

With regard to the revised NPPF para 50, development management and strategic planning officers have liaised and consider that this development would not constitute as being premature because the two limited circumstances listed above do not apply. The application is substantial but *not so substantial, or its cumulative effect so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.*

All detailed matters (except for the means of access) will be addressed through subsequent REM applications in accordance with the conditions set out in this report.



Policy 18 Land East of Melksham Concept Plan (Emerging Wiltshire Local Plan)

The following insert reveals the applicants illustrative concept plan based on the emerging WLP allocation site and reveals their commitment to deliver a mixed-used scheme which would be bound by a series of planning conditions and S106 obligations

pursuant to the phased delivery of the site infrastructure, the housing, the employment provision and mixed-use hub.



9.1.5 Commercial Use/ Business Use/ Non-Residential Uses

From reviewing the applicant's masterplan, and being mindful of the emerging Local Plan allocation identifying land for employment purposes (as shown in purple above), the applicants are committed to setting aside and safeguarding a land parcel for employment purposes extending to 2.07ha located in the southwest corner of the application site, and have indicatively identified sufficient space for a building having a footprint of about 5,000sq.m to be built over 2-3 storeys with space for car parking and landscaping and following under class E(g)(i) & E(g)(ii) for commercial, business and service uses office use which could be carried out in any residential area without detriment to the amenity of that area by reason of noise, smells and fumes etc).

It should be noted that through officer negotiation, the applicants agreed to revise the masterplan layout and 're-locate' the employment land (within their scheme) to the southwest corner of the site to bring the scheme more in line with the emerging local plan policy and to avoid hindering the future delivery of the other employment land (purple coloured) which is under separate control and would be subject to separate applications as detailed above.

Officers maintain that the southwest corner of this site and the emerging Local Plan allocation remains the most appropriate location for the future commercial/business land uses, which would be delivered in a phased manner and would need to be subject to an employment land marketing strategy that would need to be agreed with the Council and be secured by a s106 developer obligation. This s106 matter has been highlighted with the applicant and this commitment has been agreed.



Illustrative masterplan with the revised employment site allocation

The phased timeframe for delivering the employment land is unknown at this stage and whilst the concerns expressed by the parish Council are duly noted in terms of commercial and residential traffic potentially using the same road network through the site, it is important to appreciate that the Council will require a phasing and delivery plan to be submitted by the site developers and this would need to carefully consider the potential for mixed traffic. However, in highway safety terms, the Council's highway authority raises no objection to the sole vehicular access onto the A3102. It must also be fully respected that the separate landholding to the west of this application (that also forms part of the emerging site allocation) would be required to deliver the connection onto the Eastern Way bypass and connect with the Skylark Roundabout.

Whilst it would be most preferable from a development management context to have the western roundabout connection secured as part of this application and other pedestrian and cycle access linking to Eastern Way, officers are fully mindful that the land is under separate ownership and having received legal advice, requiring the applicants to enter into an obligation for such matters would conflict with the three legal tests that all planning obligations must satisfy.

The indicative scheme also includes an on-site 'mixed use hub' comprising Use Class E commercial, business and service uses and/or a Class F use for learning and non-residential institution uses. On the Illustrative Masterplan this has been shown in a plot of c. 0.17ha (1700sqm) with space for car parking and a building footprint with a gross floor area of c.400sqm.

Adopted Core Policy 34 'Additional employment land' of the WCS states '*Proposals for employment development (use classes B1, B2 or B8) will be supported within the Principal Settlements, Market Towns and Local Service Centres, in addition to the employment land allocated in the Core Strategy.*' And '*Proposals for office development outside town centres, in excess of 2,500sq metres, must be accompanied by an impact assessment... and demonstrate that the proposal will not harm the vitality or viability of any nearby centres.*'

Core Policy 38 'Retail and Leisure' of the WCS states '*All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sqm gross floorspace, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice and demonstrates that the proposal will not harm the vitality or viability of any nearby centres.*'

In addition to the emerging Local Plan identifying the site under policy 18 for approximately 425 dwellings and 5 ha. of land for employment uses (across the entire allocation and not just this application site), the Plan also seeks to deliver a local centre.

On the future delivery of a community hub, officers are fully aware of the comments / request made by the parish council pursuant to avoiding multiple small community facilities being delivered across multiple sites in relative close proximity, and officers consider it would be prudent to have some flexibility enshrined within the s106 legal agreement to seek either a suitably sized community hub on this site or a developer contribution being secured to go towards delivering one off-site instead, which would require joined up thinking/planning and due cognisance being given to other potentially available sites. This is a matter that could be suitably negotiated as part of the s106 legal agreement preparation stage.

Should the applicant fail to agree to this requirement, a report can be brought back to this committee for a fresh Committee determination.

Through officer negotiations, the applicants revised the application to align with the emerging WLP which seeks to deliver 5 hectares of land for future employment land uses. This application in providing 2.07 hectares broadly aligns with the employment land provision in the emerging WLP with the land in the southwest corner of the site allocation expected to provide the residual employment provision.

This land parcel shall be safeguarded for future employment use (that would itself require its own future follow up reserved matters approval). The applicant is also committed to providing a local centre/community hub however the finalised details would be a matter for a future reserved matters application.

The scheme would safeguard a proportionate allocation of land for future commercial, business and community use; and, in addition, and where appropriate, the s106 mechanism can be used to secure appropriate developer contributions for off-site infrastructure and facilities (not being advanced on the site)

While the expectations set out within draft policy 18 of the emerging Local Plan have not yet been subject to the rigours of a local plan examination, this emerging outline application is supported and would inform a future sustainable detailed application to be delivered through phased REM applications.

9.2 Layout, Density, Design and Visual Impacts

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

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

Paragraph 131 of the Framework states *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"*.

Paragraph 135 of the Framework sets out a series of criteria which planning policies and decisions should ensure developments create, including being of high quality over the lifetime of the development, being visually attractive and sympathetic to the local character and history, creating a strong sense of place and creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

This application is seeking outline planning permission, with all matters reserved except for access, for the future development of up to 500 dwellings, employment floorspace, primary school and mixed-use hub and associated public open space (POS) infrastructure and green infrastructure. **It should therefore be noted however that appearance, landscaping, layout and the scale of the development are**

matters reserved for a decision at a later date, and therefore the submitted details with this outline submission, are indicative only.

This outline application has been accompanied by an illustrative masterplan (drg no. 417 rev C), composite parameters plan (drg no. 520 rev E), heights plan (drg no. 522 rev C), density plan (drg no. 523 rev D) and illustrative landscape masterplan (ref GLEE24436 10B) to illustrate the indicative layout for the proposed development. A Design and Access Statement (DAS) dated December 2023 has also been submitted with the suite of documents.

Again, it is important to note that a site wide masterplan will not be approved in advance of the determination of this planning application, as anticipated by the wording of draft WLP Policy 18. However, the applicant has produced an illustrative masterplan which nonetheless generally accords with the draft concept plan (Figure 4.12) as it relates to the application site.

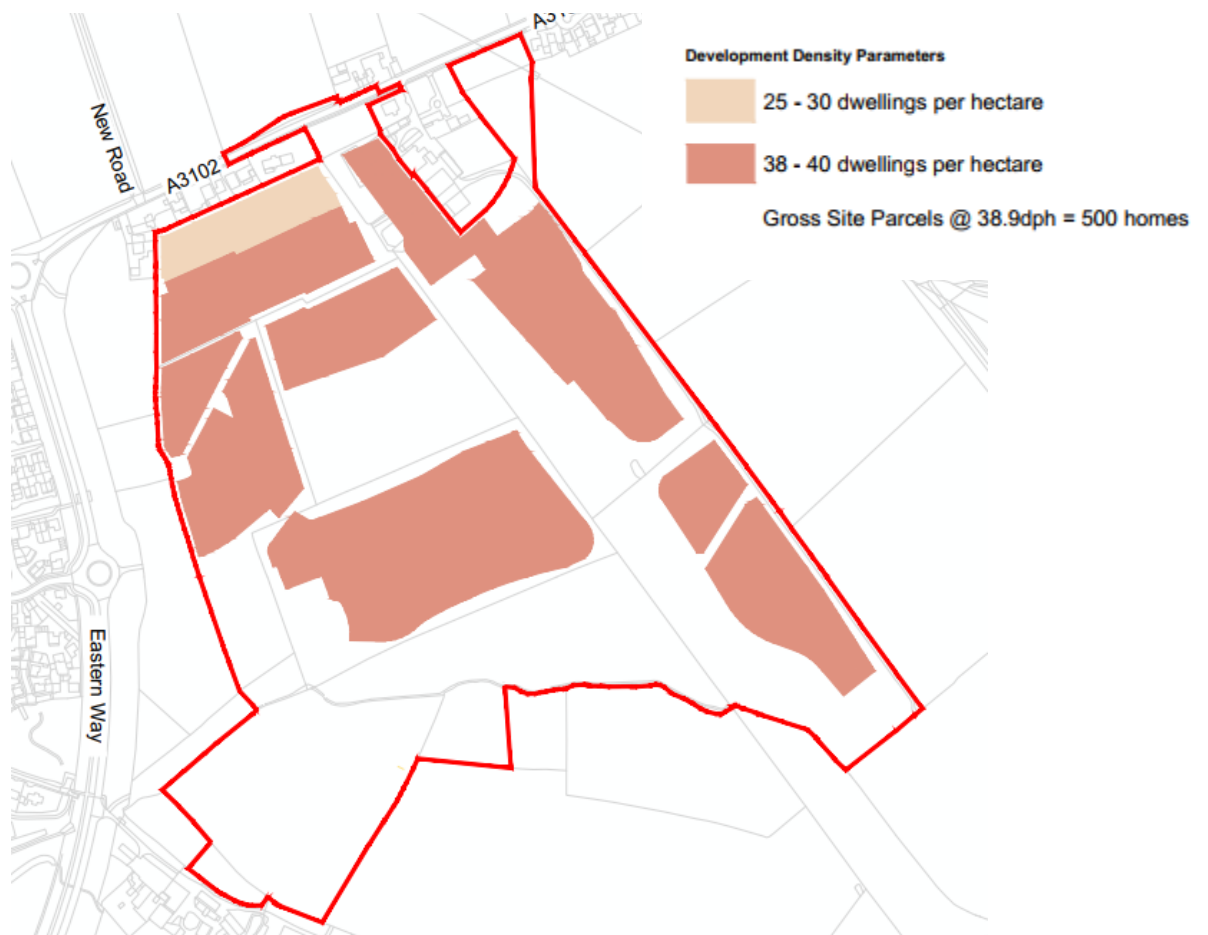
The local plan envisages that a comprehensive masterplan be prepared for the whole site together with a phasing and infrastructure plan. This is to ensure comprehensive sustainable development can be achieved, with the right mix of land uses and infrastructure secured. However, it is also important to note that there are other important factors in this particular case that need to be weighed in the planning balance, including the current HLS position and the site forming the substantive part of the proposed allocation. Such factors are considered to outweigh the need to approve a single comprehensive masterplan, phasing and delivery strategy before this application is determined. Moreover, these matters are covered in a series of proposed planning conditions, as set out in this report that address phasing, detailed design and delivery.

