

**Land North of Whychurch Farm and
west of Crudwell Road, Malmesbury**
Planning Supporting Statement

Gleeson Land
February 2025

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Executive summary

Land north of Whychurch Farm and west of Crudwell Road provides an important opportunity to deliver residential high-quality development in a sustainable location, which currently suffers from significant housing need and poor affordability.

Gleeson Land (Gleeson) has already secured residential planning permission on three parcels of land south of Filands, as set out below:

- **Phase 1** comprises 180 homes, which was allowed on appeal in March 2013 (ref. APP/Y3940/A/12/2183526). This phase is now fully built out.
- **Phase 2** comprises: Original permission for 71 homes with outline planning permission granted in September 2020 (ref. 19/11/569/OUT). This site was later acquired by Bloor Homes and was superseded by a larger, full planning permission for 132 homes and a nursery, which was granted in December 2023 (ref. PL/2023/00958). This phase of development is currently under construction.
- **Phase 3** has outline planning permission for 71 new homes and access, which was allowed at appeal in October 2022 (ref: APP/Y3940/W/22/3290305).

This planning statement supports an outline planning application by Gleeson for up to 149 new dwellings within phases 3 and 4. The application includes 71 homes that already benefit from outline planning permission within phase 3.

The submitted proposals will provide the following benefits:

- The delivery of much-needed housing that would make a meaningful contribution to the housing land supply in Wiltshire
- A range of housing types and tenures, including affordable homes
- The delivery of publicly accessible open space, which will benefit new and existing residents
- Over 10% biodiversity net gain through ecological enhancement, diversification and habitat creation, improving the low value of the site
- Economic benefits through construction activities and increased local population
- New drainage infrastructure that will reduce the risk of surface water drainage issues for neighbouring residents

1.0 Introduction

- 1.1 This statement is submitted in support of an outline planning application for up to 149 homes on land north of Whychurch Farm and west of Crudwell Road on the edge of Malmesbury.
- 1.2 The site is located within the administrative area of Wiltshire Council (WC), which is the local planning authority.
- 1.3 tor&co is acting on behalf of Gleeson Land (Gleeson) who controls the site. The application is made in outline, with all matters reserved except access.
- 1.4 The description of development is as follows:

“Outline planning application (with all matters reserved except access) for residential development, including the construction of up to 149 dwellings, new vehicular access with footways and cycleways, public open space, landscape and associated infrastructure on land north of Whychurch Farm and west of Crudwell Road.”

- 1.5 This statement describes the site and surroundings, the proposal, and the existing planning policy context that relates to the site. This statement should be read alongside the submitted application forms and drawings.
- 1.6 The application is also accompanied by the following technical documents, which have been submitted as separate reports:
 - Design and access statement, prepared by Thrive Architects
 - EIA screening report, prepared by tor&co
 - Planning obligations draft heads of terms, prepared by tor&co
 - Landscape and visual appraisal, prepared by tor&co
 - Statement of community involvement, prepared by tor&co
 - Desk based archaeological assessment, prepared by RPS
 - Built heritage statement, prepared by RPS
 - Flood risk assessment and drainage strategy, prepared by Abley Letchford Partnership
 - Transport assessment, prepared by i-transport
 - Framework travel plan, prepared by i-transport
 - Ecological impact assessment, prepared by EAD
 - Biodiversity net gain assessment, prepared by EAD
 - Waste and recycling audit, prepared by Gleeson
 - Arboricultural impact assessment, prepared by EDP
 - Arboricultural baseline note, prepared by EDP
 - Energy and sustainability statement, prepared by Daedalus Environmental
 - Geoenvironmental and Geotechnical Interpretive Report, prepared by CGL
 - Utilities planning statement, prepared by TDS

2.0 The site and its surroundings

- 2.1 The site lies on the northern edge of the market town of Malmesbury, to the south of the B4014. It comprises Grade 3 'Good to moderate' agricultural land as per Natural England ALC mapping. The site is bordered to the west by existing residential development, with further agricultural land to the north, east, and south.
- 2.2 Vehicular access to the site is directly from B4014 Filands, utilising the approved access ghost island junction for the neighbouring development (ref. 19/11569/OUT). There is an existing public right of way (PRoW) (MALM8) to the western boundary of the proposal area which provides access to the town centre. A further PRoW (MALM 7) runs along the northern boundary of Phase 4 and intersects south down the central path of the Phase 4 parcel, connecting to the PRoW MALM7 along the southern border of the site. PRoW MALM6 also runs parallel to the southern site boundary and leads to the town centre.
- 2.3 On land adjacent to the west of the site, a full planning application for the erection of 132 dwellings, with public open space and associated infrastructure, with 0.3ha of land safeguarded for a nursery was approved on 14 December 2023 (ref. PL/2023/00958). Construction on this site commenced in 2024.
- 2.4 Malmesbury is a market town that experiences a considerable level of in-commuting, particularly to one of the main employers, Dyson. Dyson Research and Development Facility lies near the west of the site. Dyson is a key local employer in the town and is currently delivering a major expansion programme. Plans for the expansion were approved in December 2014 (ref:14/04281/FUL) and the development appears to be complete as per Google Earth images. The expansion was anticipated to increase the number of employees by approximately 3,000. Dyson, and other employment areas in the town are within walking and cycling distance of the site and as such, the proposed development would provide an attractive location to house employees of Dyson.
- 2.5 The market town also includes a supermarket (Waitrose) and town centre shops and services. It is an important service and employment centre in this part of North Wiltshire. The Worthies public open space lies a short distance to the south of the site. The site is located outside of the framework boundary of Malmesbury.
- 2.6 The Cotswold National Landscape¹ lies to the west of Malmesbury but is separated from the application site by intervening residential development and Dyson's research and development facility.

¹ Previously called the Cotswold Area of Outstanding Natural Beauty.

3.0 Relevant planning history

3.1 Gleeson has previously secured residential planning permission on three parcels of land south of Filands, as set out below:

- **Phase 1** comprises 180 homes and a nursery, which was allowed on appeal in March 2013 (ref. APP/Y3940/A/12/2183526). This phase is now fully built out. This is represented by the parcel outlined in red to the north west in Figure 1.
- **Phase 2** comprises 132 homes, which was granted in December 2023 (ref. PL/2023/00958). This phase is currently under construction. This is represented by the parcel outlined in green in Figure 1 below, including the land previously safeguarded for a nursery in Phase 1.
- **Phase 3** has outline planning permission for 71 new homes and access, which was allowed at appeal in October 2022 (ref: APP/Y3940/W/22/3290305). This is represented by the parcel outlined in black in Figure 1 below.

3.2 These parcels are illustrated in Figure 1 below.

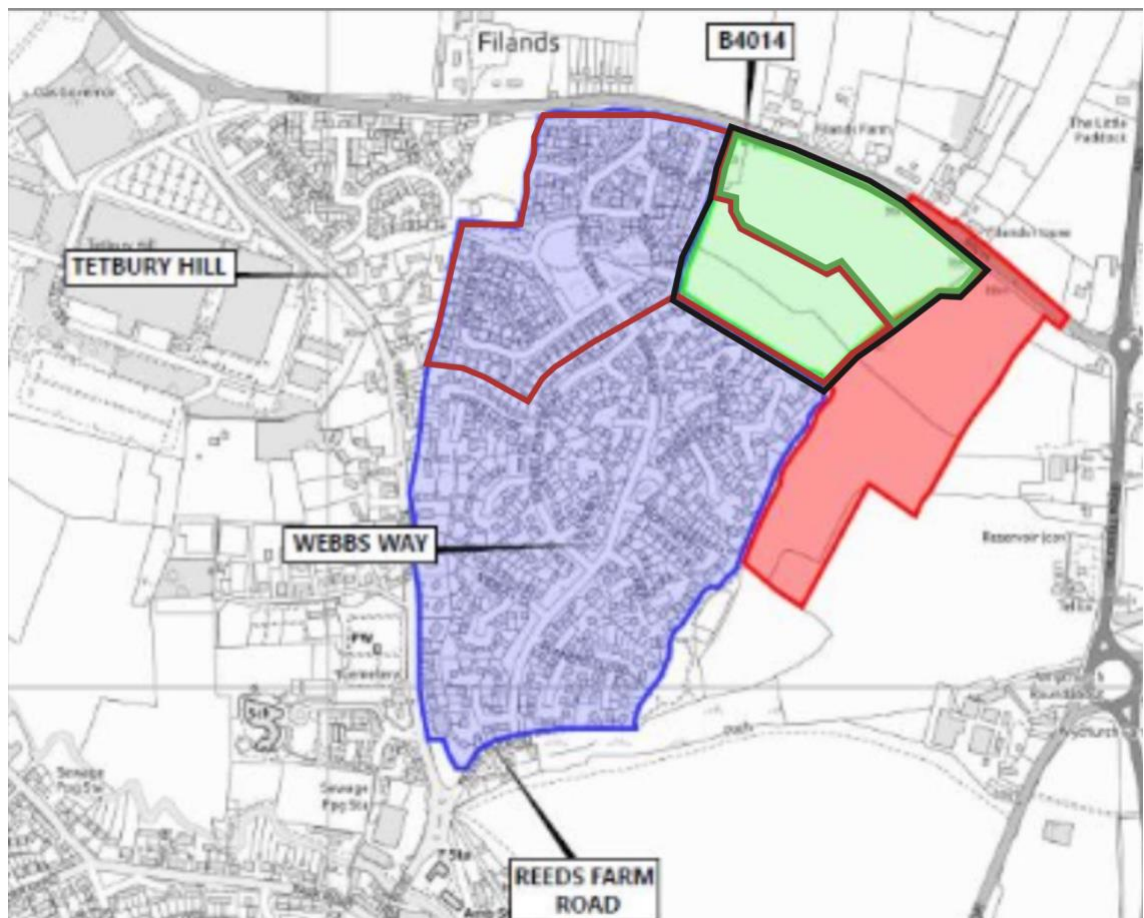


Figure 1: Previous Phases of Development

EIA Screening

- 3.3 A request for an EIA Screening Opinion was submitted to WC (PL/2024/09796) in October 2024. It was based on an initial proposal for up to 200 dwellings. It was confirmed that the site does not fall within a 'sensitive area' and that the proposed development 'is not considered likely to have significant long-term irreversible impacts on humans or the environment.' WC considered the request and determined that an Environmental Impact Assessment is not required for the proposed development. A copy of the Screening Opinion Decision can be found in Appendix 1, dated 29 November 2024.

4.0 The proposed development

- 4.1 This planning application is made in outline with all matters reserved except access. Full details of the site layout, scale, appearance, access, and landscape treatment will be the subject of future consideration through a separate reserved matters (RM) application.
- 4.2 This application proposes the construction of up to 149 homes, including the 71 homes previously approved in 2022 (ref. PL/2021/08453).
- 4.3 The proposed description of development is as follows:

“Outline planning application (with all matters reserved except access) for residential development, including the construction of up to 149 dwellings, new vehicular access with footways and cycleways, public open space, landscape and associated infrastructure on land north of Whychurch Farm and west of Crudwell Road.”

- 4.4 The application is submitted with the following drawings for approval:

- Site location plan, prepared by Thrive Architects
- Land use parameter plan, prepared by Thrive Architects
- Building heights parameter plan, prepared by Thrive Architects
- Detailed access drawing, prepared by i-transport

- 4.5 The application is also supported by an illustrative masterplan prepared by Thrive Architects and a range of technical reports.

Housing Delivery Statement

- 4.6 The illustrative masterplan makes provision for 149 new homes, offering a range of sizes, from 1 bed to 5 bed dwellings. Of these homes, 40% (60) will be made affordable tenure in accordance with the policies in the Wiltshire Core Strategy and Reg 19 Local Plan. These will be split into 36 affordable rent properties, and 24 shared ownership properties. Exact details on the size and mix of the open market homes and the tenure of the affordable housing will be discussed and agreed upon with WC during the determination of the application.
- 4.7 The precise location of the affordable housing units would be agreed upon at the RM stage, but WC’s guidance recommends that they should be provided in clusters of no more than 15 units to achieve integration within the development.
- 4.8 As summarised below, but detailed in the supporting technical reports, the site is free from any exceptional constraints to development.
- 4.9 Gleeson has a strong track record of enabling delivery of homes quickly, particularly in Malmesbury as evidenced by the recent permissions on neighbouring sites N/11/04126/OUT & 19/1156.
- 4.10 Once outline planning permission has been permitted, the scheme is readily deliverable in the current five-year period.

Public open space

- 4.11 The parameter plan makes provision for 6.36 hectares of amenity green space within the proposed development. This is provided as a sequence of green spaces throughout the scheme. It includes three areas set aside for local play, space for allotments and a community orchard.
- 4.12 Enhanced connections to public rights of way (PRoWs) and improvements to existing PRoWs across the site are proposed to strengthen networks and links to wider PRoWs and the town centre.

Trees

- 4.13 An Arboricultural Impact Assessment accompanies this application. The report concludes that whilst two category C trees are proposed to be lost, substantial new planting has been proposed to offset this loss. A suitably worded condition can be applied to secure any mitigation measures which would be required to minimise harm and ensure the longevity to trees on the site.

Surface water attenuation

- 4.14 The proposed surface water drainage system will aim to alleviate the risk of flooding on site and further afield. The Sustainable Drainage Systems (SuDS) features will help enhance habitats.
- 4.15 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as part of this application. The document explains the SuDS scheme that has been proposed, which will help improve surface water drainage in the locality of the site rather than exacerbate existing problems. The SuDS will reduce discharge from the attenuation area for more extreme weather events and will help minimise flood risk.
- 4.16 The drainage strategy proposes the construction of four attenuation basins, which will store surface water before discharging it into the existing drainage network under controlled conditions. These attenuation basins are proposed to be located along the west and south borders of the site.

Landscape Strategy

- 4.17 The landscape strategy has sought to provide green spaces to respond to the existing character of the site and to deliver a series of open spaces across the site.
- 4.18 Whilst the specific details would be submitted for approval at the RM stage, there is significant scope for a biodiversity net gain in excess of 10%, through new planting, the creation of drainage features, and areas of ecological enhancement. The majority of hedgerow boundaries across the site are in good condition and will be retained.

Foul water strategy

- 4.19 All foul water from the proposed development will be discharged via the connection to the existing sewer system.