The Design and Access Statement (p71) advises that at this outline stage, the applicant is not committed to a set housing mix. However, there is a commitment and policy appreciation of delivering a sustainable mixed housing scheme including a range of different house types, sizes, and styles. On an indicative basis, the applicants have put forward a suggested mix of about 27% 1 and 2 bed properties, about 53% 3 bed properties and 20% 4 and 5 bed properties. It would be the subsequent REM applications that would need to confirm the exact mix for each proposed phase and the timing of the employment land. This level of detail is not required at outline stage, but the commitment and potential to deliver a sustainable mixed housing scheme are accepted.

The indicative masterplan for the 37-hectare site proposes an average housing density of 38.9dph (as detailed in the submitted Technical Note dated 22/11/2024) which was received following relocation of the employment area to the southwest of the site from the northeast and the subsequent identification of housing in the northeast section of the site.

The gross residential developable area identified in the Parameters Plan equates to a density of c.15dph across the whole site area which officers are comfortable with and recognise that it will be a detailed matter for follow up REM applications to fully assess the merits of any given phased housing scheme. Officers are satisfied the site can accommodate a mixed housing density with higher density in the more central areas

and lower densities closer to the edges of the site parameters, and officers accept that the site can deliver a variety of development across the site in terms of design, scale and layout. The following insert reveals the applicant's indicative density plan.

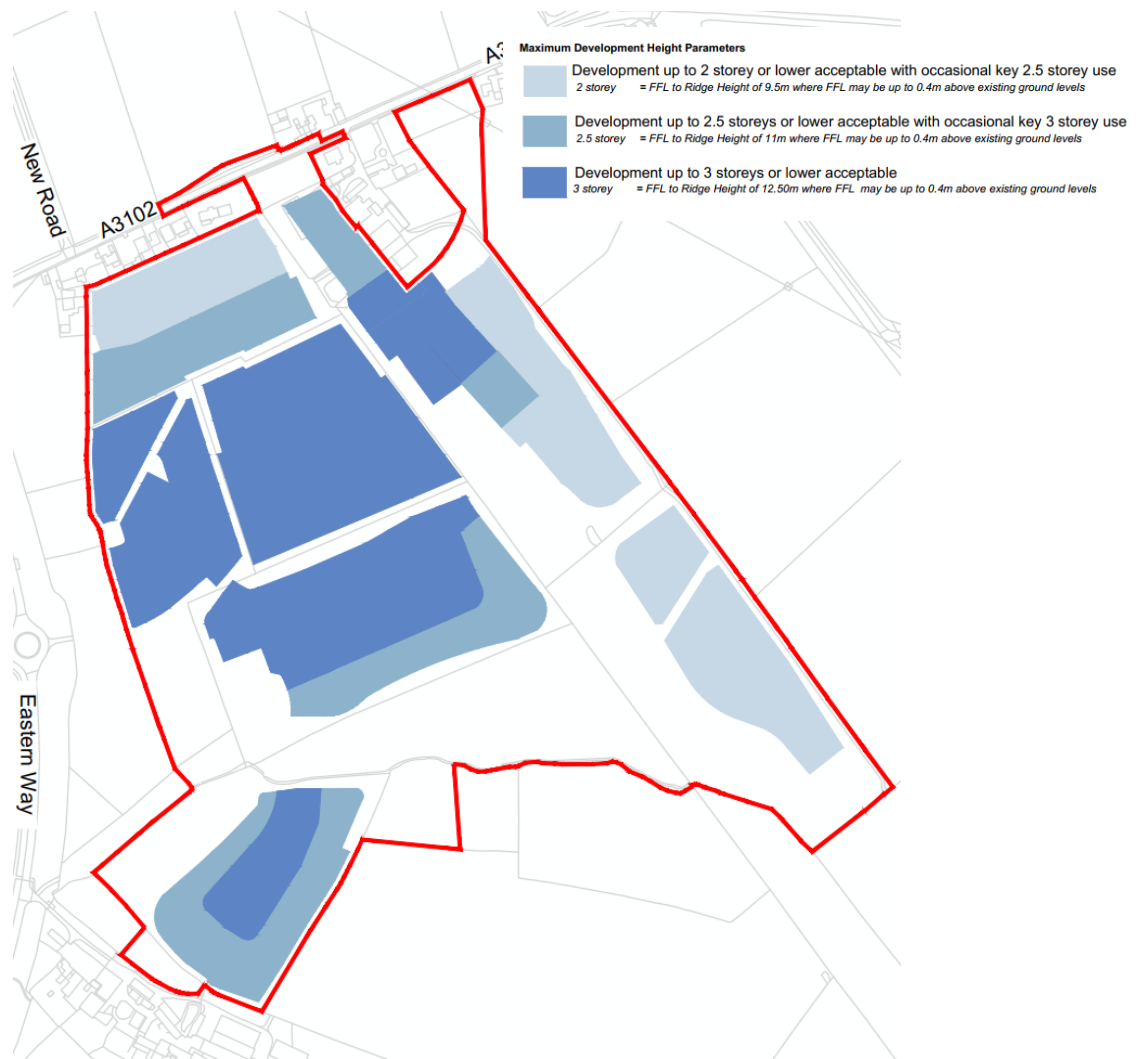


Indicative housing density plan (drg no. 523 rev D)

As detailed in the indicative heights plan (which is reproduced on the next page), the applicants indicate the potential for a mixed range of residential building heights range from 2 to 3 stories.

The plans would allow higher densities and three storey homes (or lower) across the main core of the site. Towards the east, two storey properties with some 2.5 storey units would result in lower density land parcels within the scheme. The lower density area also includes the land to the south of the listed Blackmore House. Having less densely developed domestic properties and their associated gardens backing onto the listed building is considered far more acceptable by development management officers and in addition this lower density area would allow for a better transition with the site edges and the wider countryside beyond.

There would nevertheless be opportunities to have some 2.5 storey properties to provide streetscene variety, but the detail and finalised mix would be a matter for the phased REM applications.



Indicative heights plan (Drg no. 522 rev C)

Included within the indicative masterplan, the applicants propose a significant amount of green infrastructure on approximately 15 hectares of land (which equates to about 46% of the site) and would include retained hedgerows enhanced habitats, publicly accessible open space including allotments, equipped play area, teenage play facilities, an urban park and a multi-functional greenspace.

The scheme would also include the creation of attenuation ponds to attenuate surface water discharge that arises from the development. Managed open space areas would comprise amenity grassland for informal recreation, seating and landscape planting is proposed while pockets of community orchards are proposed alongside the new access and Sandridge Common Road. The scheme would also include connections to adjacent public rights of way, and new walking and cycling routes and the introduction of green corridors through the site. The Composite Parameter Plan (see below) makes provision for a connected green infrastructure network which provides opportunities for landscape enhancement, ecological benefit and community recreation.



Indicative composite plan (Drg no. 520 rev E)

The following plans further illustrate the applicants proposed open space provision –



Figure 4.48: POS Quantum 1

Urban Parks, Equipped Play and Teen Activity

- i** An Equipped Play Area / Teen Activity Area (0.05ha + 0.03ha) is set in The Green, accessible within a 300m radii to as many residents as possible.
- ii** 0.01ha of Equipped Play is sited in the Valley Park, south of the stream, to provide doorstep toddler play for homes which lie beyond The Green's 300m radii.



Figure 4.49: POS Quantum 2

Multi-Functional Accessible Greenspace / Urban Parks

- iii** 1.54ha of accessible open space is shown across The Green, North Square and into the Clackers Valley Park, including associated with the doorstep play in the south west.
- iv** The Green can provide 0.15ha of Urban Park POS.
The residual (1.39ha) highlighted can provide multi-functional accessible greenspace (combining both amenity and naturally managed open spaces).

Urban parks/ equipped play areas

Multifunctional green space/ urban parks



Figure 4.50: POS Quantum 3

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ie
west.

Allotments (and Community Orchards)

- v** 0.17ha of allotments are sited in a quiet location in the proposal.
- vi** Community Orchards are located at the site entrances and may amount to c.0.35ha in size.

Allotments/ community orchards



Illustrative Landscape Masterplan (Drg no. GLEE24436 10B)

In terms of the landscape impacts of the development the application is accompanied by an illustrative landscape masterplan (ref GLEE24436 10B) and a Landscape and Visual Impact assessment (Environmental Statement chapter 11) by ACD Environmental dated December 2023.

The site is currently a working dairy farm with a number of fields in agricultural use. The site falls close to a Special Landscape Area at the northeastern corner of the site although it lies approximately 200m away. There are several Public Rights of Way (PRow) which transect the site and the surrounding landscape.

The findings of the Landscape and Visual Impact assessment site appraisal show that there are publicly accessible viewpoints within the site from the PRow's which run through the site. In addition, there are also views of the site from PRow's and public bridleways which run directly along, or close to, the site boundaries. To the west, the settlement of Melksham forms a strong visual barrier, whilst the topography to the east varies with a number of wooded hills preventing any distant views of the site. Dwellings along Sandridge Common Road on the northern boundary of the site will also directly overlook the site.

The quality of the site and the immediate surrounding landscape has been assessed as having a medium landscape quality. The site appraisal concludes there are some landscape elements in good repair, many of the field boundaries have good quality

hedgerows, but there are several gappy sections. There are good quality hedgerow oak trees, but these are sporadically distributed throughout the site. The fields are smaller and more irregular than the wider character area and the pylons form a distinctive detracting element. The landscape visual sensitivity has been defined as high as the landscape has a relatively flat topography with few vegetative features forming visual barriers within and adjacent to the site.

In terms of the impact of the development on the landscape the characteristics of the site, the development proposal would significantly change the immediate local character from grassed fields and be replaced by an urban form of development (although about 46% of the site would be retained as green infrastructure and would not be 'built on').

Most of the hedgerows and trees and a large quantity of the existing field boundary hedgerows would be retained and incorporated into the proposals. The watercourse would be retained and protected during all development stages and a wetland wildflower meadow would be provided.

The public rights of way through the site would be retained / enhanced along with dedicated corridors of open space.

The scheme includes several measures to avoid or reduce the potential effects of the development on landscape character. These include the retention of as many field boundary hedgerows and trees as possible, the integration of existing PRoW's through the site into green corridors of public open space, additional tree planting within the retained field boundary hedgerows, provision of a landscape buffer to the south of the residential dwellings along Sandridge Common Road and around the listed Blackmore House and to the eastern, southern and western boundaries. The mitigation measures are focused on retaining the key landscape elements of the site, including the existing hedgerows and hedgerow trees and would reduce the impacts of the development on landscape character.