Sustainable Construction

- 4.20 The proposed homes will be designed to minimise energy and water use and constructed to a standard that will meet the Building Regulations requirements for new developments. A Construction Environmental Management Plan (CEMP) will be prepared once outline planning permission has been granted and submitted to WC for approval before construction commencing.
- 4.21 The development will incorporate EV charging points for dwellings, which will enhance options for sustainable travel within the local area and minimise threats to air pollution levels in Malmesbury.

Site Access

- 4.22 Vehicular access will be from a new access point from the previously approved access on Filands (B4104), which will run a route south through the Phase 3 land parcel, and bend east through Phase 4.
- 4.23 Several potential recreational routes are proposed to intersect the site, connecting to PRoW MALM7 which runs east to west along the southern edge of Phase 4 and connecting to the wider network into the town centre.
- 4.24 Whilst there has been an order to extinguish the section of PRoW MALM7 which runs vertically (submitted in 2019), at the time of writing this has not been made. As such the footpath remains on its current alignment as shown in the illustrative masterplan.
- 4.25 PRoW MALM8 is proposed to be diverted to a new location running along the north west border of the Phase 3 land and connecting into the site and out to the wider pedestrian network towards the town centre.
- 4.26 The MALM8 PRoW is proposed to be upgraded to also become a 3m cycle route, which will connect into the construction site the west, and extend to Webbs Way, via Jenner Lane, allowing for convenient and safe access to the town centre.
- 4.27 The Transport Assessment that accompanies this application confirms that the traffic impacts from the proposal will not be severe, and that safe and suitable access will be provided. The Transport Assessment also explains how sustainable and active travel opportunities have been prioritised throughout the development.

Archaeology & Built Heritage Assessment

- 4.28 An Archaeological Desk-based Assessment dated February 2025 has been prepared to accompany the application. The report concludes that the proposed development has the potential to impact archaeological remains of likely local to regional interest, however it is considered that this can be suitably mitigated by securing a programme of archaeological fieldwork post consent, via condition. As such, the archaeological potential of the site should not constrain the development onsite.
- 4.29 A Built Heritage Assessment has been submitted alongside this application, which demonstrates that there are no built heritage assets, designated or non-designated, within the site. However, it is identified that the proposed

development has the potential to harm the significance of the Grade I Church of St Mary and St Aldhelm, the Grade II Whychurch Farmhouse, and the Grade II Outbuilding at Whychurch Farm. However, this harm is considered to be 'less than substantial', with low harm to the church, low-moderate harm to the farmhouse, and moderate harm to the outbuilding. As demonstrated throughout this statement, the public benefits of the proposed development will outweigh the limited harm identified.

5.0 The development plan

5.1 The development plan relevant to the application is comprised of:

- The Wiltshire Core Strategy (adopted January 2015)
- The saved policies of the North Wiltshire Local Plan 2011 (adopted June 2006, saving direction June 2009)
- Draft Wiltshire Local Plan (Reg 19) (September 2023)
- Malmesbury Neighbourhood Plan (made February 2015)

5.2 The extent to which the proposed development complies with the policies contained in the development plan is set out below.

Wiltshire Core Strategy

The Strategy for growth

5.3 The Wiltshire Core Strategy (WCS) was adopted in January 2015 and sets out the spatial strategy for Wiltshire over the period 2011-2026. The WCS forms one part of a series of development plan documents including a site allocations plan for Chippenham and a separate allocations plan for the rest of Wiltshire. The WCS intended these documents to provide *“surety of supply throughout the plan period, in accordance with national policy and to help complement neighbourhood planning”* (paragraph 1.5). Since the adoption of the WCS, the Chippenham Site Allocations Plan (CAP) was adopted in May 2017 after stalling at the examination stage. The Wiltshire Housing Site Allocations Plan (WHSP) was adopted in February 2020.

5.4 WCS Core Policy 1 (CP1) sets out the settlement strategy, which focuses on the growth of the three principal settlements of Trowbridge, Chippenham and Salisbury. It also supports *“significant growth”* at second-tier settlements, defined as market towns, which include Malmesbury.

5.5 WCS CP1 confirms that the market towns have the *“ability to support sustainable patterns of living”* with the *“potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities”* (our emphasis). This provides explicit acknowledgement that Malmesbury is a sustainable settlement that can and should accommodate growth.

5.6 The proposed development accords with the principles for growth established by WCS CP1.

Delivery Strategy

5.7 WCS Core Policy 2 (CP2) sets out the delivery strategy. It states that provision will be made for the delivery of *at least* 42,000 new homes. This is distributed to three Housing Market Areas (HMAs) with the North and West Wiltshire Housing Market Area (NWHMA), within which the site lies, accommodating a *minimum* of 24,740 new homes within the plan period of 2006-2026. The WCS includes strategic allocations but there are no strategic allocations in Malmesbury.

- 5.8 In regard to the overall requirement, it should be noted that in December 2014 the WCS examination Inspector concluded in paragraph 78 of his report that:
- “Overall, the balance of evidence suggests that the objectively assessed housing need, to be disaggregated across the three Wiltshire HMAs, is currently in the region of 44,000 dwellings over the plan period”.*
- 5.9 In paragraphs 80 and 81 of his report, the Inspector accepted the lower overall figure of 42,000 dwellings on the conditional basis that WC would:
- prepare both a site allocations plan and a CAP
 - undertake neighbourhood planning
 - publish an updated Strategic Housing Market Assessment (SHMA) in early 2016
 - undertake an early review of the WCS
- 5.10 The Inspector considered that with these provisions, the Council would be able to proactively seek to meet, and if necessary, reassess, the objectively assessed need for housing (OAN) and plan for its provision accordingly.
- 5.11 These documents have now been published including the joint Swindon and Wiltshire SHMA published in March 2017.
- 5.12 The supporting text to WCS CP2 provides a table entitled *“indicative housing requirements – settlement and community areas”*, which is intended to help *“direct development at a strategic level to the most suitable, sustainable locations and at appropriate times”* (paragraph 4.26). These indicative requirements are also contained in the requirements for each Community Area, which for Malmesbury is established in WCS CP13. The word ‘indicative’ is significant as it reflects the fact that the OAN is higher and the housing requirements must be considered as minimums. WCS CP2 clarifies that development proposals should be in *“general conformity with”* the community area strategies (discussed below).
- 5.13 WCS CP2 also provides the policy context for development outside of the defined limits for settlements (for Malmesbury this is the framework brought forward from the North Wiltshire Local Plan (NWLP), adopted in 2006). It states that development outside the *“defined limits of development”* will not be permitted unless those limits are altered through the identification of sites for development in subsequent SAP and neighbourhood plans. The proposed development lies outside the NWLP’s settlement boundary and is unallocated. This policy is relevant to the consideration of the application.
- 5.14 However, WCS CP2 intrinsically recognises that minor breaches of the local plan framework are essential to meet housing requirements. The Council stated in June 2024 that the authority has a shortfall in housing land supply, demonstrating the relevance of this policy in evaluating the merits of this proposal in terms of housing need and delivery.
- 5.15 The proposed development conflicts with WCS CP2 in so far as it’s not an allocated site. However, it is in general conformity with the CP2 requirement to deliver development to meet needs in a sustainable manner and in the context

of local housing need this limited conflict with the policy can be set aside to facilitate the delivery of sustainable development.

The strategy for growth in the Malmesbury Community Area

- 5.16 The strategy for the *Malmesbury Community Area* is set out in Core Policy 13 (WCS CP13). This policy supports the expansion of the employment areas close to the site (Dyson, Malmesbury Business Park and the land north of Tetbury Hill) and continues to save the employment allocations of the NWLP at Tetbury Hill and the garden centre site. The majority of the new employment opportunities will be north of the town, in proximity to this site.
- 5.17 WCS CP13 requires applications for development in the community area to address the issues set out in 5.73 of the supporting text. The issues raised can be summarised as:
- Providing appropriate levels of housing for the town, acknowledging that greenfield development is likely to be required
 - Consideration of primary school places and the infrastructure needs of the town
 - Diversification of the employment base to strengthen the economy and reduce the acknowledged in-commuting
 - The need for additional convenience retail (a supermarket has been constructed in the town since this supporting text was drafted)
 - Protection of the town's historic assets such as the Abbey and Conservation Area
 - Conservation of the Cotswold AONB² and its setting
 - Managing the development of the Cotswold Water Park
 - Recognise the role of neighbourhood plans
- 5.18 In regard to the delivery of an appropriate level of housing for the town, the supporting text to WCS CP13 acknowledges the pattern of in-commuting and affordability issues in Malmesbury, WCS CP13 allocates a minimum of 1,395 new homes to the community area, of which it expects 885 to occur at Malmesbury. These figures are confirmed by the Wiltshire Housing Site Allocations Plan (WHSAP) adopted in February 2020. Table 5.7 of the WCS records that there have been 483 completions in the town (as of 2014) and there are 486 specific permitted sites. As such endnote 37 clarifies that *"Malmesbury town has sufficient commitments to exceed the indicative requirement"*. (page 481).
- 5.19 Whilst this may be the case, as these are indicative requirements and minimums, the "indicative requirements" should certainly not be seen as a ceiling to the delivery of sustainable development, as represented by the application site.

² Now defined as a National Landscape.

- 5.20 What is more, the housing land supply position is assessed on a Wiltshire wide basis, and the Council cannot demonstrate an adequate supply of land for housing. Therefore, given the scale of the development proposed and the identification of Malmesbury as a market town capable of accommodating significant growth, the fact the “*indicative requirements*” have been met should not be seen as a reason to prevent sustainable development.
- 5.21 Housing development is needed to support the local economy and meet local needs. Exceeding the housing requirement must be viewed as a positive/beneficial factor, particularly given that the application proposals are not inappropriate or of a scale that would conflict with the settlement strategy for Wiltshire as a whole, the NWHMA or Malmesbury town.

Other relevant policies of the Core Strategy

Housing

- 5.22 Core Policy 45 (CP45) *Meeting Wiltshire’s housing needs* mandates that residential development should incorporate a range of types, tenures and sizes of homes. Whilst specific details on dwellings are to be considered at the RM stage, it can be confirmed that the proposed development will incorporate a variety of housing types and tenures, ranging from 1 to 5 bed homes in accordance with this policy.
- 5.23 Core Policy 43 (CP43) *Providing affordable homes* sets a requirement for sites of five or more dwellings to provide at least 40% affordable housing for sites within this zone. The development is proposing to meet this requirement and will deliver a policy-compliant level of affordable housing.

Design and quality

- 5.24 Core Policy 57 (CP57) *Ensuring high quality design and place shaping*, requires a high standard of design to be adopted across all new developments, including making a positive contribution to the retention and enhancement of existing important landscaping and natural features, making efficient use of land, maximising opportunities for incorporation of sustainable construction techniques, and for major applications to be accompanied by a design and access statement.
- 5.25 In compliance with this policy, a design and access statement has been submitted as part of this application, detailing how the site is suitable to be developed and proposing parameters to address the above considerations within the design.
- 5.26 The proposal presents a scheme which comprises enhanced landscape features, and applies environmentally friendly construction methods, and therefore adheres to this policy, delivering a high quality development.

Landscape

- 5.27 Core Policy 51 (CP51) *Landscape* dictates how proposals should protect, conserve, and enhance the existing landscape character of the local area, and must not create any harmful impacts on the landscape, to be mitigated appropriately where unavoidable.

- 5.28 The landscape strategy for the proposed development has been informed by the existing landscape and visual context of the site and surrounding area and draws upon principles and objectives established within the WCS. It identifies approaches to landscape protection and enhancement which are both sensitive and considerate of the sightlines to and from the proposed development.
- 5.29 The proposed public open spaces and green ecological corridors are key features of the development. They will provide a range of informal landscape planting and treatment, as well as taking different forms such as a community orchard and allotments, to take account of their relationship to the surrounding landscape and town context, whilst building on opportunities for further amenity provision for the future residents onsite. These multi-functional and accessible spaces will create social settings for new and existing residents, offering a safe and effective amenity space with clear natural surveillance from the adjacent properties and will offer the optimum setting for local wildlife and biodiversity to flourish in line with ecologist recommendations. Open space is therefore considered a vital provision to support the health, well-being, and social cohesion of the forthcoming local community, representing a core vision of the development.

Heritage

- 5.30 Core Policy 58 (CP58) *Ensuring the conservation of the historic environment* emphasises that development should ‘*protect, conserve, and where possible enhance the historic environment.*’ An Archaeological Desk Based Assessment dated October 2024 has been submitted alongside this application to identify potential impacts to surrounding heritage assets and proposes mitigation measures to address these impacts.

Highways and access

- 5.31 Core Policy 60 (CP60) *Sustainable transport* states how WC will support developments which reduce reliance on vehicular travel, through an avoidance of parking spaces to be provided, whilst still ensuring adequate provision for residential properties. The policy encourages the installation of EV charging points and advocates for the enhancement of sustainable, safe, and efficient movement within and to development sites, via the improvement of pedestrian and cycle links, and access to public transport options.
- 5.32 The site is located in a main town in Wiltshire, where significant development is anticipated, and through the granting of the original outline permission (ref.PL/2021/08453) the location of the site (including the additional land parcel at Phase 4) has been established as a suitable location for this scale of development, with no constraints in highways and access terms.
- 5.33 Core Policy 64 (CP64) *Demand management* sets out that the provision of parking associated with well-designed residential development will be based on minimum parking standards.
- 5.34 The proposed development scheme meets these minimum parking standards required and therefore will be in accordance with this policy.
- 5.35 The quantum and nature of parking spaces will be identified at RM stage. Cycle stores are to be provided for all the dwellings.

Drainage

- 5.36 Core Policy 67 (CP67) *Flood Risk* requires all new developments to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration (SuDS) unless site or environmental conditions make these measures unsuitable.
- 5.37 The submitted drainage statement confirms the proposed surface water drainage provides a sustainable solution and will help minimise flood risk across the development. It concludes that the flood risk on site is adequately managed, and through the implementation of the proposed SuDS, the offsite flood risk will not be increased. This will be achieved through the construction of four strategic attenuation basins in line with the approved Flood Risk Assessment (FRA). These features lie along the west of Phase 3 and the south of Phase 4.
- 5.38 The proposal therefore complies with this policy.