The proposed low density of the scheme (approx. 15 houses per ha) is considered appropriate for the site and would not be considered as overdevelopment. The detailed layout would still need to be considered at the reserved matters stage should outline planning permission be granted along with the scale, design and appearance of the development. Although there would clearly be a change in the character and appearance of the area, this would be mitigated to some degree by the proposed buffer zones and areas of open space. Officers are satisfied that the illustrative master plan layout would deliver an acceptable development of a maximum of 500 dwellings that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

It is acknowledged that the loss and redevelopment of the agricultural land would result in some harm to the character and appearance of the area. However, the site is located adjacent to existing urban development to the west forming the eastern fringe of Melksham and there is some limited residential development to the north of the site fronting Sandridge Common Road. In addition, as detailed above there are mitigation measures proposed to offset some of the harm to landscape character. This means that any impacts are localized, and the development does not have significant adverse

impacts on the wider landscape or setting of Melksham. There would be minor adverse visual effects, particularly for nearby residents and people using the public footpaths. However, the negative impacts of the development would be mitigated as far as possible and as required by policy, through the inclusion of landscape features as detailed above. As such the extent of adverse visual impacts would not be widespread and, although it is recognised the development would cause some harm to the landscape setting of the local area.

In addition to all the above, **Design West**, the Council's appointed design review panel of experts from the built and natural environment sectors, were invited to comment on the application relating to the quantum of development, the use and access and proposed illustrative masterplan and concluded as follows

'The principles of the land parcels, comprising 500 homes (including up to 200 affordable homes), and employment position with over 40% of the site proposed for green infrastructure are supported. The applicant has clearly demonstrated, in the view of the panel, the potential of the site to provide high quality residential development.'

As such officers are satisfied that the illustrative masterplan layout would deliver an acceptable development of a maximum of 500 dwellings that could be satisfactorily accommodated on site in terms of landscape, character and visual impact.

9.3 Highway Issues

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

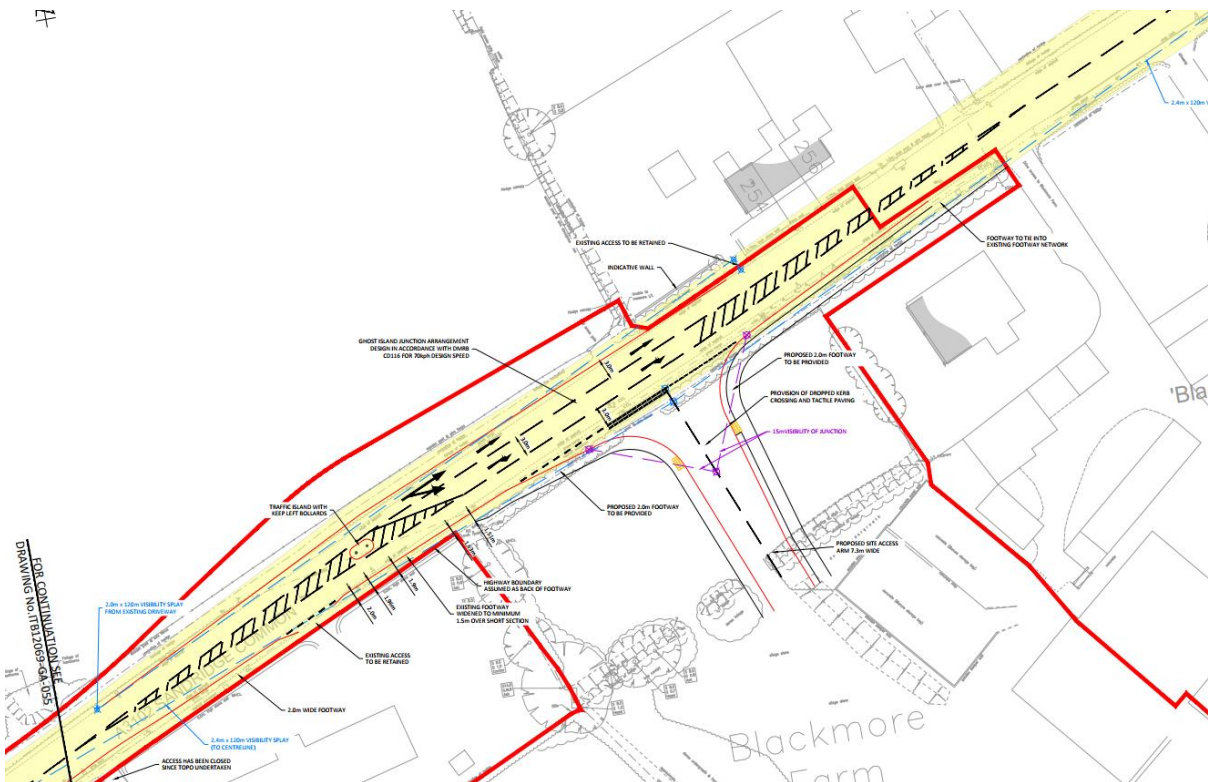
In addition, WCS CP64 requires adherence to residential parking standards. In addition to the abovementioned policies, paragraph 116 of the Framework states that developments *"should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

It is important to fully appreciate that this outline application is only seeking detailed consideration on the proposed means of vehicular access, with all the other matters being reserved for a future application.

As part of this supported application, the applicants propose the scheme to be accessed via a new vehicular access being formed off the A3102 with a ghost island right turning facility as detailed in the illustrative masterplan section and access plans which are reproduced on the following page. Sandridge Common Road is subject to a 40mph speed limit in the vicinity of the site frontage.



Illustrative Masterplan section detailing proposed access (A) and emergency access (B) onto Sandridge Common Road

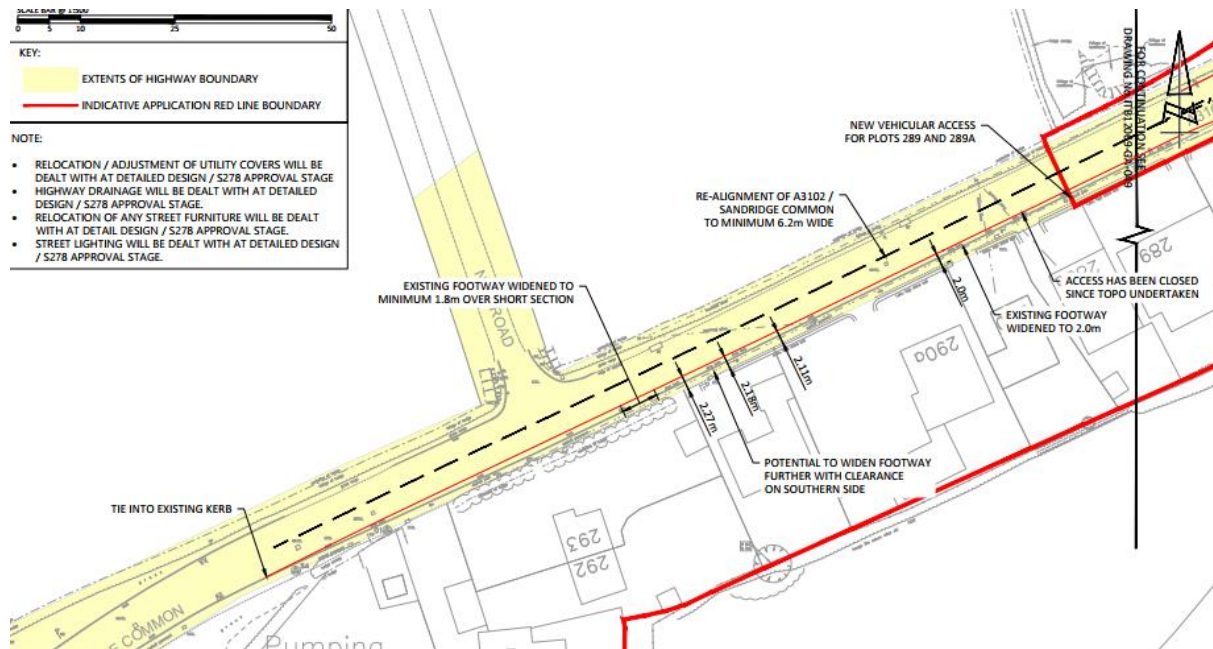


Proposed Ghost Island Right Turn Lane onto Sandridge Common Road (Drg no. ITB12069-GA-049 rev B)

The application is fully supported by a detailed Transport Assessment and Framework Travel Plan by i-Transport dated December 2023 and a technical update note dated

August 2024. The Transport Assessment/technical update concludes that safe access can be provided onto the highway network alongside taking up the opportunities for promotion of sustainable transport modes to key local destinations.

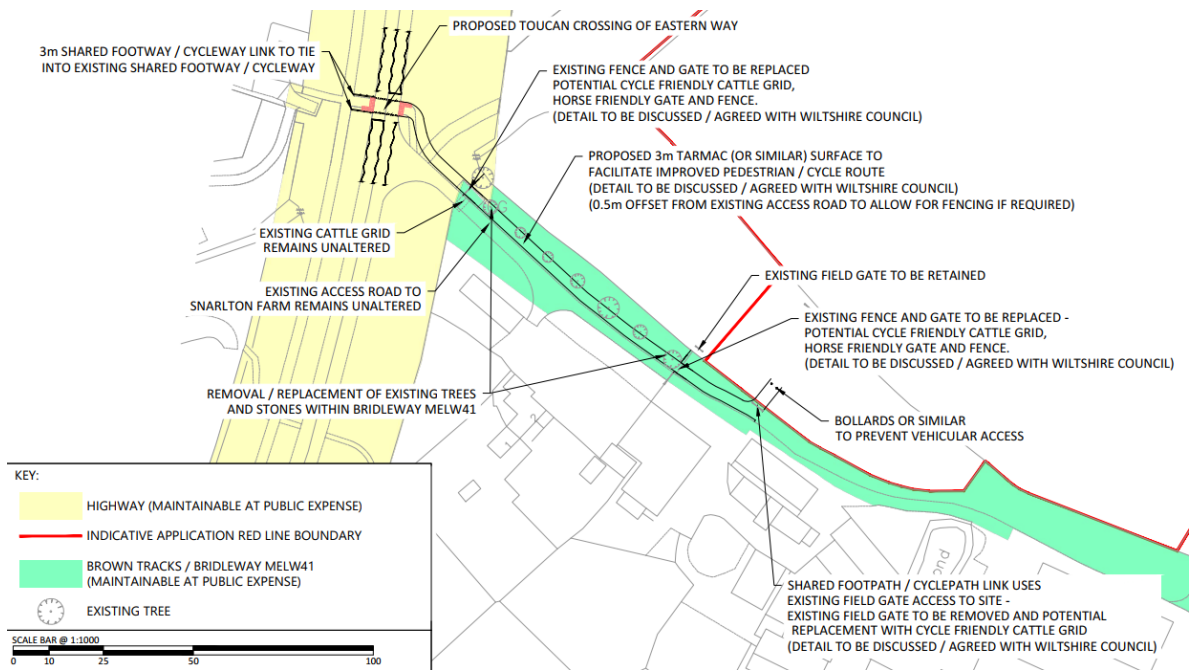
Vehicular and pedestrian access is proposed via a ghost island priority junction (as illustrated on the previous page). The proposal also seeks to provide a new 2m wide footway along the southern side of the A3102 which would connect with Eastern Way to be secured by condition (see plan below). An emergency vehicular access is proposed at a location to the east of the proposed vehicular access and east of Blackmore Farmhouse.