Ecology

- 5.39 Core Policy 50 (CP50) *Biodiversity and geodiversity* require development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale, and all development should seek opportunities to enhance biodiversity where possible.
- 5.40 The proposed development will exceed the 10% biodiversity net gain requirement, through the establishment of new ecological corridors across the site, and the creation of new wildlife habitats in the form of tree planting, allotments, and a community orchard. As such, the proposed development adheres to the requirements outlined in this policy and as such, should be supported by WC.

Sustainability

- 5.41 Core Policy 41 (CP41) *Sustainable construction and low-carbon energy* demonstrates WC's position to encourage new development to incorporate design measures to reduce energy demand and for properties to be well-insulated as appropriate to achieve this.
- 5.42 The proposed homes have been designed to include energy efficiency materials and technologies, as climate adaptable and future-proofed homes. Full details are provided within the Energy and Sustainability Statement submitted as part of this application and can be summarised in the below list of measures:
- 100% of properties to have fibre-to-the-home enabled
 - 100% of properties with associated parking to have EV charging
 - 30% reduction in potable water use against national average
 - Use of air source heat pumps
 - Use of solar PV panels for renewable energy generation
 - Future Homes Standard compliant

- 5.43 The scheme has been demonstrated to therefore be compliant with this policy.

Saved policies of the North Wiltshire Local Plan 2011, adopted June 2006

- 5.44 Whilst a number of policies in the plan are saved, the plan is time-expired, inconsistent with the National Planning Policy Framework (NPPF) and out of date in that it does not allocate land to meet present needs. Policy H4, which restricts housing development outside the settlement boundaries, is a policy relevant to the supply of housing. The policy can be afforded very little, if any weight.
- 5.45 Nevertheless, the proposed development also accords with the following saved policies in the NWLP.
- 5.46 Policy NE14 seeks to protect landscape features such as hedges and trees where they can successfully and appropriately be incorporated into the design. Landscape features have been incorporated into the design, including the retention of boundary hedgerows where practicable.
- 5.47 Policy T5 seeks to protect public rights of way. The existing public rights of way on site (MALM7 & MALM8) will be protected to allow for pedestrian access into Malmesbury via these footpaths.
- 5.48 Policy CF3 requires new housing development to make provision for open space on any site; the illustrative masterplan demonstrates an excess provision of open space required by this policy.

Wiltshire Reg 19 Local Plan

- 5.49 WC is currently preparing the Wiltshire Local Plan Review (WLPR). The plan underwent the pre-submission (Regulation 19) public consultation between 27 September 2023 and 22 November 2023. The plan was submitted to the Secretary of State for examination in November 2024 and the council anticipates that it will be adopted by the end of 2025. As the plan is still at a relatively early stage, with the precise date of adoption uncertain, it carries limited weight but offers an indication of the direction of the Council's new future position.
- 5.50 The site is not allocated for development within the Reg 19 draft plan.
- 5.51 CP1 (now P1) remains relatively unchanged, except for minor wording.
- 5.52 CP2 (now P2) has been updated to reflect a new delivery strategy to provide at least 36,740 homes over the plan period (2020 and 2038), to be split into three phases. The pre-plan adoption phase (2020-2024) required 8,080 homes to be delivered, with 10,290 homes delivered in the following Phase 1 (2024-2031) and 18,370 homes in Phase 2 (2031-2038).
- 5.53 Revised P2 further states that proposals for development adjacent to the built area of small villages will be supported where they are for rural housing exception sites or first home exception sites, where development is sensitive to the existing character and setting.
- 5.54 Current CP13 *Spatial Strategy: Malmesbury Community Area* is proposed to be replaced by new Policy 16 *Malmesbury Market Town*, which emphasises the

need to '*provide a range of housing to respond to local needs*' alongside the protection and enhancement of green infrastructure in Malmesbury. The proposed policy identifies an aim to deliver approximately 600 homes in Malmesbury over the plan period.

- 5.55 CP51 is to be replaced by Policy 91 *Conserving and enhancing Wiltshire's landscapes*, and reinforces the need to maintain existing sense of place and landscape character within development, encouraging proposals to be designed to conserve and enhance existing views.
- 5.56 Policy 98 (formerly CP57) on *high-quality design*, remains relatively unchanged, with the addition of new clause vii which encourages the incorporation of trees, parks, orchards, and SuDS. The proposed community orchard, allotments, attenuation basins, and supports this aim of the Reg 19 Local Plan and will contribute towards the overall BNG onsite.
- 5.57 CP60 on *Sustainable Transport* has been updated as Policy 70 and continues to support development proposals which promote active travel and enhance connectivity for pedestrians and cyclists. The new Local Plan provides an additional aim within this policy which advocates the increased delivery of electric vehicle charging points within forthcoming developments.
- 5.58 Policy 73 of the Reg 19 plan on *Transport demand management* is proposed to replace CP64 and also provides additional measures to ensure the increased delivery of electric vehicle charging infrastructure, as well as a stronger encouragement to incorporate cycle paths and cycle parking within new development.
- 5.59 CP50 is proposed to be replaced by Policies 88 *Biodiversity and Geodiversity*, and 89 *Biodiversity Net Gain*. Policy 88 reiterates the values of CP50 to avoid and mitigate potential impacts of development on ecological networks, and to avoid disturbance to habitats. It integrates new requirements to incorporate a minimum of two integral bird nest bricks per dwelling, integrated bat boxes, overhanging eaves suitable for nesting, and hedgehog highways in all new development proposals. Other features such as native planting, and nature recovery in the public realm are encouraged within the updated position. Policy 89 states that development must achieve a minimum of 20% BNG.
- 5.60 Revised Policy 85 (formerly CP41) contains new requirements for residential development to achieve zero-carbon standards, through energy efficient designs and increased use of renewables. The proposed dwellings onsite are proposed to be energy efficient and would therefore satisfy this requirement.
- 5.61 Policy 95 *Flood risk*, is proposed to replace CP67, and provides an updated approach to flood risk management on development sites, including a requirement for all major development to achieve a 20% betterment on greenfield runoff rates. An emphasis is placed on the implementation of SuDS.
- 5.62 Policy 76 *Providing affordable homes* (formerly CP43), states a continued requirement for the delivery of at least 40% affordable housing on sites of 5 or more dwellings or 0.5ha or more in Designated Rural Areas. As per the Policies Map, the site is situated within this area and as such the policy will apply.

- 5.63 Policy 78 *Meeting Wiltshire's housing needs* (formerly CP45) highlights that housing development will be supported where the housing size and type reflect the needs of the local community within which the site is located.
- 5.64 The policies within the WLPR have received objections from third parties and have not been through a public examination and should therefore be attributed little weight at this stage.