Proposed footway improvements Sandridge Common Road

The scheme also includes a pedestrian and cycle access via an improved Bridleway MELW41 to the south of the site including the construction of a toucan crossing off Eastern Way (see plan below). The bridleway will be upgraded between the existing field access gate and Eastern Way to allow for shared pedestrian / cycle and equestrian use, providing a new 3m wide all-weather surfaced route with the adjacent grass verge maintained for equestrian use.

The upgraded bridleway would be located adjacent the access road that serves the commercial development at Snarlton Farm as detailed in the plan below. These alterations are to be secured by condition.



Proposed bridleway MELW41 shared pedestrian/cycle route

Further pedestrian access via an improved Footpath MELW27 (resurfacing/removal of access furniture) would be secured via a s106 financial contribution of £22,500) and a controlled crossing of Eastern Way in the form of a puffin crossing is also proposed (secured by condition).

Public footpath MELW26 would be retained and would form a principal green corridor running through the site as detailed in the illustrative landscape masterplan above. Additional funding (£4,080) would be provided (secured by s106 agreement) in order to provide a mobility kissing gate. Other improvements agreed include furniture upgrades to MELW30 (£3,000), also to be secured by s106 agreement.

Comments of the council's public rights of way team and suggested obligations towards public footpath improvements in the area are noted. However, planning obligations must be 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 (statutory regulation 122 tests). As stated above the scheme includes improvements to MELW27 (secured through s106 agreement) which runs through the site, MELW41 (secured through condition) located to the south of the site and MELW30 located to the southwest. All of these improvements are directly related to the development and are considered acceptable and would meet the Regulation 122 legal tests.

However, a series of additional developer contribution requests from the Council's PRow team fail to meet the legal tests and whilst the reasons given for delivering improvements to some stretches of public footpath in the wider Melksham community area are noted, other funding mechanisms exist that could be accessed to fund infrastructure upgrades to include all or some of the following:

MELW26 cycle conversion order, and improvements to MELW23A, MELW23B, MELW25, MELW25A, MELW29, MELW30, MELW40, SEEN21, SEEN33, SEEN54

and ROWD22) and the request for contributions towards the future restoration of the Wilts and Berks Canal (located 2.2kms to the south of the site).

The above listed requests are not considered reasonable, and they would fail to meet Regulation 122 legal tests, and as such, they do not appear listed in the s106 Heads of Terms – which are set out later on in this report.

The s106 will also commit the applicant to safeguarding the future unfettered highway access and connections to the site from the west (i.e. land that is also allocated by Policy 18) (as illustrated and noted below) which is not under the control of the applicant.

A suitably worded s106 obligation would be necessary to avoid any ransom strip being created. This would mean that any future applicant bring forward a development on the said land, would not have their proposals compromised through a lack of highway connections through the remainder of the emerging site allocation when progressing with an application to deliver a road connection to the roundabout (which would likely form part of a further employment land provision to accord with the emerging Local Plan).



Illustrative Masterplan section detailing safeguarded access to existing roundabout off Eastern Way/Skylark Road

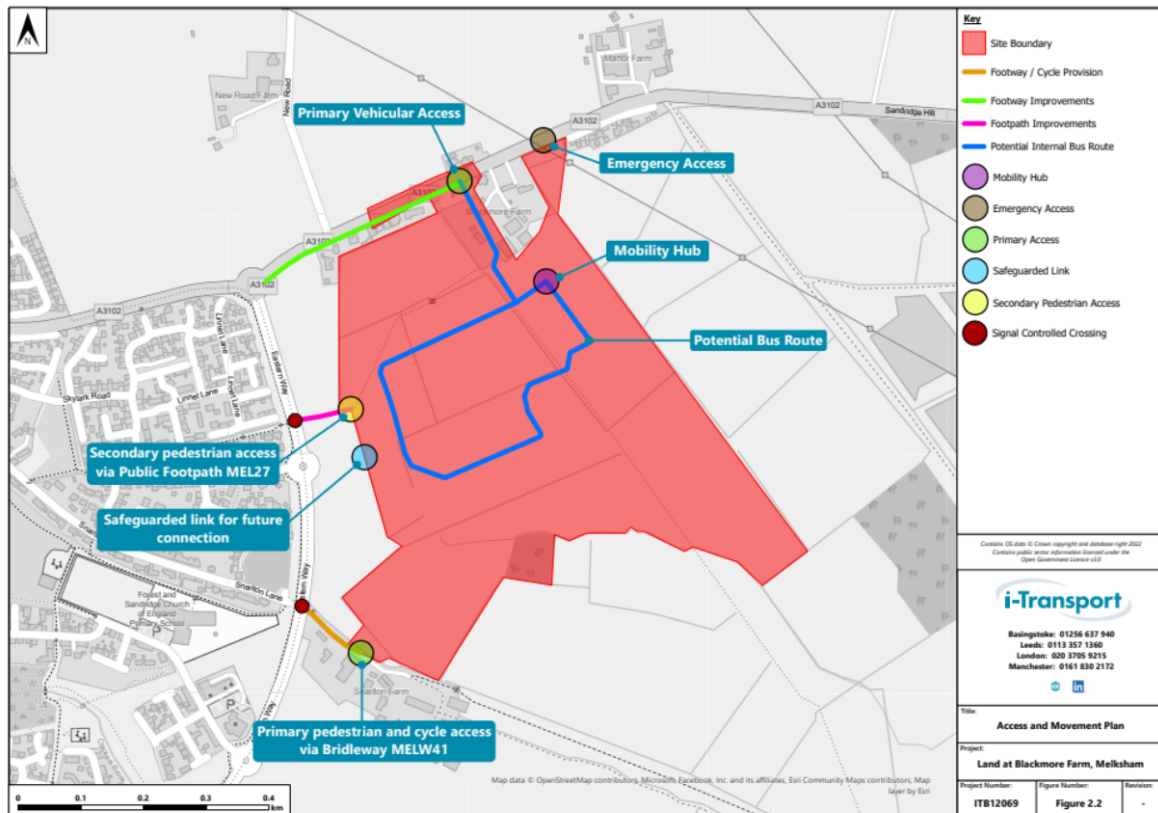
A new bus service connecting the site with the town centre and station (accessing the site via the proposed A3102 Sandridge Common access junction) is also proposed; and it is proposed that the site would be served by an hourly town bus service provided by a single decker bus.

It is understood that the full specification of the route would be confirmed under follow up details which can be enshrined within the s106 prior to its sealing. It is anticipated

that a 5-year funding programme is justified for this application to accommodate the phased delivery of the development and to enable the bus service to become financially viable.

A developer contribution of £750,000 has been negotiated by the Council's highways and public transport advisor and this has been agreed by the applicants to fund this service for the 5-year period, to be secured through a S106 Legal Agreement.

The access strategy for the site is summarised in the following indicative plan –



Access and Movement Plan

In addition to the two controlled crossings of Eastern Way, the following offsite improvements are also proposed (to be secured by a s106 legal agreement)

- Where Snarlton Lane meets A3102 Sandridge Common, a s106 contribution would be provided towards a scheme to widen the existing footway within the public highway to also provide for cyclists between the double mini roundabouts (£21,990).
- A s106 financial contribution to a wayfinding strategy (£10,000), directing pedestrians and cyclists between the site, key local facilities and services and the town centre and station.
- A s106 financial contribution towards pedestrian improvements on the route between the site and the town centre including provision of dropped kerbs and tactile paving at Ingram Road/Blackmore Road junction and Ruskin Avenue/Lowbourne junction (£8,000).

In terms of construction traffic, a temporary access is proposed from the A3102 Sandridge Common Road in the location of the proposed emergency access and east of Blackmore Farm. Details of the temporary access would be secured by use of condition (via submission of a construction management plan).

Concern has been raised by third parties with regard to the proposed location of employment land within the southwest section of the site and issues of highway safety. However, in response, officers submit that the employment uses proposed for the site would fall under use class E(g)(i) and class E(g)(ii) (of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and include office use and research and development uses.

These uses are considered by the planning profession to be acceptable within a residential area where class E(g) is summarised as - *being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

The indicative proposed employment uses would not include light or heavy industrial forms of development or warehousing and as such it is not expected that the site would have significant volumes of heavy vehicle traffic traversing through the site on a regular basis.

It should however be noted that this would be a future matter for detailed consideration under the follow up REM applications and after a thorough employment site marketing exercise is carried out. From the details that have been submitted at this outline stage, the submitted Illustrative Masterplan seeks to facilitate slow traffic speeds with vehicular traffic being dispersed through the site, which is supported by planning and highway officers alike.

The submitted Transport Update Note (dated August 2024) provided more detail and revised trip generation calculations for the proposed 5000sq.m of employment use in the southwest part of the application site, and calculated weekday morning (0800-0900) and evening (16.45-17.45) peak hour trip generation at the rate of 65 car journeys (considered worst case) during these peak hours.

In response, the Council's highways team commented as follows:

The reviewed figures are accepted along with associated modelling as being a good, modelled representation of the trips and impacts on infrastructure from these proposals.'

The level of peak hour trips generated by the proposed employment uses are therefore considered acceptable and would not generate the level of harm to highway safety or an unacceptable impact on the road network (paragraph 116 of the revised NPPF) to warrant a recommendation for refusal.

The internal site layout, including road, footway and cycleway routes is a matter to be addressed at reserved matters stage.

The proposed development is a mixed use of commercial, residential and education facilities. In that regard the development will result in trips both to and from the site during the peak periods of each associated use. The council's highway officer states *'Overall, the site location and distance to facilities is a concern in terms of the site promoting walking and cycling as genuine choice for trips for all purposes. The proposed site sits outside the reasonable zone of walking distance for a significant number of identified facilities, which all sit to the west. There is likely to be a reliance on private car use where available.'* However, the council's highways officer continues...*with the introduction of bus services and improvements to walking and cycling routes it has to be considered that the proposed scale of development provides a good offer to encourage walking and cycling to those where the full choice of travel modes is available.'*

It should be noted that the application initially proposed a roundabout access into the site from A3102 Sandridge Common Road which was not supported by the highway authority. These concerns have been addressed by the applicants with the current scheme, detailed above, for the construction of a ghost island priority junction. The highways officer states - *In planning terms, the ghost island arrangement provided is acceptable, subject to a detailed technical approval.*

In addition, **Design West**, as part of their review of the scheme, concluded that:

'The single vehicular access is understood to be agreed by Council's highways, and the panel also believes it is workable, though this represents the largest amount of development that can be well served by one vehicular access and achieving a second access across third party land will significantly improve connectivity, particularly for buses.'

The Council's highway officer further advises that

'The proposed access can sufficiently serve the level of movement associated with vehicles and in the form proposed is considered to be safe and the most suitable that could be achieved at this location.'

In response to the concerns raised by Active Travel England (ATE), ATE requested a revised multi-modal trip generation assessment to include a daily multi-modal trip rate and that more ambitious Travel Plan targets are provided based on these daily trip rates. However, this was not considered necessary or reasonable given the local plan site selection and after a full review by the Council's local highways team who raise no objection subject to planning conditions and the S106 agreement requiring the respective developer(s) to submit Full Travel Plans to be submitted to and approved in writing by Wiltshire Council prior to first occupation of the development and consistent with other major developments, officers are satisfied that the additional request can be adapted when the travel plan targets are being prepared in the years ahead.

Concerns have also been raised by ATE with regard to the necessary off-site improvements and public access to the site. As detailed above the scheme includes a pedestrian and cycle access via an improved Bridleway MELW41 to the south of the site including the construction of a toucan crossing off Eastern Way. ATE has

requested that MELW27 be upgraded to also provide for cycling. This cannot be secured under this application on its own for legal reasons as the PRow connection crosses third party land and instead, the applicant would be obligated to contribute a financial sum to remove some PRow access furniture and resurface this route, there is no ability to widen the route to cater for cyclists as part of this planning application. Footpath MELW27 is therefore provided as a pedestrian connection to the site, with cycling connectivity provided for via improvements to bridleway MELW41 to the south of the site as detailed above.

In addition, the proposal includes the future delivery of a mobility hub (mixed use hub) and provision of two bus stops within the site and a developer contribution of £750,000 to support a bus service around the site. The submitted indicative layout provides for a loop arrangement within the site, allowing buses to enter via Sandridge Common, circulate through the site and exit from Sandridge Common.

The officer identified s106 legal agreement would include provision for a link up to the site's western boundary to allow for a future connection with Eastern Way (via third party land) which would enable a vehicular connection into the site from Eastern Way in the future should the adjacent land come forward for development

In conclusion the highway team raise no objections to the scheme subject to conditions and s106 obligations.

9.4 Impact on the setting of the adjacent listed building

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 203 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness. Paragraph 208 of the NPPF requires that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal"

The Council's Core Strategy Policy CP58 requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance.*" Core Policy 57 supports the above policy by requiring development to respond positively to the existing townscape and landscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines.

The application site is located immediately south of Sandridge Common Road (A3102) and east of Eastern Way. Fields lie to the south of the A3102 Sandridge Common Road. Blackmore House, located within Blackmore Farm, is a grade II listed building and is located adjacent the northern boundary of the site. The application site wraps around the farmhouse to the east, south and west.



View of the south facing elevation of the Grade II listed Blackmore House

The application is accompanied by an Archaeological and Heritage Assessment by The Environmental Dimension Partnership Ltd dated December 2023 and additional heritage technical notes dated March 2024.

The submitted Heritage Assessment concludes that the significance of the building lies largely with its historic interest, including its fabric, its form, layout and vernacular design and materials and from the contribution it makes to the understanding and experience of the historic agricultural landscape surrounding Melksham. In addition, the surrounding agricultural land has a historic and functional connection with the house that contributes to its significance and its understanding as a farmstead within the rural landscape.

The conservation officer considers that the development would introduce a suburban form of development which is out of character with the existing agricultural landscape, over a large area, and would result in the loss of a substantial part of the wider rural setting within which the listed farmhouse is experienced and a consequent diminution of its significance.

However, the omission of built development from the area to the east of the farm does allow the farm to retain something of its connection with the surrounding agricultural landscape. Similarly, the introduction of additional landscaping to the south of the boundary to the farm provides some further mitigation.

It is also acknowledged that there has been some erosion of the immediate setting of the house via the loss of much of the historic farmstead. However, the area of land covered remains very large and approaching from the north, the farm would be viewed against a new backdrop of suburban housing development in place of the current agricultural character of the landscape. As a result, there will continue to be a level of harm to the setting of the farmhouse which would result from the proposed development, albeit at the medium end of the spectrum of less than substantial harm.

Given that there would be no direct impact on any historic fabric, the harm can be taken as “**less than substantial harm**” for the purposes of interpreting the NPPF.

In accordance with Paragraph 215 of the NPPF as detailed above, the planning judgement must weigh up all the public benefits of the scheme and assess the noted less than substantial level of harm, the development of the site would have on the setting of the stated listed building. This planning balance is contained within the conclusion section of this report.

9.5 Amenity Issues and Living Conditions of Future Occupiers

Core Policy 57 requires in criteria vii for developments to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*. Paragraph 135 of the Framework also requires planning policies and decisions to ensure developments have *"a high standard of amenity for existing and future users"*.

This application seeks outline planning permission only at this stage; and while the application is accompanied by an illustrative density and heights plan, these are indicative only.

Residential development is located on along the northern boundaries of the site with properties fronting Sandridge Common Road (A3102). However, it is considered the illustrative Masterplan (Drg no. 417 rev B) demonstrates that the site is capable of being developed with acceptable property separation and having a clear plan on how to avoid detrimentally affecting the amenities of adjacent residents. In addition, existing residential development is also located to the west on the eastern edge of Melksham. However, due to separation distance and intervening land and highway it is considered the development would result in no harm to the amenity of these residents. Officers are therefore satisfied that the scheme as illustrated would not result in significant impacts on the living conditions of neighbouring residents in terms of loss of privacy or overlooking or loss of light and overbearing impact.

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

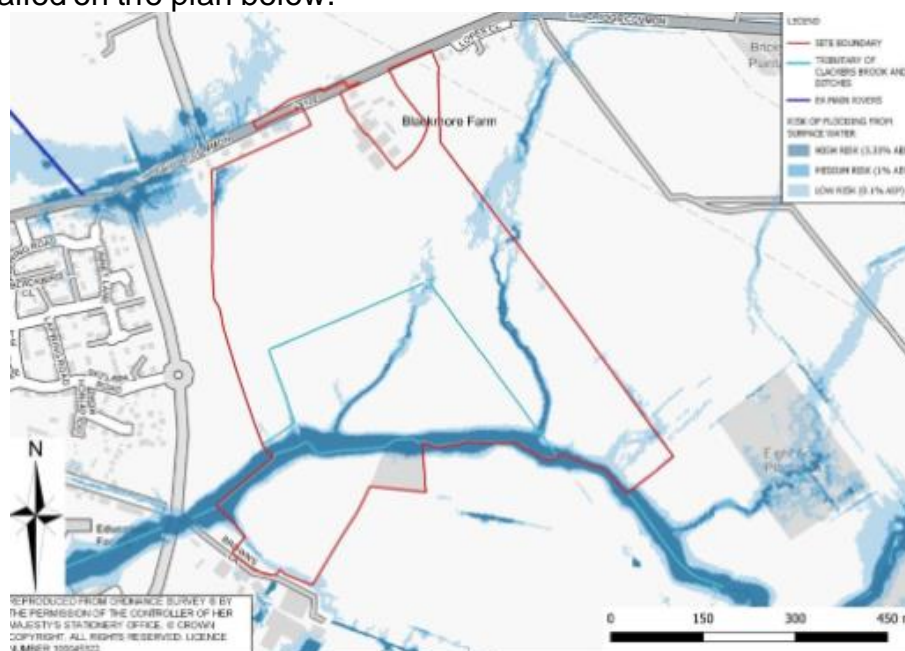
Considering the above, officers are satisfied that the scheme would not have a significant adverse impact on the living conditions of neighbouring residents or future occupiers and the proposal is considered policy compliant.

9.6 Drainage and Flood Risk

Core Policy 67 of the adopted WCS outlines that all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. Policy 3 of the 'made' JMNP requires proposals for major development to include the "provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking".

Paragraph 181 of the Framework requires local planning authorities when determining any planning applications to "ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment".

The site is located in flood zone 1 (low risk of fluvial flooding). A small area of the site is impacted by surface water flooding associated with Clackers Brook, as well as an overland flow path which originates off-site and runs from north to south through the site as detailed on the plan below.



Risk of Surface Water Flooding Map (fig 6.1 Flood Risk Assessment and Drainage Strategy)

The application is accompanied by a Flood Risk Assessment and Drainage Strategy by Odyssey dated December 2023, a Water Resource and Flood Risk report and a Phase 1 Geo-Environmental Desk Study by BRD Environmental Ltd also dated December 2023.

Surface water generated by the proposed development would be attenuated in detention basins located at topographical low points, prior to discharge to the watercourse. Discharge rates would be limited to greenfield run off rates with 20% betterment. The basins have been designed to attenuate flows for all rainfall up to the 1 in 100-year plus 45% climate change event in line with the latest Environment Agency guidance.

The applicants advise groundwater monitoring has been carried out, and the records show very shallow groundwater in some parts of the site. It is proposed the basins would be lined to prevent ingress of groundwater and the lining would be designed to ensure there would not be any flotation risk. It is also proposed that residential units would be constructed with Finished Floor Levels (FFL) set at least 150mm above existing ground levels and overland flow routes would be designed to be outside of developable areas to mitigate the risk of groundwater flooding on site.

With regards to foul drainage the site would be split into three areas. It is proposed that foul flows from the western side of the development located north of the tributary of the Clackers Brook would drain by gravity to a foul pumping station located at a topographical low point on site. Foul flows from the area south of the tributary would drain to a second separate foul pumping station, prior to being pumped to the foul pumping station north of the tributary. The pumping station north of the tributary would pump foul flows to a new foul manhole in the public Wessex Water foul network at the entrance to the site, adjacent Sandridge Common.

Subject to planning conditions there are no objections to the scheme from the Council's Drainage team or from Wessex Water.

9.7 Ecology Issues

Core Policy 50 of the adopted WCS requires development proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*. All developments are also required to seek opportunities to enhance biodiversity with proposals for major development required to include *“measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services”*. Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by *“...establishing coherent ecological networks that are more resilient to current and future pressures”* in paragraph 187d.

The application is accompanied by a habitats survey including a bat and other protected species surveys, a Biodiversity Net Gain (BNG) Assessment and hedgerow survey by EAD Ecology dated December 2023. These documents form section 10 'Biodiversity' of the submitted Environmental Statement. In addition, an Ecology Technical Note dated April 2024 by EAD Ecology was also submitted.

A single European designated site is located within 10km of the Site. This is the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), which lies approximately 9.4km north-west of the Site at its nearest point.

Much of the site comprises poor semi-improved grassland fields bordered by a network of hedgerows and ditches. A watercourse is located in the south of the site (Clackers Brook). Two waterbodies are also present on site.

Numerous buildings and areas of hardstanding were also present and adjacent to the northern boundary of the site, associated with Blackmore Farm. These buildings included a variety of agricultural buildings and a bungalow. Scrub and mature trees are scattered throughout the site but are generally confined to hedgerows. There is a small area of semi-natural broadleaved woodland on the south side of Clackers Brook.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The Council's ecologist has confirmed that

'This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024, therefore BNG is not obligatory.'

In addition, chapter 10 Technical Appendix 10.3: Biodiversity Net Gain Assessment (EAD, December 2023) demonstrates that the development will not result in a net loss of local biodiversity resource and substantive gains are possible as demonstrated within the Illustrative Landscape Masterplan.

All trees and buildings within the site were assessed for bat roost suitability. Bat activity transect surveys were undertaken to determine the use of the survey area by bats by identifying the species present, commuting routes and foraging areas.