Malmesbury Neighbourhood Plan

- 5.65 The Malmesbury Neighbourhood Plan (MNP) was made in February 2015 and is now almost 10 years old. It is formed in two parts, volume I contains the vision and main policies and volume II contains a design code for development. The Parish Councils of Brokenborough and St Paul Malmesbury Without and Malmesbury Town Council prepared the MNP. The plan is over 9 years old therefore less weight should be applied to these policies when considering this application.
- 5.66 The plan provides for approximately 270 new homes in the town, on three sites (Backbridge Farm, Burton Hill / Malmesbury PCC site and Burnham House). Collectively these sites should deliver 87 dwellings more than the minimum requirement set in the WCS. To date, these three allocated sites have delivered homes, with 49 extra care apartments delivered at Burnham House, nearly 5 years after the plan was made. The Backbridge Farm application for 201 homes has also been approved with conditions in Oct 2021 and is currently under construction, and the sites at Burton Hill are being developed to provide a total of 56 dwellings. However, it remains evident that the local need for homes in the town is still not being met.
- 5.67 The MNP states the built up areas of the town are defined by the framework boundaries, as carried forward from the NWLP. There are no policies within the MNP that resist development outside the settlement boundaries. There is no explicit conflict between the application proposals and the MNP.
- 5.68 The MNP also sets out requirements to ensure a mix of housing to meet local housing needs (policy 4 and 5). The Design and Access Statement (DAS) and illustrative masterplan demonstrate how the local evidence of need, as provided by WC, can be incorporated into the scheme. Whilst this application is in outline, this principle can be carried forward to the detailed design.
- 5.69 In addition, part two of the MNP provides place making and quality design guidance. The design guidance is comprehensively considered in the DAS which explains how the illustrative masterplan has responded.

Consultation Neighbourhood Plan

- 5.70 WC has acknowledged that the current Made MNP 2015 is out of date, and proposes to update this plan accordingly. As such, the MNP is currently under review.
- 5.71 The Draft Revision April 2022 MNP Part 1 document proposes to increase the target to deliver 306 new homes in Malmesbury Town Area, from the current 270 homes. As such, the plan has identified a need to increase the supply of housing in the local area, of which the proposed development will contribute towards this goal.

- 5.72 New additional sites have been allocated to help achieve the revised housing provision target; the proposed site is not one of these, and the proposed development does not conflict with the updated MNP.
- 5.73 A new Policy 14 is introduced within the Draft MNP on *Housing Needs in Malmesbury Neighbourhood Plan Area* to be met by:
- *“Existing planning permissions and plan allocations that have not yet been implemented*
 - *Small sites and infill within settlement boundaries*
 - *Exception and Community-led Schemes in accordance with Core Policy 44*
 - *Where other housing proposals outside the settlement boundary represent sustainable development, there would not be a general presumption against the proposal.*
 - *There is a general presumption against all other housing proposals outside the settlement boundary that would not represent sustainable development.”*
- 5.74 Where the proposed site is outside of the existing settlement boundary, and represents a sustainable location, this suggests the site should be supported by WC as per updated MNP requirements, However, until Made, this document carries limited weight in the final planning balance.
- 5.75 Policy 4 and 5 remain unchanged within the Draft MNP.
- 5.76 It is unknown whether the progress of the updated MNP is on target, or when the new document is proposed to be made.

Summary

- 5.77 As detailed above, the proposed development complies with current and proposed relevant local policy and should be approved without delay.
- 5.78 The site will make an important contribution towards WC’s five year housing land supply, addressing the shortfall and will provide the following benefits:
- The residential development proposal would assist Malmesbury in improving its self-containment by providing homes for new employees and helping to address net-in commuting
 - The delivery of a policy compliant mix of market and much needed affordable housing (40%) to meet local needs and contribute towards local housing supply
 - The provision of energy efficient homes in a variety of sizes from 1 bed to 5 bed dwellings
 - The installation of photovoltaics on a proportion of dwellings to achieve the Future Homes Standard

- The delivery of necessary infrastructure
- The delivery of new publicly accessible green open and recreational space to benefit new and existing residents
- Ecological benefits with the delivery of over 10% BNG
- Support for community facilities and services through an increase in the local population
- Economic benefits, through construction activities and increased local population
- Supporting sustainable food production through creation of allotments.

6.0 Delivering a sustainable development: The National Planning Policy Framework

6.1 The Government published a revised draft National Planning Policy Framework (NPPF) in July 2024, which went out to consultation from 30 July to 24 September. The final version of the NPPF was adopted in December 2024 and represents the new national policy position.

6.2 Paragraph 7 of the 2024 NPPF states that the purpose of the planning system is to contribute to the objective of sustainable development and defines sustainable development as *“meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.

6.3 Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective, and that these objectives should be delivered through the preparation and implementation of plans, and the application of policies in the framework. Paragraph 11 of the NPPF places a presumption in favour of sustainable development at the centre of the planning system. This states for decision-taking:

- *“Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

6.4 Notwithstanding the presumption, section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 remains unchanged. The Act places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a significant material consideration that had immediate effect from the day of publication (paragraph 231). The relevant facets of sustainable development in the NPPF are therefore discussed below in relation to the site and the proposed development.

Building a strong and competitive economy (NPPF section 6)

6.5 One of the three dimensions of sustainable development is the economic role which is defined in paragraph 8 of the NPPF as *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth,*

innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”.

- 6.6 The identified sites at Malmesbury are failing to deliver sufficient new housing to meet current needs. It is essential to ensure that there is a sufficient mix of homes to meet needs, in addition to providing affordable homes which are in immediate need.
- 6.7 With the expansion of Dyson it is even more important that housing supply is not restricted so that significant in-commuting can be addressed. Indeed, providing new homes in an accessible location to a wide range of employment options in Malmesbury, which are available through sustainable transport methods, can assist with improving productivity, and reducing commuting distances.

Promoting sustainable transport (NPPF section 9)

- 6.8 Paragraph 109 of the NPPF sets out the transport issues that should be considered from the earliest stages of development proposals so that:
- “a) making transport considerations an important part of early engagement with local communities;*
 - b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;*
 - c) understanding and addressing the potential impacts of development on transport networks;*
 - d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated;*
 - e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and*
 - f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.”*
- 6.9 Paragraph 110 goes on to state that the planning system should actively manage patterns of growth in support of these objectives, but that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making.”*
- 6.10 The site adjoins the edge of the town of Malmesbury and lies within easy walking and cycling distance of a range of employment, retail and education facilities, and a new supermarket to the east.
- 6.11 In transport terms, the site is considered to be in a highly sustainable location.

- 6.12 A framework travel plan has been submitted with the application in accordance with paragraph 118 of the NPPF, the implementation of which will assist in reducing the overall level of car movements and help new occupants identify more sustainable modes of travel.
- 6.13 In accordance with paragraph 118 of the NPPF, this application is accompanied by a transport assessment. This concludes that:
- The proposed access to the site is safe and suitable
 - The site is located in reasonable walking and cycling distance of a large range of facilities and services and is a sustainable site for development
 - The development is likely to have a very small impact on the local highway network and operationally, the development will not have a noticeable (let alone severe) impact on queueing and delay during peak hours at local junctions. As such the proposed developments meet the tests of the NPPF.

Delivering a sufficient supply of homes (NPPF section 5)

- 6.14 Paragraph 61 of the NPPF makes it very clear that in order to support the government's objective of 'significantly boosting the supply of homes' it is important that *"a sufficient amount and variety of land can come forward where it is needed"*.
- 6.15 Paragraph 78 of the NPPF states that *"Local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing"* and footnote 8 confirms that where authorities cannot demonstrate *"a five-year supply of deliverable housing sites"* policies should be considered 'out-of-date' and the presumption in favour of sustainable development is triggered (the engagement of the tilted planning balance). Paragraph 11 is triggered at any point where supply falls below five-years.
- 6.16 It is WC's position that it cannot demonstrate a five-year supply as set out in its statement within their report to Strategic Planning Committee dated 23 January 2025, where a housing land supply of 2.03 years is confirmed, representing a substantial shortfall. In the context of the government's priority to boost significantly housing delivery (NPPF paragraph 61), a shortfall in housing land supply is a significant and serious concern. In this context, the NPPF is clear that the appropriate response in this circumstance is to grant additional planning permissions in circumstances where the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits (particularly when there are few if any, site constraints).
- 6.17 Irrespective of the five year housing land position, the WCS housing requirement is a minimum and not a cap on development, This equally applies to the MNP. The WCS examining inspector, in accepting a housing requirement across Wiltshire of 42,000 dwellings (rather than the OAN of 44,000 dwellings) identified the need to deliver more than the requirement through the SADPD. There is also a need to accommodate additional homes to replace an allowance of 900 homes, made in relation to Swindon which do not meet the needs of Wiltshire.