Ten static bat detectors were deployed on pre-determined habitat features considered likely to be of value for bats. All buildings identified as providing 'Low' to 'High' bat roost suitability were subject to dusk/dawn emergence/ re-entry surveys. One of the buildings (Blackmore Farm bungalow) was identified as a 'Confirmed' pipistrelle bat roost. In addition, trees identified as directly /indirectly affected and providing 'Moderate' to 'High' bat roost suitability were subject to dusk/dawn emergence/re-entry surveys. These surveys identified a total of seven trees which contained bat roosts.

In terms of bat activity at least eight species of bat were identified during the transect surveys of the site. Areas of higher bat activity recorded during the surveys generally correlated with the north-east and south-west parts of the area.

Relatively lower levels of bat activity were recorded surrounding the woodland in the south-east of the site. At least ten species of bat were identified during the static detector surveys of the area. Greater horseshoe bat (GHS) was recorded in low numbers (three or less) across the survey area while Lesser horseshoe bats (LHS) were recorded at all static detector locations.

In terms of other protected species, hedgerows, scrub and woodland within the site provided suitable habitat for hazel dormouse and evidence of hazel dormouse was recorded in hedgerows in the central part of the site. No evidence of otter was recorded during surveys, but periodic use of the watercourse (Clacker's Brook) was likely. Four outlier badger setts were identified within the area and were considered to be active, however, none of the setts was a Main Sett. Other evidence of badger activity was noted on site, including well-worn paths.

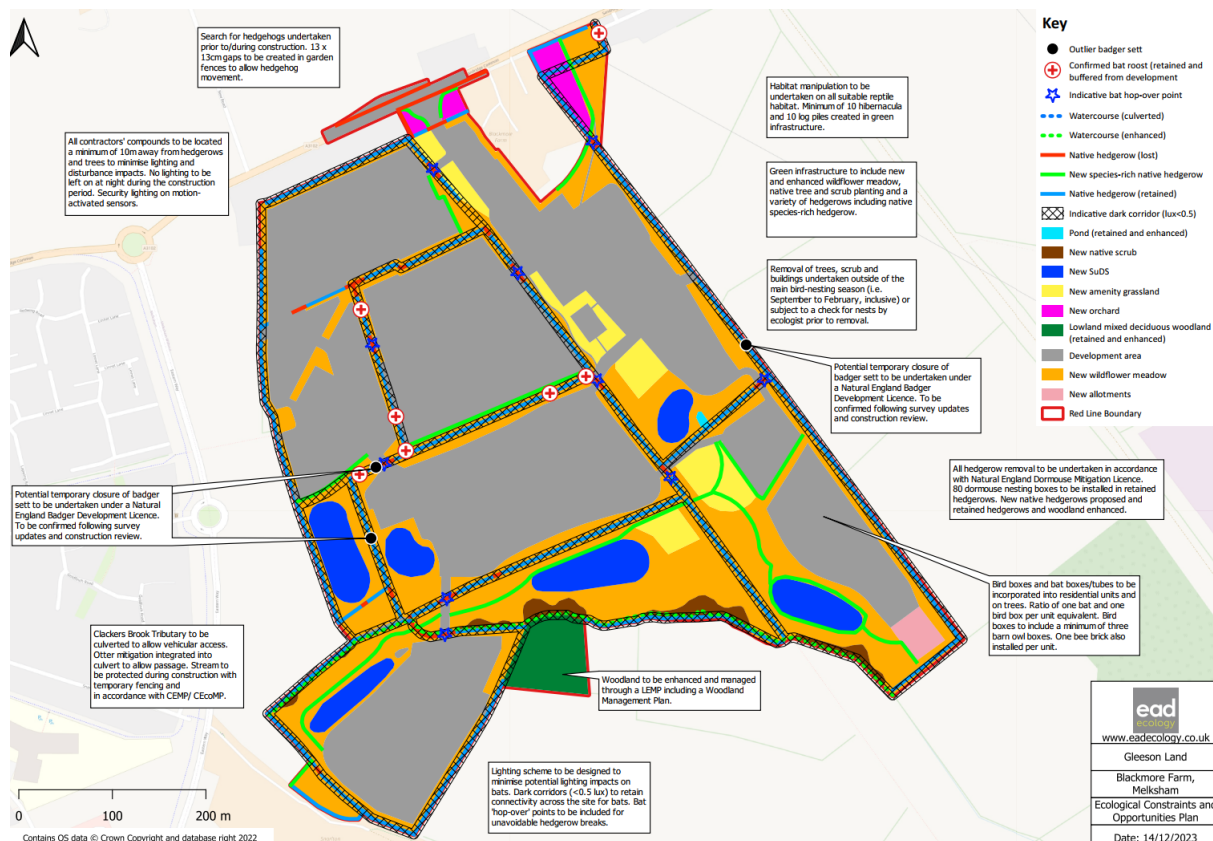
Several invertebrates have been recorded within the 2km site and there are a number of suitable habitats for invertebrates on site. Species of amphibian were also identified within the 2km site including great crested newt (GCN).

There are 2 ponds on site and other water bodies within close proximity to the site however surveys of these found no evidence of GCN and their presence on site was considered unlikely. Limited reptile activity was found on site. No barn owl roosts/nesting sites were identified within the area, but suitable barn owl foraging habitat was identified on site.

Mitigating and enhancement measures are proposed in section 10 of the Environmental Statement. The proposed green infrastructure and off-site compensation measures would provide habitats for invertebrates, amphibians, reptiles, bats and birds amongst other protected species. Proposed mitigation measure include –

- Bird and bat box incorporated into dwellings and on trees (one box per dwelling equivalent)
- Hedgehog passes created within all new garden fences
- Bee bricks would be installed on new buildings and walls (one box per dwelling equivalent)
- Hibernation sites and log-piles would be created in green infrastructure for amphibians and reptiles
- 80 dormouse boxes installed in retained vegetation
- Otter passage to be incorporated into Clackers Brook culvert

Ecological constraints and mitigation measures are summarised on the following plan –



Ecological Constraints and Opportunities Plan (Environmental Statement Chapter 10: Biodiversity)

Habitat creation and green infrastructure would include new enhanced wildflower meadow planting, new native hedgerows and retained hedgerows to be enhanced, the woodland on the southern boundary of the site would be enhanced and managed and new allotments in the southwest corner of the site are proposed. With regards bat mitigation indicative dark corridors for the development are shown on the above Ecological Constraints and Opportunities Plan (subject to the detailed design of the development at reserved matters stage). In addition, a lighting assessment would also accompany any reserved matters application with emphasis of minimising the impact of lighting on bats.

As such, and subject to planning conditions the Council's ecologist has no objection to the development. The development is therefore considered in accordance with local and national policy.

9.8 Open Space/ Sports Provision

Paragraph 96 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 103 of the NPPF states access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Core Policy 52 of the WCS 'Green infrastructure' states developers will need to make provision for accessible open spaces in accordance with the requirements of the adopted Wiltshire Open Space Standards.

The proposed development would provide 15 ha of open space provision including 2 equipped play spaces (one for children and one for teenagers). The scheme would also provide 2 ha of land for a primary school including sports pitch. **Details of the open space and sports pitch would form part of a future reserved matters application.**

Wiltshire Council Public Open Spaces Team have requested the following contributions -

- 17,464m² (1.7 ha) of Public Open Space (POS)
- 885m² of Equipped Play in the form of two equipped play spaces
- Sports contribution of £118,000 towards a 3G Artificial Turf Pitch within the Melksham Community Area

Whilst the consultation comments from Sport England are noted, the Councils leisure and Public Open Space team have agreed the following for this application:

'There is the requirement for an offsite sports contribution to meet the strain on infrastructure of the new development. The Primary School pitches do not service this requirement.'

As such the Council open spaces team have requested a developer contribution amounting to £118,000 to go towards the delivery of a 3G Artificial Turf Pitch off-site but in the community area which has been agreed by the applicants and would be secured by a s106 legal agreement.

Sports England also asked for a developer contribution of circa £250,000 to £353,000 is required for a sports hall and circa £280,000 to £390,000 for a swimming pool. These two requests do not comply with the Regulation 122 legal tests and the Council's leisure team do not seek such developer obligations. It is also likely to be the case that the request when made by Sport England failed to appreciate the recent completion of the Melksham Community Campus located in the town centre, which includes a fitness studio and swimming pool.

Based on the above, officers are satisfied that the level of open space/ sports provision is acceptable, and the development complies with local and national policy, and through developer contributions, suitable off-site improvements / new facilities can be funded through this development on an acceptable and proportionate basis.

9.9 Loss of Agricultural Land

The application site extends to just over 32.7 hectares of largely dairy farmland which the Council's mapping system identifies as predominately grade 3 and 4 (adjacent the southern boundaries of the site) agricultural land.

Natural England's Agricultural Land Classification (ALC) defines Grade 3 land as 'good to moderate quality agricultural land', which has *"moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where*

more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2".

Grade 4 is defined as *'poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops.'*

Paragraph 187 of the Framework requires planning policies and decisions to contribute to and enhance natural and local environment and includes in criterion b) *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'*

The Framework defines 'best and most versatile agricultural land' (BMV) as land that is considered to fall within grades 1, 2 and 3a of the ALC.

The application is accompanied by an Agricultural Land Classification report by Askew Land & Soil Limited dated August 2019. The report concludes the quality of agricultural land across the site has been classified as Subgrade 3b which is outside of the NPPF (2019) best and most versatile (BMV) category as detailed above.

There are no in principle objection to the scheme from Natural England, and with the site being put forward for a significant mixed-use housing led allocation enshrined within the emerging Local Plan, the Council has committed to accepting the loss of the lower grade agricultural land for housing and employment growth and from reviewing all the material considerations set out within the particulars for this planning application, officers consider this proposal to be compliant with local and national policy.

9.10 Other Issues

A (£150,000) public arts contribution has been agreed with the applicant amounting to £300 per dwelling.

Concern has been raised by third parties about increased pollution in particular, during the construction phase of the development. This would be a detailed matter for both discharge of conditions and any future REM applications to address, but at this stage, officers are mindful that the applicants submitted an Air Quality Assessment report (Environmental Statement chapter 13) which was reviewed by the Council's public protection team and concluded as long as best practice measures were implemented, any impacts during the construction phase of the development would not be significant.

Concern has also been raised with regards crime/ anti-social behaviour. There is no substantive evidence that would support this concern, which at outline stage is not a matter that can reasonably influence the decision on the application. As reported earlier within this report, the Council consulted with the Police design liaison officer and no objections were raised.

10. Developer Obligations

Core Policy 3 of the adopted WCS states that all new development would be required “to provide for necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal” which would be delivered directly by the developer and/or through a financial contribution. Policy 8 of the made JMNP also requires “infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be delivered through the Community Infrastructure Levy, planning conditions and section106 agreements”.

The following s106 contributions have been identified by internal consultees and are considered to be reasonable, necessary and directly related to the development –

- Housing – 40% Affordable Housing (AH) 200 units (with the agreed mix being 25% First Homes, 60% affordable rent and 15% shared ownership – with the detailed breakdown in terms of bedrooms per dwelling per tenure to be based on most up to date needs and be enshrined within the s106).
- NHS – developer financial contribution of £512,727 to fund additional primary care floorspace at Giffords Surgery and Spa Medical Centre in Melksham
- Open space/ sports provision –
 - 17,464m² of on-site Public Open Space (POS)
 - 885m² of Equipped Play in the form of two equipped play spaces (on-site)
 - A developer financial contribution of £118,000 to fund an off-site 3G Artificial Turf Pitch within the Melksham Community Area; and provision of
 - Allotments (0.17ha) on-site
- Education – developer financial contributions for the following:
 - Early Years Places - £17,522 x 59 = £1,033,798
 - Primary School Places - 94 x £18,758 = £1,763,252
- Arts Contribution – £300 per dwelling (£150,000)
- £101 per dwelling for waste and recycling totalling £50,500
- Highway improvements and sustainable transport –
 - Bus service developer contribution – £750,000
 - Walking and cycling enhancement contributions in the form of the following:
 - Improvements on Snarlton Lane up to Blackmore Road (£21,990)
 - Dropped kerb works and tactile paving at the Ingram Road/Blackmore Road junction (£6,000)
 - Tactile paving works on the south side of Ruskin Avenue/Lowbourne Road (£2,000)
 - Wayfinding improvements in the vicinity of the development (£10,000))
 - Green Travel Voucher – (in the sum of £300 to be made available upon request in accordance with the provisions of the Travel Plan to the initial occupiers of each dwelling
 - Cycle maps contribution – £1,000
 - Residential travel plan to be provided
 - Travel plan monitoring fee – £7,000
 - Rail accessibility contribution – £8,547 (to be used towards rail accessibility improvements at Melksham station)
- Improvements to public footpaths –

- Surfacing works to and removal of access furniture on footpath MELW27 (£22,500)
- MELW26 cycle conversion order cost - £5000
- MELW26 – Delivery of a Woodstock Medium Mobility kissing gate plus installation – £4080
- MELW30 – Countryside access furniture upgrades - £3000
- Management and maintenance of the open spaces and play areas including option for Melksham Without Parish Council to adopt play area
- A developer commitment to provide the Council with suitably detailed confirmation in writing on the timing / specification for the delivery of a serviced primary school.
- A developer commitment to provide the Council with suitably detailed confirmation in writing on the timing / specification for the delivery of the mixed-use hub, or commitment to financially contribute an agreed proportionate sum to part fund any advanced off-site provision.
- A developer commitment to provide the Council with suitably detailed confirmation in writing on the timing and delivery of the employment land including the necessary engagement with the Council's economic development team and the submission of a marketing strategy.
- A developer commitment to avoid any ransom strip being created on the site's western edge pursuant to safeguarding a future road connection to the Skylark Road/Eastern Way Roundabout.
- A S106 monitoring fee would also be required to be included within the S106 Legal Agreement which would be 1% of the total financial contributions capped at £10,000

11. Conclusion (The Planning Balance)

Paragraph 11(d) and footnote 8 of the revised NPPF state that where a Local Planning Authority cannot demonstrate a five-year housing land supply then, for applications including housing provision, the policies which are most important for determining the application should be considered out-of-date.

As a result, the presumption in favour of sustainable development (often referred to as the 'tilted balance') is invoked and permission should be granted unless protection policies set out in footnote 7 of the NPPF apply, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

In this particular case, there are no protection policies that would prevent the titled balanced being engaged and there are no technical objections to the application.

The application proposals have been informed by the emerging local plan site allocation and through negotiation, the scheme has been revised with robust supporting statements and assessments which would not lead to a substantive conflict with the emerging local plan expectations. This application is ready to be determined at a time when the Council has a significant housing supply deficit at 2.03 years when tested against the 5-year requirement (plus a 5% buffer), and given the lack of any technical objection, the delivery of 500 dwellings and the applicants commitment to provide 40% (up to 200 units) being affordable homes, and this merits very significant weight in the planning balance. Securing delivery of the mix of uses as anticipated by the emerging local plan including employment and community uses, as well as

connections through the site into Melksham is important to the sustainability of the development.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, in this particular case, the application site forms a substantive part of the emerging local plan Policy 18 allocation and as such this helps in supporting this application in terms of principle.

Moreover, the Council's strategic planning team were consulted and confirmed that there would likely be no prematurity argument and due cognisance must be afforded to the amendments and delivery commitments the applicants have agreed to, which broadly comply with the emerging Local Plan.

Through the submission of various supporting plans and statements, including a comprehensive illustrative masterplan that goes some way to address the details set out in draft Policy 18 of the emerging Local Plan, the applicants have evidenced the 37 hectares being capable of accommodating the proposed quantum of housing at suitable densities and also set aside land for the future delivery of employment land, a primary school and a significant amount of green space (totally about 46% of the site).

It is fully recognised that the made Joint Melksham Neighbourhood Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement, however Wiltshire Council's local housing need is now based on a Countywide calculation which has been recently adjusted by Central Government and in mid-December has been confirmed as being significantly in deficit, which is a significant material consideration.

In terms of the benefits of the scheme, they include the provision of up to 300 open market dwellings and up to 200 affordable dwellings at a time when the Council has such a significant housing supply deficit is a very significant material consideration to significantly boost homeownership across many house types.

Given the Council's significant shortfall in housing land supply and through fully appreciating central government-imposed changes to housing needs that significantly increased what needs to be planned for across Wiltshire. The site forms a substantive part of an emerging local plan allocation which has been subject to a site selection and local plan making process. It is considered to be a sustainable site and the principle of development (which this outline seeks to secure) should be supported by the Council.

It is also necessary to reactivate the 2023 Action Plan for the Council - which was shared with members via briefing note and set out how the Council would effectively restore its 5-year housing land supply in the face of the acknowledged shortfall and confirmed that: -

'...the Council will positively consider speculative applications where there are no major policy obstacles material to the decision other than the site being outside the settlement boundaries or [being] unallocated.'

There would be some short-term benefits secured through the construction phase of the development with direct and indirect job creation and the future householders of the properties contributing to future Council Tax revenues.

In addition, the development would contribute towards CIL in infrastructure funding in the area, with the total sum going to the local parish in recognition that there is a made Neighbourhood Plan in place.

Longer term economic benefits would also be secured through the delivery of a mixed-use hub and employment land that would generate employment growth within the area.

On this particular aspect, the NPPF at paragraph 85 states that “

Significant weight should be placed on the need to support economic growth and productivity...”

In line with the revised NPPF, significant weight must be afforded in this case.

The supporting information that accompanies the application has been subject to a rigorous assessment involving many stakeholders/consultees and officers have concluded that it demonstrates that the site can accommodate up to 500 dwellings without adversely impacting the living conditions and amenities of existing local residents.

The application proposal has been subject to a design review by the Council's appointed external body of experts and the site, and the quantum of development were supported in principle.

From the indicative details provided, the applicants have demonstrated that the scheme can accommodate a range of densities, and through the future detailed REM phased submissions and with the necessary s106 legal agreement safeguards and planning conditions, the scheme can be made acceptable in terms of its effects on the landscape, highways and accessibility, site permeability, drainage and ecological matters.

The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm to highway safety or result in harm to pedestrian safety.

Subject to securing and delivering a range of mitigation measures, the development would cause no harm to local biodiversity interests. The site is within flood zone 1, land that has the least risk of flooding, and a suitable on-site drainage scheme can be delivered with no technical objections having been received from the drainage authority.

The scheme would cause 'less than substantial harm' to the character and setting of the grade II listed building known as Blackmore House. However as detailed above, the site is allocated in the emerging Local Plan and through appropriate siting /set back distances being agreed as part of a future REM submission and securing suitable lower development densities for the land to the immediate south of the nearby listed building, officers are satisfied that an appropriate development can be delivered that would result in significant public benefits which would outweigh the harm created to the diminution of the rural setting for the listed farmhouse.

In addition, the scheme includes public benefits that go beyond the wider development pursuant to several upgrades to be made to the local transport infrastructure and PRow improvements.

Turning to the adverse impacts, the proposal fails to comply with the development plan as a whole given the policy conflict with CP1, CP2 and CP15 of the Wiltshire Core Strategy, and Policy 6 of the Neighbourhood Plan. By reason of the site being located outside the limits of development the conflict with these policies cannot be afforded full weight by virtue of the housing land supply deficit, but the Plan conflicts nevertheless are significant, but these are not considered sufficient to outweigh the aforementioned public benefits.

The development would also result in the loss of grade 3b and 4 classified agricultural/ rural land which is a negative implication and there would be a significant change to the local landscape character. However, the application avoids using the best quality land and given that the site is being allocated for development in the emerging Local Plan, officers do not consider it would be reasonable for the Council to oppose the principle of the development which has been identified for 425 dwellings and 5 hectares of employment land scheme. Indeed, a refusal on such grounds would potentially expose the Council to a costs award. For the foregoing reasons, the loss of the agricultural land is considered an acceptable consequence.

Wiltshire Council is currently unable to demonstrate a five-year housing land supply, and the shortfall is very significant. This proposal would not only make a significant contribution to addressing the land supply for open market housing, through the applicant's commitment to deliver up to 200 affordable homes (at 40%), in the absence of technical grounds to refuse the application, it is recommended that the application being endorsed as an approval, be subject to the following planning conditions and require the applicant to commit to completing and sealing a s106 legal agreement to secure all the summarised heads of terms set out in section 10 of this report.

RECOMMENDATION: To defer and delegate to the Director of Planning to grant outline planning permission subject to the completion of a S106 Legal Agreement and subject to the following planning conditions and informatives:

1. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application(s) for the approval of all of the reserved matters (should this development be advanced on a phased manner) shall be made to the Local Planning Authority before the expiration of three years from the date of outline permission being granted.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:
 - (a) The scale of development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site.

The development shall then be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Site Location Plan - drg no. 18045_220 rev B
Parameter Plan – Composite drg no. 18045_520 rev E
Parameter Plan – Heights drg no. 18045_522 rev C
Parameter Plan – Density drg no. 18045_523 rev D
Proposed Ghost Island Right Turn Lane drg no. ITB12069-GA-049 rev B
Proposed Pedestrian Cycle Emergency Access drg no. ITB12069-GA-057 rev A
Proposed Temporary Construction Access and 1:1000 drg no. ITB12069-GA-054 rev A

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

5. No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the

quantities of open market and affordable housing as well as the community and employment uses and associated infrastructure relevant to any given phase.

The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

The development shall be carried out in strict accordance with the provisions of the approved phasing plan and/or any subsequent amendment to the phasing plan that has been agreed in writing by the Local Planning Authority.

REASON: To ensure the proper planning and delivery of the development and to deliver a sustainable development which is in character with its surroundings and in accordance with the terms of the application.