- 6.18 The application should be supported on the basis that it will provide much-needed new homes and represent sustainable development.
- 6.19 As the documents submitted with the planning application confirm, the proposed development would not give rise to adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed development. Hence, planning permission should be granted.

Updates to the Standard Method

- 6.20 The 2024 NPPF reverses changes made in the December 2023 version to Paragraph 61 and mandates the use of the Standard Method for calculating housing need (SMCHN).
- 6.21 In addition to enforcing the Standard Method as mandatory, the 2024 NPPF sets out a new Standard Method to support the Government's ambitions to deliver 1.5 million homes over the next five years. The revised SMCHN indicates that WC's annual requirement will increase from 1,917 to 3,525 dpa.
- 6.22 The revised NPPF requires local authorities to meet their development needs in full and reinstates the requirement for local authorities to demonstrate a full five-year housing land supply where their adopted Local Plan is out of date. This situation will apply to WC until the WCLP is adopted.
- 6.23 WC will not meet the revised SMCHN figure until their next Local Plan review. However, the revised figure is a clear example of the growing housing need in the authority.

Achieving well-designed places (NPPF section 12)

- 6.24 The NPPF recognises that *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development"* (paragraph 131).
- 6.25 The DAS submitted with the application demonstrates how the masterplan has sought to create an inclusive and well connected community as well as a development that responds to its surroundings and local context. The mix and type of new homes to be provided remain to be agreed with WC, but it will help provide a variety and choice in the market.
- 6.26 Paragraph 133 of the NPPF recognises the importance of design guides and codes and that these can be prepared to support a planning application, as is the case in this instance.

Promoting healthy and safe communities (section 8)

- 6.27 Section 8 of the NPPF recognises the role to be played by the planning system to *"achieve healthy, inclusive and safe places"* (paragraph 96).
- 6.28 In accordance with paragraph 96 of the NPPF, the proposed development makes provision for generous public open space to enable and support healthy lifestyles and provides open market and affordable homes within a permeable layout providing clear and legible pedestrian and cycle connections.

6.29 The proposed development is therefore overall considered to satisfy the NPPF objectives because:

- The mix of proposed uses and their arrangement, as shown on the illustrative masterplan, will provide opportunities for meetings between members of the community and will create active street frontages
- The illustrative master plan has taken account of the need to deliver a safe and accessible environment by proposing a series of clear and legible pedestrian routes, with high quality public open space overlooked by development
- The provision of open space will encourage outdoor activity and therefore a healthy lifestyle, benefitting new and existing residents

Meeting the challenges of climate change and flooding (section 14)

6.30 Section 14 of the NPPF highlights the importance of planning in helping “to support the transition to net zero by 2050, and take full account of climate impacts including overheating, water scarcity, storm and flood risks and coastal change.” (paragraph 161).

6.31 A Flood Risk Assessment (FRA) and Development Drainage Strategy have been prepared to support the planning application. This statement confirms that the site is located in flood zone 1 and that the site's development will not flood or subject third-party land and buildings to increased flood risk, even with an allowance for climate change. The surface water attenuation features should benefit local residents downstream by controlling runoff from the site to low levels.

Conserving and enhancing the natural environment (NPPF section 15)

6.32 Section 15 of the NPPF requires planning decisions to “*contribute to and enhance the natural and local environment*” in a manner of ways, including “*providing net gains for biodiversity*” and the protection of designated sites (paragraphs 187 and 189).

6.33 The proposed development seeks to maintain and enhance the biodiversity of the site through the retention of species-rich hedgerows and trees where possible, landscape planting and appropriately designed and planted surface water attenuation ponds.

6.34 The proposed development site does not constitute a designated landscape and as set out in the Landscape and Visual Appraisal, of a medium character value. The site is however considered to be able to accommodate the proposed development without substantial consequences on its defining characteristics. Overall, the report concludes that the visual impacts associated with the proposed development will be limited to the immediate area of the site, due to the small scale of the proposed development, the degree of containment afforded by the topography of the local area and the vegetation and existing built form/site context on the edge of Malmesbury.

Conserving and enhancing the historic environment (NPPF section 16)

- 6.35 Section 16 of the NPPF emphasises the importance of considering the impacts on the historic environment and in particular designated heritage assets. The application is accompanied by an Archaeological Desk Based Assessment dated October 2024.
- 6.36 The conclusions of this report confirm that the proposed development has the potential to impact archaeological remains of a likely local to regional interest. However, it is considered that a condition to secure a programme of archaeological mitigation measures could be placed on the Phase 4 site, as previously administered for the outline planning consent of Phase 3.
- 6.37 Consequently, it is unlikely that archaeology will constrain any future development on the site, and this can be resolved via the implementation of conditions on the planning consent. A programme of archaeological trial trenching has been submitted as an addendum to this planning application.
- 6.38 A Built Heritage Statement has also been submitted which confirms that the site includes no designated or non-designated built heritage assets, however several heritage assets are situated within a 2km radius of the site.
- 6.39 The report concludes that the proposed development will result in a degree of harm to the significance of the Grade I Church of St Mary and St Aldhelm (low harm), the Grade II Whychurch Farmhouse (low to moderate harm), and the Grade II Outbuilding at Whychurch Farm (moderate harm).
- 6.40 Overall, the identified levels of harm on the less than substantial spectrum to these heritage assets, will need to be afforded great weight, and consideration to the public benefits of the proposal should be given.

Neighbourhood planning

- 6.41 The development plan for the site includes the Malmesbury Neighbourhood Plan, which does not allocate the site for development (as set out in the previous section). The NPPF states at paragraph 14 that *“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 67-70).*
- 6.42 In this case, the paragraph is not triggered because the MNP is over five years old, given it was adopted in February 2015, over 9 years ago.
- 6.43 Notwithstanding this point, the delivery of the site is not in direct conflict with the MNP, per se, as there is no policy in the Made MNP that restricts or precludes the development of additional sites on the edge of the settlement. As outlined in section 5, there is however a proposed policy within the Draft MNP for consultation which restricts outside of settlement development.

Summary

- 6.44 The proposal represents sustainable development, delivering good design, safe access, new homes to support Malmesbury, accessibility to sustainable modes of transport, ecological benefits and improvements to the surface drainage network. Overall, the proposed development is considered to accord with the core planning principles set out in the NPPF and will deliver sustainable development.

7.0 Infrastructure – Draft heads of terms for a planning obligation

- 7.1 As part of the planning permission for the proposed development at the land north of Whychurch Farm and west of Crudwell Road, Gleeson anticipates entering into a section 106 obligation and section 278 agreement with WC concerning the following matters:
- The percentage, mix, tenure, phasing and transfer of affordable housing units
 - The phasing, management and maintenance arrangements for the delivery of public open space
 - The phasing, management and maintenance arrangements for delivery of the surface water attenuation facilities
 - Suitable triggers for the payment of a financial contribution towards the provision of primary and secondary school places arising from the proposed development
 - Contribution per dwelling toward waste and recycling containers for each unit
 - Any arrangements, as might be necessary and reasonable to contain in a legal agreement for the implementation and monitoring of the travel plan
 - Any arrangement for the transfer of land to WC or its nominee
- 7.2 All discussions will need to have regard to WC's Community Infrastructure Levy.

8.0 Conclusions and Planning Balance

- 8.1 This planning application submitted by Gleeson seeks outline permission (with all matters reserved except the means of access) for residential development at the land to the north of Wychurch Farm and west of Crudwell Road, Malmesbury. The site is well related to the built form of Malmesbury, adjoining the settlement boundary and taking into account adjacent development at Filands.
- 8.2 The site is suitable and available for development now. The approval of the application would facilitate the delivery of high-quality new homes (including affordable homes) and public open space in a market town close to a range of significant employment opportunities and existing facilities, services, retail and leisure opportunities. The development would foster opportunities for greater self-containment and help to deliver a more sustainable settlement pattern and the WCS vision.
- 8.3 The site's development of the scale and form proposed would be consistent with the scale of the settlement and opportunities for growth and contribute to the housing need in Malmesbury in a sustainable manner. It would also meet the wider requirements of the housing market and the district as a whole.
- 8.4 Whilst the site lies outside the 'limits of development', it would deliver new homes in general accordance with the WCS aims set out in CP1, CP2 and CP13. This growth should not be restrained by unwarranted caps on the development scale, particularly in the context of the minimum requirements, the current local housing need, and the Government mandate to "boost significantly" the supply of housing land.
- 8.5 In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, there are material considerations that indicate the development should be approved despite being contrary to some elements of the development plan. Regardless of the position in regard to housing land supply, the proposed development is considered to deliver sustainable development that accords overall with the core planning principles set out in the NPPF and the WCS.
- 8.6 Additionally, WC are not able to demonstrate a five year supply of housing as required by the NPPF. In this circumstance, planning authorities are required to grant planning permission for development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or specific policies in the NPPF indicate that development should be restricted.
- 8.7 The technical information submitted with the application demonstrates that there are no technical or environmental constraints to the development of this site and that the site is suitable to deliver the development proposed. There are clear social, environmental and economic benefits that would accrue from the proposed development when assessed against the NPPF.
- 8.8 The proposal will provide the following benefits:
- The delivery of much needed housing that is available now and would make a meaningful contribution to housing land supply across a range of types

and tenures, in a sustainable location that would support the town and is consistent with the policy objective to boost significantly the supply of housing

- The delivery of a significant amount of affordable housing in a sustainable location
- The delivery of publicly accessible open space to benefit new and existing residents
- Net biodiversity gain, well in excess of 10%, through ecological enhancement, diversification and habitat creation, improving the low value of the site
- Support for community facilities and local services and facilities through an increase in the local population
- Economic benefits through construction activities and increased local population
- Reduction in surface water drainage issues for neighbouring residents through greater control of surface water drainage from the site

8.9 In conclusion, the application will provide much-needed housing in a sustainable location, with limited harm and should therefore be approved without delay.

Appendix 1 – EIA Screening Request Decision Notice

TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS 2017

Notification of Screening Opinion

Application Reference Number: PL/2024/09796

Agent L Tinker Tor & Co	Applicant Gleeson Land c/o Agent
Parish: Malmesbury	
Particulars of Development: Residential Development of up to 200 dwellings	
At: Land to the North of Whychurch Farm, Malmesbury, SN16 9JL	

I refer to your request received on 25th October 2024 under Regulation 5(1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 for a screening opinion as to whether or not Proposed Development Including residential development of up to 200 dwellings on Land North of Wychurch Farm, Malmesbury requires an Environmental Impact Assessment.

You have submitted the following for consideration:

- “Request for an EIA screening opinion” reference 227612
- Location map

Site Location and Description

A site description including known constraints was referenced in your Screening opinion request report and this is considered to be broadly appropriate and accurate in the context of the proposals and site area. The Council’s identified constraints records affecting site characteristics and no identified in your description include known - Historic Sites and Monuments Records; extensive records of medium risk of Surface Water Flooding; Ground Water flooding; water source protection zone; Groundwater vulnerability zone; potential land contamination and is grade 3 agricultural land (sub grading not known at this stage). The site does not fall within a “Sensitive Area” for the purposes of the Regulations and screening.

Description of the Proposed Development

The request for a screening opinion is submitted to a proposal for residential development of up to 200 dwellings with associated development and works including open space provision, new access, landscaping and drainage. It is not identified what form a future planning application would take.

Schedule 2 Development

The proposed development is considered to be an urban development project and falls within category 10(b) (i, ii, iii) of Schedule 2, of the EIA Regulations. The development includes more than 1 hectare of urban development, which is residential development in excess of 150 dwellings and affecting a site of more than 5 hectares.

Location of Development and Characteristics of Potential Impact

Development listed in Schedule 2 requires an EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location. Schedule 3 of the Regulations gives further guidance in assessing this impact alongside the guidance set out in the National Planning Practice Guidance. Planning Practice Guidance in respect of Environmental Impact Assessment and assessing Schedule 2 projects identifies that in some cases, the scale of a development can be sufficient for it to have wide-ranging environmental effects that would justify EIA.

The development is not considered likely to have significant long-term irreversible impacts on humans or on the environment either in isolation or in combination with other planned development in the vicinity of the site. The scale of development proposed whilst significant with respect to the locality and the northern area of Wiltshire is not considered to have trans boundary/frontier effects or to be of more than local/sub regional significance.

Planning Practice Guidance identifies that the relationship between a proposed development and its location is a crucial consideration. For any given development proposal, the more environmentally sensitive the location, the more likely that it is that the effects will be significant and will require EIA. Certain designated sites are defined in regulation 2(1) as 'sensitive areas'.

A review of the Council's records including GIS mapping have not identified any Statutory Designations of National or European status applicable to the proposed development site as revised. Consequently, it is not considered to be in a sensitive area for the purposes of the guidance and regulations. Additionally a review of Natural England's Impact Risk Zones database for SSSIs and other sensitive environments has been undertaken and has not identified any constraints or at risk habitats and designated sensitive environments given the development proposed.

Planning Practice Guidance requires the LPA to assess development falling into one of the categories defined in schedule 3 of the regulations against selection criteria relating to:-

- A. Characteristics of Development
- B. Location of Development
- C. Types and Characteristics of the Potential Impact of Development

In these respects the site is not especially environmentally sensitive in terms of national, European and international designations and the development is not an unusually complex development with potentially hazardous transfrontier effects of significant magnitude.

Conclusion

Taking into account the above the Council concludes that assessed against the criteria set out in the 2017 Regulations and the guidance contained in Planning Practice Guidance an Environmental Impact Assessment is not required for the outlined development at this site.

Signed: *Parvis Khansari*
Corporate Director, Place

Dated: 29th November 2024

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