6. The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:

- Up to 500 dwellings of which 40% will be affordable housing
- 2.07 ha of land being safeguarded for employment purposes to accommodate a building or buildings up to 5,000sqm falling under Use Classes E(g)(i) & E(g)(ii).
- 2 ha of land for a primary school (Class F1).
- 0.17 ha of land for a mixed-use hub (Class E / Class F) with space for car parking and a building footprint with a gross floor area of c.400sqm.
- 15 ha of land to be provided and dedicated as public open space, children's play areas, allotments and attenuation ponds to include 17,464m² of Public Open Space (POS), 885m² of Equipped Play in the form of two equipped play spaces and 0.17ha of land for allotments.

The 'layout of the development' reserved matter (which is required to be submitted and approved under condition no. 3) shall accommodate all the above substantially in accordance with the Parameter Plan – Composite drg no. 18045_520 rev D, Parameter Plan – Heights drg no. 18045_522 rev C and Parameter Plan – Density drg no. 18045_523 rev C.

REASON: To ensure the creation of a sustainable development which is in character with its surroundings and in accordance with the terms of the planning application.

Highway Matters

7. Prior to the commencement of works on any given development phase, details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision

of such works (for that phase) shall be submitted to and approved in writing by the Local planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the roads are laid out and constructed in a satisfactory manner.

8. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

REASON: To ensure that the development is served by an adequate means of access.

9. Prior to commencement of the construction of the development full details of a shared walking/cycling route along the alignment of Bridleway MELW41 from the site access on to Bridleway MELW41 to Eastern Way in accordance with drawing ITB12069-GA-033 rev E (contained in the Transport Update Note section 'Other Drawings') including all necessary permissions, shall be submitted to and approved in writing by the Local Planning Authority.

The shared walking/cycling route shall thereafter be provided in full prior to the occupation of the 325th dwelling on the site and maintained as such thereafter.

REASON: To ensure walking and cycling accessibility between the site and the western side of Eastern Way.

10. Prior to commencement of the construction of the development full details of a signal-controlled Toucan Crossing off Eastern Way in accordance with drawing ITB12069-GA-033 rev E (contained in the Transport Update Note section 'Other Drawings') shall be submitted to and approved in writing by the Local Planning Authority. The Toucan Crossing shall thereafter be provided in full prior to the occupation of the 325th dwelling on the site and maintained as such thereafter.

REASON: To ensure safe and convenient crossing of Eastern Way is provided for pedestrians and cyclists in the interests of highway safety and sustainability.

11. Prior to commencement of the construction of the development full details of a signal-controlled Puffin Crossing off Eastern Way in accordance with drawing ITB12069-GA-056 rev A (contained in the Transport Update Note section 'Other Drawings') shall be submitted to and approved in writing by the Local Planning Authority.

The Puffin Crossing shall thereafter be provided in full prior to the occupation of the 150th dwelling on the site and maintained as such thereafter.

REASON: To ensure safe and convenient crossing of Eastern Way is provided for pedestrians and cyclists in the interests of highway safety and sustainability.

12. Prior to commencement of the construction of the development full details of a widened footway along Sandridge Common Road in accordance with drawing ITB12069-GA-055 rev A (contained in the Transport Update Note section 'Other Drawings') shall be designed and submitted to and approved in writing by the Local Planning Authority.

The widened footway shall be provided in full in accordance with the submitted details prior to the occupation of the 150th dwelling on the site and maintained as such thereafter.

REASON: To ensure safe and convenient access along Sandridge Common Road is provided for pedestrians and cyclists in the interests of highway safety and sustainability.

13. Prior to the occupation of the 150th dwelling on the site, the proposed emergency vehicle access and routing off the A3102/ Sandridge Common Road to the internal road network within the scheme, shall be completed and be made available for any given emergency, and it shall be safeguarded and maintained for the lifetime of the development.

REASON: To ensure that a satisfactory emergency vehicle access is provided in the interests of public and highway safety.

14. Prior to commencement of development a phasing and specification plan for the delivery of up to 2 bus stops excluding the mobility hub within the internal network of the site shall be submitted to and approved by the Local Planning Authority. The bus stops shall be constructed in accordance with the approved details.

REASON: To ensure that bus service infrastructure is delivered in a timely manner to maximise the use of sustainable travel modes.

15. Prior to commencement of development a phasing and specification plan for the Mobility Hub shall be submitted to and approved by the Local Planning Authority. The Mobility Hub shall include as a minimum a bus stop with shelter and associated real time information for bus, cycle parking including electric cycle charging points, electric vehicle fast and rapid charging points. The Mobility Hub shall be constructed in accordance with the approved specifications.

REASON: To ensure that the Mobility Hub is delivered in a timely manner to maximise the use of sustainable travel modes.

Drainage

16. No development (pursuant to each phase) shall commence on site until a scheme for the discharge of surface water from the site, including sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. No phase of the development shall be first occupied until the scheme for

the discharge of surface water for that phase has been constructed in accordance with the approved details.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others.

17. No development (pursuant to each phase) shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved sewage disposal measures have been fully implemented for that phase in accordance with the approved details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

Ecology

18. Prior to commencement of development on site, including site clearance, an Ecological Mitigation and Management Plan (EMMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan which will be prepared in broad accordance with the Ecological Constraints and Opportunities Plan (ES Chapter 10: Biodiversity prepared by ead ecology, 14/12/2023) and Environmental Parameters Plan – Composite (Ref Masterplan 417A Rev. B prepared by Origins, 19/12/2023). The plan will include the following elements:

- Evidence of how measures detailed in the Avoidance, Mitigation, Compensation and Enhancement Section (paragraphs 10.134-10.172) and summarised in Table 10.8 of ES Chapter 10: Biodiversity shall be implemented across the Site.
- A drawing/s specifying the location of mitigation and enhancement measures required by the Avoidance, Mitigation, Compensation and Enhancement Section (paragraphs 10.134 - 10.172) and summarised in Table 10.8 of ES Chapter 10: Biodiversity.
- A drawing/s specifying measured habitat unit areas including condition, hedgerow lengths and measured buffer distances along features of conservation importance.
- A drawing/s showing the location, number and specification of new features for nesting birds, roosting bats, reptiles and insects.
- Species specific mitigation strategies for reptiles, bats (roosting, foraging and commuting), dormouse, otter and badger.
- A drawing/s specifying the location and extent of habitats and features with species specific management priorities including reptile receptor areas, bat commuting and commuting habitat including dark corridors and cross over points, dormouse habitat, otter mitigation along Clackers Brook and retained at roosts.
- Mitigation and enhancement strategy for Clackers Brook tributary and retained broadleaved woodland.
- A BNG Calculation for the site, based on Metric 4.0 (as approved).

The approved EMMP shall set a framework for all reserved matters applications, which shall only be permitted where in accordance with the approved EMMP and

will include timescales for implementing the approved measures. The site shall be managed in accordance with the approved EMMP in perpetuity unless agreed in writing by the Local Planning Authority, and monitoring reports shall be submitted to the Local Planning Authority in accordance with the monitoring programme therein.

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.

19. Prior to the commencement of works on a development pursuant to each phase, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective enhancement measures for that phase, as set out in the approved EMMP (Condition 18), 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.
- Mitigation strategies and method statements for protected / priority species, such as nesting birds, badgers, hazel dormice, amphibians, reptiles and bats.
- The appointment of an Ecological Clerk of Works (ECoW), including role, responsibilities and frequency / timing of attendance on site.
- 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 of each phase shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors and to prevent pollution of the water environment prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

20. Prior to the start of construction on any given development phase, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include the landscape and ecological avoidance, mitigation and enhancement measures for that phase (as set out in the approved EMMP) and will include:

- Long term objectives and targets in accordance with the EMMP.
- Monitoring, management and maintenance responsibilities and schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme.

- The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s) in the EMMP.
- A procedure for review and necessary adaptive management in order to attain targets.
- 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.

21. No external lighting shall be installed on site for each phase of the development until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional public external lighting shall be installed, unless approved in writing by the Council.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site.

Construction Method Statement

22. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The submitted Construction Method Statement must include safeguarding measures to deal with the following:

- point of access into the site for construction vehicles;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- working hours, including deliveries;

- large vehicle and delivery routing plan;
- the control and removal of spoil and wastes;
- the location and use of generators and temporary site accommodation;
- the cutting or other processing of building materials on site;
- where piling is required, this must be Continuous flight auger piling wherever practicable to minimise impacts;
- communication procedures with the Council and local community regarding key construction issues (newsletters, fliers etc.)

The Construction Method Statement shall subsequently be implemented in accordance with the approved details and agreed timetable. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Landscaping

23. A timetable for the implementation of all soft landscaping comprised in the details of landscaping approved under condition 3 for each phase of the development shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed phasing and timetable. 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 5-years, die, are removed or damaged, seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details for that phase and prior to the completion of the final dwelling of any part of the development phase, unless otherwise agreed with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Climate Change

24. No development above slab level shall take place until a final Sustainable Energy Strategy, including details of operational energy, climate change adaptation measures and sustainable transport, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development are achieved.

25. No development above slab level shall take place on any non-residential development until a BREEAM Pre Assessment for that part of the development

has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the relevant part of the development is targeting the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme).

Within 6 months of being first brought into use a final Certificate (for that part of the non-residential development) shall have been submitted to the Local Planning Authority certifying that the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved by the development.

REASON: To ensure that the objectives of sustainable development are achieved.

Water Use Efficiencies

26. No development hereby approved shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

Land Contamination

27. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial

works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To reduce and manage the risks associated with land contamination.

Archaeology

28. No underground / ground disturbance related works shall commence on site until an Archaeological Management Plan (AMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: In order that the development is undertaken in an acceptable manner and to enable the recording of any matters of archaeological interest.

PLANNING INFORMATIVES:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

The developer is encouraged to provide at least one electric vehicle charger per dwelling through careful consideration of the layout of the development and is encouraged to ensure that the layout of the development optimises the potential for solar power generation.

The following advice is provided by the Environment Agency - This development site appears to have been the subject of past activity which poses a risk of contamination, however this area is limited and confined to the Blackmore Farmyard. The risk to controlled waters is considered low due to this area being located on unproductive

strata and that no infiltration drainage is proposed. We recommend however that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination.
- Refer to our Guiding principles for land contamination.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on gov.uk for more information.

Waste on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- treated materials can be transferred between sites as part of a hub and cluster project.
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off site.

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or

greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on [GOV.UK](https://www.gov.uk) for more information.

European and Nationally Protected Species have been confirmed as present on Site. These species are legally protected, and planning permission does not provide a defence against prosecution or substitute for the need to obtain a licence if an offence is likely. The applicant is advised to follow advice from an independent ecologist and that a European Protected Species Licences for bats, dormice and otter will be required before any work is undertaken to implement this planning permission.

In order to discharge the associated drainage conditions, the following additional information should be provided:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds. The plan should show any pipe node numbers referred to within the drainage calculations.
- A plan showing the cross sections and design of any attenuation pond and its components include stated freeboard above the critical 1 in 100yr + climate change storm event.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30-year rainfall event.
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.
- Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event that minimise the risk to people and property.
- Evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- Evidence that a sensitivity analysis on the network considering surcharged outfall conditions has been undertaken.
- Clear arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.